

## HPLS turns one and launches new clinic

### **The Homeless Persons' Legal Service (HPLS) celebrated its first birthday by launching a new clinic in Surry Hills during Law Week 2005.**

This brings the number of HPLS free legal clinics to six: five in the inner city and one in Parramatta.

NSW Attorney General, the Hon Bob Debus MP, launched the new clinic at the Streetlevel Café in Derby Lane, Surry Hills, on Wednesday 18 May. More than 70 people attended the function, which was catered by Streetlevel staff and volunteers.

Streetlevel Café is a drop-in centre operated by the Salvation Army, which was represented at the launch by Chief Secretary, Lieutenant Colonel Robert Street.

Other speakers were Public Interest Advocacy Centre CEO, Robin Banks, and Jennifer McVicar, the National Co-ordinator Pro Bono & Community Service Programs at law firm, Baker & McKenzie.

Lawyers from Baker & Mackenzie will staff the free legal clinic at Streetlevel Café each Wednesday from 12:30 pm to 2:00 pm.

As with all the clinics, the lawyers working at Streetlevel Café have had intensive training provided by HPLS on the wide variety of legal issues faced by people who are homeless or at risk of homelessness.

In its first year of operation, HPLS has seen more than 350 clients, providing assistance and advice on many different legal issues.

If HPLS can't help with a legal problem, chances are it can recommend someone who can.

As well as providing legal advice, HPLS works to find ways of making the law fairer, especially for people on low incomes.

HPLS keep an eye out for issues that commonly cause problems for clients and potential clients, making submissions to government and working with other agencies to support useful law reforms.

For more information about HPLS clinics and how to contact us, please see the back page of this newsletter.

### HPLS has moved!

Please note our new contact details:

Level 9, 299 Elizabeth Street

Sydney NSW 2000

Tel: 02 8898 6545 Fax: 02 8898 6555



**Homeless Persons'  
Legal Service**

HPLS is a joint initiative of the Public Interest Advocacy Centre Ltd (PIAC) and the Public Interest Law Clearing House Inc (PILCH).

The Service is proudly supported by the Australian Government Department of Family and Community Services through the National Homelessness Strategy, and the Hon Bob Debus MP, NSW Attorney General, through the Public Purpose Fund.

## From housing to homelessness: a revolving door?



If you are on the waiting list or are planning to apply, changes to public housing will affect you.

NSW has a housing crisis. Rents are getting higher and it's harder to find an affordable place to live. The waiting list for public housing is getting longer and longer, but there are few new homes to offer applicants.

In response to this crisis, the NSW Government has announced changes to how public housing works.

The bad news is that these changes are likely to simply move people from homelessness to public housing and back again; they won't provide a long-term solution to many people on the public housing waiting list.

With these changes you will have to meet tougher eligibility criteria when you apply for public housing. The Department of Housing (DoH) will look at your income as well as other things such as your age, health and whether or not you have children, in order to assess your needs.

Another change is that, if you are eligible, DoH will only offer you a tenancy for a fixed period of time. In other words, this will place public housing tenants on fixed-term leases. In the past, if you were a tenant in public housing, you could live there indefinitely as long as you didn't breach your lease.

The real problem will be what will happen to public tenants once their DoH lease is up. With private rents so unaffordable it's likely that many people will fall back into homelessness, creating a revolving door, from public housing to homelessness.

**If you are a current Department of Housing tenant, or on the public housing waiting list, or have previously lived in public housing and need legal advice, come to any HPLS clinic (see back page for details).**

### Good news for food donations

The NSW Government has passed a new law to protect people and organisations that make donations of food for charitable purposes. The law largely removes the right to sue if a person suffers an illness or injury from eating food donated for free.

The law still provides common sense protections for consumers. The food must be safe to consume when it is donated. Food donors must also make sure the person receiving the donation knows how to keep the food, and how soon it should be eaten.

This law balances protections for consumers of donated food while protecting charitable donations of safe food. This will allow companies to donate food to organisations that feed people who are homeless rather than throwing good food away.

## Your rights on the street: what you need to know

Did you know: Being homeless isn't a crime in NSW, but many homeless people are charged with public order offences. These are criminal offences that go on to your criminal record if you are convicted.

If you're on the streets, it might sometimes seem like being homeless is a crime. The police might ask you to move from where you are sleeping, and sometimes they might even charge you with an offence.

Many public order offences are considered offences simply because they happen in public. For example, offensive language is offensive when it happens within hearing of a public place. If you are in private, like in your own home, it's not a crime.

The *Summary Offences Act* deals with public order offences. Homelessness and begging are not crimes under the Act.

The Act deals with offences such as blocking the passage of people, obscene language or conduct, and obscene exposure. The Act also includes the offence of carrying a knife or offensive implement. These offences have a big impact on homeless people as they often live most of their lives in areas considered public.

A police officer cannot charge you with an offence simply for being in a public place.

However, if you are in an area with a high crime rate, this might mean a police officer has reasonable grounds to suspect you of having a knife or a dangerous implement, and can search you and any bags you have with you. Police must give you their name and place of duty, tell you the reason for the search, and warn you that a failure to allow the search may be an offence.

If you are charged with a public order offence, you will need to attend the Local Court.

As the charge is a criminal matter, the prosecution will have to prove its case beyond a reasonable doubt. The Court can jail people for public order offences, but it often fines people that it finds guilty. This is another reason why homeless people end up with fines.

Whether you plead 'guilty' or 'not guilty' to the offence, you should make sure the Magistrate knows about your personal circumstances. It's important that the Magistrate consider the fact that you are homeless before deciding whether or not to give you a fine.

HPLS is interested in monitoring the use of public order offences to ensure that homeless people aren't unfairly targeted in the enforcement of these offences.



## 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.

### To contact HPLS

Visit one of the HPLS Clinics.

Phone: (02) 8898 6545

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.

## Contributors to this edition of *STREET RIGHTS NSW*

Ellena Galtos, Emma Golledge, Robin Banks, Katharine Slattery  
Cartoons: Ross Carnsew

### 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.

### Acknowledgements

Special thanks to the firms that provide lawyers for the clinics:

Allens Arthur Robinson, Baker & McKenzie, Clayton Utz, Ebsworth & Ebsworth, Gilbert + Tobin, Henry Davis York, and Minter Ellison;

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*STREET RIGHTS NSW* is produced by the Public Interest Advocacy Centre.

## THE HPLS CLINICS

Day	Time	Location
Monday (weekly)	10 am - 12 pm	The Station Ltd 82 Erskine Street, Sydney
Tuesday (fortnightly)	9 am - 11 am	Matthew Talbot Hostel 22 Talbot Lane, Woolloomooloo
Wednesday (weekly)	11 am - 1:30 pm	Parramatta Mission 119 Macquarie Street, Parramatta
<b>NEW CLINIC</b> Wednesday (weekly)	12:30 pm - 2 pm	Streetlevel Mission Derby Lane (off Albion St) Surry Hills
Thursday (weekly)	1 pm - 3 pm	Edward Eagar Lodge 348a Bourke Street, Darlinghurst
Friday (weekly)	1 pm - 3 pm	Vincentian Village 50 Yurong Street, East Sydney