

STREET RIGHTS

NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC

Edition 19 – June 2006

CONSUMER FEEDBACK FINDS A HOME

The right to active and meaningful participation in decisions and processes that affect you is a fundamental human right. In recognition of this right, earlier this year the Clinic established a Consumer Advisory Group (CAG) comprising of 8 regular members who have all experienced homelessness. The role of the CAG is to contribute to improving the quality of the Clinic's service delivery, policy, advocacy, law reform and community development activities. CAG members are in a unique position to do this as they have all had both positive and negative experiences with a range of services and are able to give real insight as to how services can be developed and laws and policies can be changed to better respond to people experiencing homelessness.

One of the aims of the group is to encourage a culture that values informed and active consumer participation, not only because it can be empowering, enhance self esteem and independence but also because the people who are affected by homelessness have great insight into how services and policies can be better targeted and delivered.

Since January this year, the CAG has met regularly. In recognition of their valuable contribution each CAG member is remunerated. In a fantastic seminar held in May, various members of the CAG provided training to over 80 Clinic lawyers about how to engage effectively with people experiencing homelessness and courageously shared some of their experiences.

Below, Troy, a member of the Consumer Advisory Group talks about the importance of consumer participation.

IN THEIR OWN WORDS

Are you aware?

PILCH has established the Homeless Persons' Consumer Advisory Group. A committee comprising a healthy cross-section of shared and varied personal experiences concerning homelessness in Australia today. Set upon the seemingly insurmountable task of protecting and promoting our basic human rights, the evaluations concerning the 'service providers' and societies duty of care as a whole.

The Advisory Group is bipartisan and under no obligation politically, socially or economically to state/federal organisations.

Statistically, 100,000 men, women and children experience some form of homelessness every night within Australia. This brings forward the need for a resolve on existing strategies as well as an egalitarian outlook in our conventional approach to new solutions.

We will be ambitious in our goals, but consultative in our approach.

Knowing mountains are moved firstly with little stones. The Group individually, and as a whole is confident to bring about the benevolence and awareness needed to facilitate positive solutions keeping Australia's standard of living commensurate to our national pride.

For more information about the CAG please contact Kristen Hilton on (03) 9225 6684.

ATTENTION

NEW HPLC CLINIC

The Homeless Persons' Legal Clinic was established in Victoria in October 2001 to provide free legal assistance to people who are homeless or at risk of homelessness. Since then, the Clinic has assisted approximately 2000 homeless people with their legal problems. As of this week, it will be operating at ten homeless shelters and homeless service providers.

The Clinic can assist with legal problems relating to debt, housing and tenancy, fines, social security (including Centrelink breaches), victims of crime assistance and compensation, personal injury, discrimination, mental health and bankruptcy.

Since its establishment in October 2001 the HPLC has become increasingly concerned about rights violations faced by prisoners and ex prisoners particularly where those rights relate to the provision of adequate housing.

In an effort to prevent such breaches the HPLC has recently committed to establishing an outreach legal service at the **Victorian Association for the Care and Resettlement of Offenders (VACRO)**. VACRO is a not-for-profit community organization that provides assistance to pre and post release prisoners and their families.

Each week the Clinic will run a drop in legal service at VACRO and in addition to casework, will agitate for law reform where laws and policies impact disproportionately on prisoners and other marginalised and disadvantaged people.

Clinic details:

VACRO

**Thursdays from 1pm-3pm at:
Level 1, 116 Hardware St
Melbourne VIC 3000**

VACRO Information and Helpline (03) 9602 1366

Email: info@vacro.org.au

If the Clinic lawyers are unable to assist you, they will try to refer you on to a person or organisation that can. The times and locations of the Clinic are listed on the back of this page.



HPLC GOOD NEWS STORIES

Victims of Crime:

The Clinic recently acted for a woman in a successful victim's of crime compensation claim. The client had been violently assaulted in retribution for assisting police in a criminal investigation. The client was awarded an amount for counselling, special financial assistance and money to undertake a self-defence course.

Centrelink:

Clinic lawyers assisted a client in challenging a decision by Centrelink to recover almost \$8000 in debt accrued through social security overpayments. The decision was reviewed in the client's favour and the entire debt was waived on the grounds of special circumstances. The Tribunal hearing the appeal determined that the client's psychiatric illness affected his ability to appreciate the consequences of not reporting the overpayments when they occurred.

