

## Free legal advice for people who are homeless or at risk of homelessness

Welcome to *Street Rights NSW*, produced by the Homeless Persons' Legal Service (HPLS).

HPLS provides free legal advice to anyone who is experiencing homelessness or is at risk of becoming homeless, and who needs legal help or advice about their rights.

At HPLS, we know it can be hard to make time to deal with legal problems if you are having problems finding somewhere to live.

Our service is at five agencies that provide meals or somewhere to stay when you are without a home.

HPLS lawyers are available at each agency regularly, so it's easier for you to get advice.

You don't need an appointment to see a lawyer. Just go along to one of the agencies when the legal clinic is on. Times and locations are on the back of this newsletter.

HPLS gives legal advice about issues like:

- What to do if you have debts.
- What to do if you have been fined.
- What to do if you have been a victim of a crime.
- What to do if you have been treated unfairly.
- Problems dealing with the Office of the Protective Commission or with guardianship.
- How to complain about a decision made by a person in government.
- Problems with a social security payment or Centrelink.
- Problems with your landlord or the Department of Housing.
- How you have been treated at work.



As well as giving legal advice, HPLS can also write letters about the legal problem you have or help you fill out legal forms.

HPLS can run the free legal clinics because of the generous commitment of six law firms that send their lawyers along to the clinics to give legal advice.

HPLS doesn't just give advice to individuals. Because the law sometimes works in a way that is unfair to a whole group of people, the service also argues for changes to the law.

At HPLS, we believe that everyone should have their rights protected and respected. We also believe that everyone has a right to somewhere safe and secure to stay.

## Job discrimination and criminal records

Have you ever had a problem finding or keeping a job once the boss finds out you've got a criminal record?

Ever wondered why?

Many people with criminal records are discriminated against: they face serious problems finding work or find that they are treated unfairly by employers just because of their criminal record. This sort of discrimination can include being knocked back for a job or sacked, denied training or promotion, treated worse than your co-workers, or harassed at work .

In theory, doing the time and/or paying the fine is the punishment for a criminal act. In reality, having a criminal record can also seriously affect your job opportunities.

The Human Rights & Equal Opportunity Commission (HREOC) is looking into employment discrimination faced by people with criminal records.

The Homeless Persons' Legal Service (HPLS) recently contributed to a Public Interest Advocacy Centre (PIAC) submission about this sort of discrimination.

PIAC's submission includes case studies from HPLS and PIAC's Indigenous Justice project. PIAC reports that homeless people and Indigenous people with criminal records are disadvantaged by the lack of clear, national standards or legal rights in this area.

PIAC calls for national laws banning discrimination against people with criminal records and raises concerns about serious breaches of existing privacy legislation.

It also raises concern about how 'spent conviction' schemes work in each state. These are the rules that sometimes allow your record to be deleted after some years, depending on the type of conviction. They are different in each state and cause lots of confusion for both employees and employers.

PIAC also calls for a single national standard on spent convictions to make it easier for people to understand what they have to tell the employer.

Sometimes, employers have genuine concerns about certain sorts of criminal records. However, the fact you may have a record is not always relevant to the job. Employers should not be allowed to ask about a criminal record if it is not relevant to the job.



Does this story sound familiar to you?

If you have a criminal record and are worried about job discrimination, you can contact one of the HPLS clinics for free legal advice.

## Fines: what you need to know

Many people think that they have so many unpaid fines that they will have to go to jail. In the past you could be sent to jail for not paying a fine. However the law has changed. It is now extremely unlikely that you could be jailed for unpaid fines. Before jail is even an option the Court has to ask you to do community service to pay off the fines.

In New South Wales if you're on a train without a ticket, overrun your stop, or buy the wrong type of ticket, and you run into a Rail Transit Officer, you probably will be given a fine.

You usually have 28 days to pay the fine.

Fines are more than bad luck; they're also a lot of money.

If you're caught travelling without the right ticket, you can be fined \$200 on the spot. Smoking on a train or in a covered part of station is a \$400 on-the-spot fine. Littering can get you a \$200 fine. Offensive language, offensive behaviour, or spitting can also cost \$400.

When you get a fine, there is always the option of challenging it, or challenging the amount you have to pay. But don't do this with the person who gives you the fine!

To challenge a fine, fill in the form that comes with the fine notice. By filling in the form you are asking for the fine to be dealt with in court. If you do this you will need to go to the local court for the hearing.

At Court you can decide whether to plead guilty or not guilty to the offence.

For example, if you are fined for using offensive language and you didn't swear, you can plead not guilty at Court. The Court will then have a hearing where the Rail Transit Officers give evidence by telling the court their version of what happened. You and any other witnesses also give evidence. It is then up to the Magistrate to decide what happened and whether you are guilty of the offence of swearing.

Even if you agree that you are guilty, for example you were smoking on a train, you can still say that you can't afford the fine. Give the Court details of

your income and expenses, to show why the fine should be reduced.

On-the-spot fines for many offences on trains are equal to two weeks of a Centrelink income, so disputing the fine in Court can mean you don't have to pay out so much of your limited income.

Don't ignore fines, because they can catch up with you. If you don't deal with a fine your driver's licence can be cancelled. Also, the amount you owe on the fine can increase over time.



This article is not legal advice, so if you have been fined it is very important that you get legal advice about your situation.

If you have been fined, or have lots of unpaid fines, or have had your licence cancelled, you can get free legal advice from any of the HPLS clinics. See the back page for details.

## What you can expect from HPLS

- Legal help from HPLS is free.
- HPLS will respect your right to privacy: everything you talk about with the lawyer will be confidential unless you agree otherwise.
- HPLS will treat you with respect.
- HPLS will give you advice, but it is your decision how you use it.
- If HPLS can't help with your legal problem, we will tell you who can.



### THE HPLS CLINICS

#### MONDAY (every week)

10:00 am to 12 noon

The Station Ltd

82 Erskine St, Sydney

#### TUESDAY (every two weeks)

9:00 am to 11:00 am

Matthew Talbot Hostel

22 Talbot Lane, Woolloomooloo

#### WEDNESDAY (every week)

11:00 am to 1:30 pm

Parramatta Mission

119 Macquarie St, Parramatta

#### THURSDAY (every week)

1:00 pm to 3:00 pm

Edward Eagar Lodge

348a Bourke St, Darlinghurst

#### FRIDAY (every week)

1:00 pm to 3:00 pm

Vincentian Village

50 Yurong St, East Sydney

## Your views and ideas

HPLS welcomes contributions to *Street Rights NSW*. If you have a comment about anything that's covered in this newsletter please contact HPLS.

HPLS would also love to hear from artists and cartoonists who want to contribute.

HPLS is very keen to get contributions from people who are homeless or at risk of homelessness.

## Contributors to this edition

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## To contact HPLS

Visit one of the HPLS Clinics.

Phone: (02) 9299 7833

E-mail: [homelessproject@piac.asn.au](mailto:homelessproject@piac.asn.au)

For an electronic version of this newsletter send us an e-mail to the above address.

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