

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

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

Contributors to this edition of *STREET RIGHTS* NSW

Elisabeth Baraka and Thomas Costa

Cartoons: Ross Carnsew; Layout: Karen Kwok

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 PILCH members that provide lawyers for the clinics: Allens Arthur Robinson, Baker & McKenzie, Corrs Chambers Westgarth, Deacons, DLA Phillips Fox, Ebsworth & Ebsworth, Gilbert + Tobin, Henry Davis York, Legal Aid Parramatta and Minter Ellison.

And to the host welfare agencies: Edward Eagar Lodge, Matthew Talbot Hostel, Newtown Mission and Newtown Neighbourhood Centre, Norman Andrews House, Parramatta Mission, The Station Ltd, Street Level Café, Wayside Chapel, Women's and Girls' Emergency Centre.

PIAC acknowledges the funding support that makes this service possible, which is received from the NSW Attorney General, through the Public Purpose Fund. *STREET RIGHTS* NSW is produced by the Public Interest Advocacy Centre Ltd.

ISSN 1834-4496 (Print) ISSN 1834-450X (Online)

THE HPLS CLINICS

Day (weekly)	Time	Location
Monday	10:00 am - 12:00 noon	The Station Ltd 82 Erskine Street, Sydney
Monday (from late August 2007)	10:00 am - 12:00 noon	Wayside Chapel 29 Hughes Street, Potts Point
Tuesday	11:00 am - 1:00 pm	Matthew Talbot Hostel 22 Talbot Lane, Woolloomooloo
Tuesday	12:30pm - 1:30pm	Norman Andrews House 77 Roscoe Street, Bondi
Wednesday	11:00 am - 1:30 pm	Parramatta Mission 119 Macquarie Street, Parramatta
Wednesday	12:30 pm - 2:00 pm	Streetlevel Mission Derby Lane (off Albion St), Surry Hills
Thursday	1:00 pm - 3:00 pm	Edward Eagar Lodge 348a Bourke Street, Darlinghurst
Friday	11:00 am - 1:00 pm	Women's & Girl's Emergency Centre 177 Albion Street, Surry Hills
Friday	1:30 pm - 2:30 pm	Newtown Mission 2 Erskineville Road, Newtown

Federal Election coming soon - Enrol now!

Many HPLS clients tell us that they wish the government would do things differently. Soon, you will have your chance to vote for who you want to represent you in the Federal Parliament. Some statistics say there are more than 100,000 homeless people in Australia – if they all vote, what a difference homeless people could make!

But, did you know that you should enrol now or it might be too late?

If you are not enrolled, you are not allowed to vote. New laws say that you cannot enrol after the day the government calls the election.

Since we don't know when the election will be announced, you should make sure you get to vote by enrolling now.

- If you are enrolling to vote for the first time, your application form must be submitted to the Australian Electoral Commission (AEC) before 8pm on the same day the election is called.

- If you have moved since you enrolled, you must submit your form by no later than 3 working days after the election is called.

You can get enrolment application forms from any post office, from www.aec.gov.au or by calling the AEC on 13 23 26. The lawyers from the Homeless Persons' Legal Service can also help you.

Two new HPLS clinics!

Norman Andrews House
77 Roscoe Street, Bondi Beach
Every Tuesday, 12:30pm - 1:30pm

Wayside Chapel
29 Hughes Street, Potts Point
Every Monday, 10am - 12 noon

Welcome and thanks to lawyers from
Corrs Chambers Westgarth and Deacons!

APEC

This year APEC, the Asia-Pacific Economic Co-operation forum, will be in Sydney. From 2 to 9 September 2007, there will be many changes in the city and lots of extra police. Some areas will be closed to the public, especially around Darling Harbour, the Opera House and Government House.

HPLS wants to ensure that homeless people will be safe and treated with respect during APEC. We have been told that all Police will be trained to apply the Protocol for Homeless People.

The area between Circular Quay, George, King and Macquarie Streets will be a 'declared area'. It will have lots of security, but we have been told that homeless people living in it will not be disturbed.

However, we don't know what will happen to those who live near the Convention Centre, the Opera House and Government House.

If you use services in these areas, you should check if they will have different opening hours during APEC. HPLS will operate as usual, except it will be closed on 7 September.

If you are arrested during APEC, ask to see a lawyer from Legal Aid. If you have any complaints about how the police treat you during APEC, you can call the APEC hotline on 1300 273 201 or contact the Homeless Persons' Legal Service at our clinics, or on 8898 6545. Try to get the name of the police involved, their duty type and location.