Debt:

The Clinic provided assistance to a homeless client with an intellectual disability who had accrued almost \$11,000 worth of mobile phone and credit card debt. Clinic lawyers negotiated a waiver of the debts and also referred the client to a financial counsellor for assistance with financial management issues.

False imprisonment:

Clinic lawyers obtained compensation from the Queensland Government for a homeless client who was falsely held in prison despite being entitled to release. The man had served a period of time in prison for an offence however, he had not been permitted to leave until a few days after the sentenced period.

PERIN fines:

Lawyers acted on behalf of a young client who had accrued \$19,000 in fines. The client had incurred these fines in the wake of a serious motor accident in which he sustained a significant brain injury. The Clinic was successful in an application for revocation of all 57 fines on the basis of the client's special circumstances.

LAW REFORM — CRIMINAL RECORD DISCRIMINATION AND THE SPENT CONVICTIONS PROJECT

Last year the Clinic consulted with 106 people experiencing homelessness in Victoria in relation to the current protection of their human rights. This included the right to be free from discrimination. The consultations revealed that discrimination on the basis of a criminal record was widespread and often made it difficult for people to obtain and maintain housing and employment. One homeless woman stated that she had been 'singled out many times because of my criminal record.'

Despite the consequences, discrimination on the basis of a criminal record is not unlawful in Victoria. Victoria, unlike other Australian States, does not have adequate legislation prescribing personal information can be released through a criminal record check and when this may be released. Additionally, there is no spent convictions scheme in Victoria by which certain convictions are considered 'spent' after a period of time, and are removed from a criminal record.

The Homeless Persons' Legal Clinic is currently supporting the Fitzroy Legal Service in a Spent Convictions Project. The aim of this project is to encourage the Victorian government to develop legislation prescribing the information that Police must release through a criminal record check and, after what period of time certain convictions will be considered 'spent.'

Fitzroy Legal Service has distributed a survey and with the results of the survey it will examine the extent of discrimination on the basis of criminal record in Victoria. This data and anecdotal evidence will be used in a push for legislative reform. The Clinic encourages anyone who has been affected by this form of discrimination to record their experiences in the survey.

The survey is available on the PILCH website at www.pilch.org.au. For more information about the project and how you can become involved call Kristen Hilton on (03) 9225 6684 or Josh or Stan from Fitzroy Legal Service on (03) 9419 3744.

QUOTE OF THE MONTH

"Every woman, man, youth and child has the human right to gain and sustain a secure home and community in which to live in peace and dignity." United Nations Special Rapporteur on Adequate Housing

THE CLINIC PROVIDES FREE LEGAL ADVICE AT THESE LOCATIONS AND TIMES:

The Big Issue

148 Lonsdale St, Melb 3000
Mon: 10:00am - 11:00am

Melbourne Citymission

214 Nicholson St
Footscray 3011
Mon: 10:30am - 1:00pm
*Footscray train station
Tram 82 (Droop St)*

Ozanam House

179 Flemington Rd,
North Melb 3051
Tues: 10:00am - 12:00pm
*Flemington Bridge train station
Trams 55, 59, 68 (Flemington Rd)*

Urban Seed (Credo Café)

174 Collins St, Melb 3000
Tues: 12:00pm - 1:00pm

Flagstaff Crisis Accommodation

9 Roden St, West Melb 3003
Tues: 1:00pm - 2:30pm
*North Melbourne train station
Tram 57 (Victoria St)*

The Lazarus Centre

203 Flinders Lane, Melb 3000
By appointment - call 9639 8510

St Peter's Eastern Hill

15 Gisborne St, East Melb 3002
Wed: 7:30am - 9:00am
*Parliament train station
Trams 24, 42, 109 (Victoria Pde)*

Hanover Southbank

52 Haig St, Southbank 3205
Wed: 1:15pm - 3:00pm
*Spencer Street train station
Tram 112 (Clarendon St)*

HomeGround Argyle Housing

1A/68 Oxford St
Collingwood 3066
Thurs: 12:00pm - 2:00pm
*Collingwood train station
Tram 86 (Smith St)*

Salvation Army Life Centre

69 Bourke St, Melb 3000
Thurs: 12:00pm - 1:00pm

VACRO

116 Hardware St, Melb 3000
Thurs: 1.00 - 3.00pm
*Melbourne central station
Tram 19, 57 and 59 (Elizabeth St)*

PILCH

Level 1, 550 Lonsdale St
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