

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}

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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.

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THE HPLS CLINICS

| Day (weekly) | Time | Location |
|--------------|-----------------------|---|
| Monday | 10:00 am - 12:00 noon | The Station Ltd 82 Erskine Street, Sydney |
| Monday | 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 |

Priority Housing



HPLS thinks the priority-housing scheme needs some changes. Some people are being told by Department of Housing that they can't get into priority-housing because they should be able to afford private rental.

This can be really difficult if you're on Centrelink payments and have lots of other issues going on. If you have been unable to get on the priority-housing list, and your only income is from Centrelink, please call Chris on 8898 6510 to talk to him confidentially about your experience.

Remember to Vote!

On Saturday 24 November 2007, you can vote in the Federal Election. If you are on the electoral roll, you must vote to avoid a fine. But, of course, it's also your opportunity to have a say in who represents you in Parliament. If you don't manage to vote, and you get a fine, see the lawyers at HPLS to find out what your options are.

How can HPLS help you?

You might have seen our new colourful posters. They list the types of things that HPLS can help with. Here they are:

- Fines
- Problems with government departments, banks and other organisations
- Appealing Department of Housing decisions
- Evictions and other problems with landlords and boarding house owners
- Appealing Centrelink decisions
- Debts and bankruptcy
- Problems with the Office of the Protective Commissioner or the Public Guardian
- Getting counselling and compensation for victims of violence and abuse

- AVOs (Apprehended Violence Orders)
- Problems with employment
- Discrimination
- What happens at court
- Criminal matters where there's no chance you'll go to jail
- Getting Legal Aid for criminal matters
- Filling in divorce forms
- Getting Legal Aid for family law (seeing your kids, separating from your ex-partner)

If we can't help you ourselves, we will give you some information and try to find a lawyer who will be able to help. For example, we will help you find another lawyer for immigration, writing wills, personal injury, most criminal law and family law.



Fines

that, for the next five years, you don't let any more fines go unpaid. You usually have to get medical reports and other information about your situation before SDRO will accept that your fines should be written off.

If you apply to have your fines written off, and SDRO says 'no', you can then appeal to the **Hardship Review Board**. The HPLS Lawyers can help with this.

Instead of applying for a write off, you can ask that your fines go back to court so that all the circumstances can be heard there. This is called an **annulment application**. There are many good reasons for doing this, so talk to the HPLS lawyers if you'd like to consider this option.

Do you want your driver's licence back?

Did you know you don't have to have paid off all your fines to get your licence back?

If your driver's licence is suspended because you haven't paid your fines, there are a couple of ways you can get it back. You can take one of the options described above. Another option if you're prepared to pay the fine, but you can only afford to pay it a little bit at a time, is to make a Time-to-Pay application. **If you make six payments on an agreed instalment plan, then you can get your driver's licence back.**

One of the areas in which HPLS helps many clients is dealing with their fines. Some people think their only options are to pay all their fines at once, or to hope the fines go away. There are actually many other options, depending on your circumstances.

If you've just received a fine ...

As soon as you get a fine, you should see an HPLS lawyer immediately. They can help you decide whether it will be best for you to go to court to argue that the fines should be dropped or reduced in size. They may also write a letter for you to ask that your fine be withdrawn even before it gets to court.

If your fines are more than a month old...

About a month after you get a fine, the State Debt Recovery Office (SDRO) can start trying to enforce your fine. Usually, they will suspend your driver's licence if you don't pay the fine. If you don't have a job and don't own much property, they will probably want you to pay off your fine in small payments that you can manage. The HPLS lawyers can help you set out your financial circumstances for this.

However, the HPLS lawyers may suggest that you could try to have your fines **written off**. This means that you don't have to pay the fines, on the condition

APEC

We were glad that there didn't seem to be too many problems for homeless people during APEC. However, if you did have a problem with the police or anyone else because of APEC, please let us know so we can make sure something is done about it. Call the Homeless Persons' Legal Service on 8898 6545 or e-mail homelessproject@piac.asn.au.

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Can HPLS really help? One client's story

Todd had many thousands of dollars in fines from several years ago. His driver's licence had been suspended and he really wanted to get it back before it expired, so he wouldn't have to go through all the driving tests again.

Todd saw HPLS lawyers at StreetLevel and they helped him put together an application to have his fines written off. It took a fair bit of work, but the lawyers helped fill in the forms and get various documents together. At first, the State Debt Recovery Office said, 'no', to his application. That was pretty disappointing and Todd was really tempted to give up. But his lawyers said he could then appeal to the Hardship Review Board, so he decided to give it a go since he'd come that far. Appealing to the Hardship Review Board didn't mean he had to turn up to a court; it was all based on paperwork. Todd's appeal was successful. His fines were written off. Although this still means that for the next five years Todd can't get let another fine go unpaid, that's really unlikely for him now and at least he has a chance for a new start.

Todd had to be very patient as it took many, many months to get through this process. But, at the end, he was very happy and it meant that he could move on with his life. He has his driver's licence back and he uses it to drive the Salvo's vehicles around helping people. He spends most of his week volunteering at Wesley Mission's Edward Eagar Lodge and the Salvation Army's StreetLevel.

To those thinking about what to do about their fines, Todd says: 'It's a long process and you have to be patient and understand that bureaucracy can take a long time. But the results are worth it.'

Changes to the law

HPLS has been asking the NSW Government to change the way fines are given and enforced. We're really pleased that they've started to listen to the problems with the system that so many of you have experienced. Just recently, the NSW Sentencing Council wrote a report to the Government that supported most of the things HPLS and others have

been saying for years. We have met with RailCorp about the training they provide to their officers who give fines. We also wrote to the SDRO about how it needs to improve how long it takes to deal with applications about fines so that decisions for people like Todd are made more quickly.

We are also encouraging the NSW Government to look at options other than fines for homeless people, like doing volunteer work, and having different types of court processes that help people with the reasons they're getting fined at the moment. So, lots is happening in the area of fines! We hope that the NSW Government will go ahead with the suggested changes and make the fines process fairer for homeless people.



Crisis Payments

HPLS is concerned that it's really hard for people to survive on the amount given for the Centrelink Crisis Payment. We would like to talk to people who have received the Crisis Payment and found it hard to manage because of how small it is. If that's you and you would like to share your story confidentially, please call Chris at HPLS on 8898 6510.