

STREET RIGHTS

NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC

Edition 21 – October 2006

Preliminary Observations of the UN Special Rapporteur

Between 31 July and 15 August 2006, the UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari, toured Australia on an official visit country visit to investigate the situation on the ground in relation to the right to housing. In his preliminary report based on the visit, he has described what he saw as a 'serious hidden national housing crisis in Australia' that is having a critical impact on the most vulnerable groups of the population and is also affecting low-income households. In particular, the Special Rapporteur expressed serious concern about housing conditions for Indigenous people, for women, particularly those fleeing situations of family violence, and for the large urban, rural and regional homeless populations.

According to the Special Rapporteur, Australian state and commonwealth governments have shown a disturbing lack of commitment to making housing a national priority and a reality for many poor and low income families and individuals. This is evidenced not only by the already apparent and growing disparity between rich and poor in this country, but also by the lack of interest and engagement by senior government officials at state, territory and federal levels and the absence of a comprehensive national housing strategy.

Later this year, the observations and official comments of the Special Rapporteur will be finalized in a report to the United Nations Human Rights Council and to the Australian government. It is hoped that the report will act as much-needed catalyst to focus government attention on compliance with international human rights obligations. It is also hoped that there will begin to emerge an understanding of the fundamental importance that having somewhere safe to live plays in every social, employment, justice and health initiative.



Consumer Forum with UN Special Rapporteur

On 11 August 2006, the PILCH Homeless Persons' Legal Clinic and its Consumer Advisory Group held a homelessness consumer forum at the Melbourne Town Hall. The forum coincided with the visit of the UN Special Rapporteur on the Right to Adequate Housing. Over 60 consumers attended the forum to share their views and experiences of homelessness with the Special Rapporteur and to raise issues that were most in need of change.

From the many voices heard at the forum came an overwhelming sense that it is impossible to break the cycle of homelessness without proper support which includes not just housing support, but proper income support, mental health support and education and employment support.

People who attended the forum were also asked to respond to a survey. The results of the survey showed that over 45% of participants had experienced homelessness for more than three years. A similar proportion of participants had been refused crisis or transitional housing on at least one occasion: in more than half of those cases, this was due to a lack of beds in the relevant facility. 44% of participants were on a waiting list for public housing, some of whom had been on the waiting list for more than 3 years. A staggering 80% of survey participants reported that they had suffered cruel, inhuman and degrading treatment while they were experiencing homelessness. The perpetrators of such treatment included train and tram ticket enforcers, social service and case workers, other government officials and the general public.

The views expressed in the survey and the forum will be used to inform the report of the Special Rapporteur.

The Clinic wishes to sincerely thank every consumer that attended for their bravery and insight. We also acknowledge the very generous financial and in-kind support of the Melbourne Town Hall and the Victoria Law Foundation.

HPLC GOOD NEWS STORIES

Workers' Compensation – HPLC lawyers recently assisted a client with a workers' compensation claim arising out of an injury sustained while the client was employed as a truck driver. As a result of the injury, the client had been unable to work since December 2005. The claim was initially rejected on the basis that there was insufficient evidence to prove that the injury was sustained in the course of the client's employment. However, at conciliation the compensation service agreed to make weekly payments to the client from the time the injury was sustained until 31 August 2006. The client is recovering after an operation and he is keen to re-enter the workforce as soon as possible.

Debt – A large credit provider has agreed to forego a credit card debt following correspondence from HPLC lawyers asking that the debt be dropped on the basis that the client was coerced into applying for credit.

Infringement Notice—HPLC lawyers assisted a client who had received an infringement notice for failing to produce a valid ticket when alighting a tram. At the time of the offence the client was sleeping rough and living off a reduced Centrelink payment of only \$280 fortnight. The ticket inspector threatened to have the client arrested and detained by the police because he couldn't provide a residential address. The client gave the ticket inspector the telephone number of his HPLC volunteer lawyer. The HPLC lawyer negotiated with the ticket inspector to have a work address, which is permitted by law. Without the HPLC's involvement, the client may have been arrested and detained. HPLC lawyers were subsequently successful in getting the fine withdrawn on the basis that the client was experiencing homelessness and severe financial hardship at the time of the offence.

The Inaugural HPLC Dinner

The inaugural Homeless Persons' Legal Clinic dinner was held on Saturday 12 August 2006. The dinner was generously hosted by Corrs Chambers Westgarth, and attended by HPLC lawyers, host agencies, government representatives and consumers. The guest speakers at the dinner were the UN Special Rapporteur for Housing, Mr Miloon Kothari, who gave his views on how Australia was protecting the right to adequate housing, and Professor Mark Peel, from Monash University, who spoke of the importance of listening to, and involving marginalized and disadvantaged people in the crafting of policies and reforms. (*see excerpt below*).

The dinner was a great success and raised over \$1200. We would like to thank Corrs Chambers Westgarth, our speaker and all who attended for their support. It is envisaged that the dinner will become an annual event.

The Forgotten Lessons of the Past: Housing, Security and Justice

(Excerpts from the HPLC dinner speech by Mark Peel, School of Historical Studies, Monash University)

"...In all of this, we first need to listen. And I want to argue that the people in the present to whom we now need to listen are those who have already lost the most, the people who have paid a price—in blasted hopes and dreams—for the comforts of others. We need to listen not out of sympathy or compassion, but because they have much to tell us. 'Losers' know things about the world that winners don't. There are things that being privileged doesn't teach you. From the lowest rung, you see things that aren't visible from the top or the centre. If the shape of a society looks justified, natural and commonsensical to those born or elevated to its leadership, how much more important are the perspectives of those deemed suitable only to be led. The unlucky know more of the world and its vulnerabilities than the lucky; the weak have a far better sense of what matters than the strong. To comprehend the importance of housing or health or employment, listen to the unhoused, the unwell and the unemployed...

...I heard the tragedies of youth suicide, and forty-year old unemployed men who spoke quietly of how they had failed their families. A woman living on twenty spare dollars a week, and eating every other day so her children could have enough milk. A woman heating her house every second night of a Melbourne winter because she couldn't afford the bill and the newly privatised electricity company wouldn't cut her any more slack. The worker in an emergency relief service that lost half its funding who had to decide who waited two weeks for their emergency food parcel and who was so desperate they had to get food on the spot. It is what some people want to call 'relative poverty', or will want to say has disappeared with economic prosperity. It is what some people want to say doesn't exist in Australia. It shouldn't, but it does."

Farewell to Alison Patten

In January 2006, Alison Patten joined the PILCH Homeless Persons' Consumer Advisory Group as a strong and resourceful consumer advocate. Alison contributed greatly to the group and was involved with many other organisations and networks that sought to protect the rights of disadvantaged and vulnerable people.

Tragically, on 3 September 2006, we learnt that Alison had passed away. At Alison's memorial service we learnt more about her quite remarkable life, some of the traumas that she had endured, the challenges that she continued to face but above all her genuine desire to reach out and assist those less fortunate. The circumstances around Alison's death are not clear but for many at the memorial service Alison's premature and unnecessary death served as painful reminder of the enduring and exhausting difficulties faced by people who have experienced homelessness.

This edition of *StreetRights* is dedicated to the meaningful life and generous spirit of Alison Patten.

QUOTE OF THE MONTH: *"It is what we make of what we have, not what we are given, that separates one person from another."* --Nelson Mandela

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: 1:00pm - 2:00pm

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
Melbourne VIC 3000
(03) 9225 6684
www.pilch.org.au