

STREET RIGHTS



NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC EDITION 38 **MAY 2008**

Cover design by Tanya Unger.

This and other images are available for purchase ph. 1800 606 313

What are My Rights?

Centrelink Crisis Payments

Centrelink provides a Crisis Payment to people who are facing a crisis.

The Crisis Payment is a one-off financial assistance payment provided to individuals who are experiencing severe financial hardship and who are eligible to receive a Centrelink pension or benefit. The Crisis Payment is equal to one week's payment (eg. if you would qualify for Newstart Allowance, then you would get one week's newstart payment as the Crisis Payment).

To be eligible for a Crisis Payment, you must have:

- experienced an extreme circumstance (a natural disaster or domestic violence) that has forced you to leave your home
- remained in your home after the removal of a family member because of domestic violence
- been recently released from prison or psychiatric confinement after having been in custody for at least 14 days.

In 2006/7, there were 46,978 Crisis Payments granted by Centrelink. 14,569 Crisis Payments were granted as a result of domestic violence, 30,179 for persons released from incarceration, and 2,230 Crisis Payments were made for other reasons.

Making an Application

Each category of crisis payment also has additional qualification criteria. In order to qualify for a payment on the basis of extreme circumstances, you must:

- have left home
- show that it is unreasonable for you to return to your home; and
- show that you intend to establish a new home.

You have to apply for the payment within seven days of the extreme circumstance. To obtain a payment if you remain in your home and another family member is removed due to domestic or family violence, you must make a claim within seven days of the family member being removed.

For a payment upon release from prison, you must have been imprisoned for at least a 14 day period as a result of being charged with an offence and a claim for a payment must be made no later than 21 days prior to release.

Getting the Crisis Payment

If you think you fit into the criteria outlined above, you may be eligible for the Crisis Payment. You can access the Crisis Payment by attending a Centrelink office. Most Centrelink offices have social workers that can assist people in crisis, so it's often a good idea to speak to the social worker if you want to access the payment. If you need help with getting the Crisis Payment, or dealing with Centrelink about other matters, please contact the HPLC on 1800 606 313.

Working to improve the Crisis Payment

The HPLC is working on improving the amount of the Crisis Payment and other broader issues relating to the inadequacies of the social security system for disadvantaged and marginalised groups within the community, including people experiencing homelessness.

Q & A

Daniel Perkins
Corrs Chambers Westgarth



What inspires you to work with the HPLC?

I've had a lot of advantages in life - a stable family life and a good education being just two of them - that a lot of other people haven't had, and through no fault of their own except the luck of life's draw. In my view, those of us who have had the benefit of such advantages have an obligation to use them constructively for the benefit of others - and working as a HPLC lawyer is one way that I can do that.

What do you do when you're not being a lawyer?

When I'm not lawyering, I lead a double life as a tennis umpire, officiating at all levels from club championships through to grand slams. As this edition of Street Rights goes to print, I'll be in Paris umpiring at my second French Open. I'm also passionate about mixed netball, architecture and urban planning, yoga, my local fruit and vegie market, and perfecting my chicken curry recipe.



Consumer Forum on Homelessness

24 June 2008, Melbourne

The Australian Government is conducting a review of services for people experiencing homelessness. They recently released a draft study called the 'Green Paper' that will provide ideas for you to comment on.

Now you have a chance to tell the Government about the services you access – the good, the bad and the ugly! Come along to the Homeless Persons' Legal Clinic Consumer Forum, and tell us what you think.

Participants will be paid \$40 for their participation, and lunch will be provided.

Contact Amy Barry Macaulay on 1800 606 313 to register by Friday 20 June.

When: Tuesday, 24 June 2008
10.30am - 1.30pm

Where: Condell Room, Melbourne Town Hall
120 Swanston Street (corner Collins Street)
Melbourne

Who: The Homeless Persons' Legal Clinic Consumer Forum is open to people who are or have formerly experienced homelessness who want to have their say about homelessness services and programs. Numbers are limited.