Going to court

Going to court can be a frightening experience for many people. However, legal advice can help and may make a huge difference to what happens to you in court.

Should you get legal advice?

You can represent yourself in court but it is always best to speak to a lawyer before you go to court. A lawyer can help by telling what your options are and what is likely to happen in your circumstances. If Police have given you a Court Attendance Notice (CAN), you should get legal advice as soon as possible.

What about all the paperwork?

You need to take with you to court all the paperwork you have for your case. This may include:

- Police fact sheets
- Your Court Attendance Notice
- Any bail undertakings
- Any written statements

Can you write out your own statement?

You can prepare your own written statement by writing down everything you remember about the incident including conversations with the police and witnesses. Writing a statement can help you remember how it happened, who was involved and how you were treated afterwards.

When do you have to go to court?

Your Court Hearing date will be on your Court Attendance Notice or the bail form that you have been given. You need to go to court on that day.

If you are unsure about the court details, contact the Police Station where you were charged and ask them what your hearing date is and which court you have to go to.

What time do you need to get to court?

Courts usually start at 9.30am in the morning, but check your paperwork to see if any other time is written down for your hearing. Always arrive half an hour earlier than you think you need to be there as sometimes things change. It can also take some time to meet your lawyer or to find the right courtroom.

What is the daily court list?

The daily court list will have your name, case number and courtroom on it. If you can't find the list or have any questions, you can ask a court officer to help you. It is part of their job to help people at court. The daily court list will usually be near the entrance to the court. At the Downing Centre, the daily court list is on Level 4.

Court 3



Waiting at court ...

It can take a long time for some cases to be dealt with so you may be waiting in court all day or you may only wait a short time. It is best to be prepared to wait and try to make yourself comfortable.

You should wait in or just outside the courtroom where your case will be heard. The courtroom number will be on the Daily Court List. When it is time for your case to be heard, a court officer will call you and show you where you need to go.

What if you arrive at court and do not have someone to represent you?

You may be able to see the 'duty lawyer' or 'duty barrister' at the Court. However, not all courts will have someone on duty everyday or all day. If you

continued page 3

from page 2

have all your paperwork with you, it will help the court duty lawyer to advise you.

What do you do when you enter the courtroom?

Court procedure can seem very formal and strange for most people. When you first enter the courtroom it is important that you do a small bow, everyone does this. You just bend at the waist and bow your head a little.

How to treat the Magistrate?

You need to stand when the Magistrate is talking to you.

Try to remember to call the Magistrate 'Your Honour'. It shows general respect for the court and is good to do even if you don't really feel that way. There is no point upsetting someone who is going to decide your future.

If you have a lawyer, the Magistrate will speak to you through your lawyer. If you don't have a lawyer, the Magistrate will ask you a series of questions. Don't be afraid. Just answer them in your own words.

What sort of questions will I be asked?

Questions you are likely to be asked in court might be:

- Are you? (your name)
- Do you have a lawyer representing you?
- Do you wish to have your matter dealt with today?

When answering the Magistrate, try to be honest and clear. The Magistrate will not be trying to trick you. They need to find out your side of the story so that they can be fair in their decision.

Can I get more time to prepare for court?

Yes, you can usually get more time to prepare your case by asking the Magistrate if you can have more time. The court proceedings can then be put off ('adjourned') until a later date.

Guilty or Not Guilty?

When you first go to court for a criminal matter, you will be asked if you are pleading guilty or not guilty. If you plead not guilty, you will be given a new date for the hearing of your case.

If you plead guilty, you or your lawyer then have the opportunity to tell the court anything you think



is relevant for the Magistrate in deciding what sentence to give you. This might include some information about your life and what happened at the time you were charged. You can ask the court for more time to prepare this information. You may also ask someone who knows you well to write a letter about your character ('a Character Reference').

What happens at a Hearing?

The Police tell the court what they say happened first. They don't know what your evidence is, only the evidence they have against you. So they will present their evidence and call their witnesses.

After each of their witnesses gives evidence, you or your lawyer can ask the witness questions. This is called cross-examination and allows you a chance to question the police evidence. Once the police finish their evidence, it is your turn to present the evidence that tells your side.

You or your lawyer will then call your witnesses, telling your side of the story. Often, one of those witnesses will be you because you have something to say about what happened. The police then get to cross-examine you and your witnesses.

Finally the Magistrate will make a decision based on the evidence given by both sides.

For more information and help about going to court, talk to the lawyers at the Homeless Persons' Legal Service closest to you. They will help you or, if there's a chance you'll go to jail, they'll help you get in touch with Legal Aid.