The CAG Chronicle May 2008

Members of the HPLC Consumer Advisory Group are always working to raise awareness of issues of homelessness and the experiences of people who are homeless. This month, one CAG member featured in an investigation by *The Age* into the need for additional public housing:

"Bushy", 33, has been on the public housing waiting list for 18 months. Before that he spent years homeless, living out of a backpack and grabbing sleep wherever he could, struggling all the while with mental illness.

He was referred to public housing as an urgent case, which placed him in segment one of the waiting list. The Office of Housing says the average waiting time for segment one applicants is about six months but, according to housing workers, single people such as Bushy will wait even longer due to a shortage of one-bedroom dwellings.

He is living alone in transitional accommodation and has been warned that he can be told to leave at any time with four days' notice. He has not bought any of his own furniture and says he feels totally insecure.

"Home, it's like a dream I think," he says. "In a way it's like heaven, you never know it until you try and one day I'm hoping I can feel that realisation."

- Dewi Cooke, 'Home Truths', *The Age*, 8 May 2008

HPLC good news story

Centrelink woes: Lawyers assisted Vincent to deal with Centrelink. Vincent resigned from his job in around May last year on advice from his treating doctors, who had diagnosed him with bi-polar disorder, schizophrenia and depression. After leaving his job, Vincent received a large payout from his former employers which he used to clear various debts, including personal loans and credit cards.

Vincent then applied for a Centrelink benefit, the Disability Support Pension (DSP). His application was refused. Centrelink decided that

Vincent was subject to an Income Maintenance Period (i.e. a suspension) and would not be entitled to the DSP for another 6 months. Vincent went (unrepresented) to the Social Security Appeals Tribunal (SSAT) who upheld Centrelink's decision. Vincent then sought assistance from the HPLC for an appeal to the Administrative Appeals Tribunal on the basis that the 6 month suspension should be removed or reduced.

HPLC Lawyers argued that the SSAT did not take into account Vincent's serious and complex medical and mental health issues. Centrelink offered to reduce the suspension period by 3 months. Vincent accepted Centrelink's offer and discontinued his appeal.

* Names have been changed

Subscribe

Please contact 1800 606 313 or hplc@pilch.org.au to subscribe, or to have your say.

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

The Big Issue

148 Lonsdale Street
Melbourne 3000

Mon: 10:00am - 11:00am

Melbourne Citymission

214 Nicholson Street
Footscray 3011

Mon: 10:30am - 1:00pm

Footscray train station - Tram 82 (Droop St)

Ozanam House

179 Flemington Rd
North Melbourne 3005

Tues: 10:00am - 12:00pm

Flemington Bridge train station
Trams 55, 59, 68 (Flemington Rd)

Urban Seed (Credo Café)

174 Collins St, Melbourne 3000

(Approach via Baptist Pl, off Little Collins) **Tues: 12:00pm - 1:00pm**

Flagstaff Crisis Accommodation

9 Roden St,
West Melbourne 3003

Tues: 1:00pm - 2:30pm

North Melbourne train station - Tram 57 (Victoria St)

Salvation Army Life Centre

69 Bourke Street
Melbourne 3000

Tues: 12:30pm - 2:00pm

The Lazarus Centre

203 Flinders Lane
Melbourne 3000

By appointment - call 9639 8510

St Peter's Eastern Hill

15 Gisborne Street
East Melbourne 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 Housing

1A/68 Oxford Street
Collingwood 3066

Thurs: 12:00pm - 2:00pm

Collingwood train station - Tram 86 (Smith St)

VACRO

116 Hardware Street
Melbourne 3000

Thurs: 1.00 - 3.00pm

Melbourne central station - Tram 19, 57 and 59
(Elizabeth St)

Koonung Mental Health Clinic

Friday 1pm - 3pm

Level 1, 43 Carrington Rd
Box Hill 3128

Ph: (03) 9843 5800

PILCH

Level 1, 550 Lonsdale st.
Melbourne, VIC 3000

(03) 9225 6684 or 1800 606 313
www.pilch.org.au