

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 an e-mail to the above address.

**Contributors to this edition of
STREETRIGHTS_{NSW}**

Ben Fogarty, Chris Hartley and Lou Schetzer
Cartoons: Ross Carnsew; Layout: Karen Kwok

Acknowledgements

Special thanks to the PILCH members that provide lawyers for the clinics: Allens Arthur Robinson, Baker & McKenzie, Corrs Chambers Westgarth, Dibbs Barker, Gilbert + Tobin, Henry Davis York, HWL Ebsworth, Legal Aid NSW, Minter Ellison, Norton Rose and Thomsons Lawyers.

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, Salvation Army Street Level, Vincentian House, 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. *STREETRIGHTS_{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 | 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 | 12:30 pm - 1:30 pm | Norman Andrews House 77 Roscoe Street, Bondi (Monthly) |
| Wednesday | 11:30 am - 1:00 pm | Parramatta Mission 119 Macquarie Street, Parramatta |
| Wednesday | 12:30 pm - 2:00 pm | Salvation Army Streetlevel Derby Lane (off Albion St), Surry Hills |
| Thursday | 12:00 pm - 2:00 pm | Vincentian House 361 Crown Street, Surry Hills |
| Thursday | 1:00 pm - 3:00 pm | Edward Eagar Lodge 348a Bourke Street, Darlinghurst |
| Friday | 11:30 pm - 1:30 pm | Women's & Girls' Emergency Centre 361 Riley Street, Surry Hills |
| Friday | 1:30 pm - 2:30 pm | Newtown Mission 280a King Street, Newtown |

Boarding Houses must improve!

Significant numbers of homeless people rely on boarding house accommodation. However, a recent report from the NSW Ombudsman found that conditions in NSW licensed boarding houses were of a very low standard, and that the human rights of people living in boarding houses were being breached.

The report found that there was not enough support for the safety, health and welfare of people living in boarding houses, and that there was an urgent need for reform. The report includes details of people being physically and sexually assaulted, being intimidated by staff and other residents, and not being able to access essential health services.

In response, the HPLS has said that there needs to be better monitoring and regulation of boarding houses to provide adequate support and protections for residents. In particular, NSW Department of Family and Community Services – Ageing, Disability and Home Care (ADHC) needs to be more active in enforcing standards in relation to licensed boarding houses.

As many HPLS clients often use unlicensed boarding houses as well as licensed boarding houses, the HPLS has also said that there is also a desperate need to improve the monitoring of unlicensed boarding houses, where there are almost no safeguards or minimum standards.



For more information on HPLS work in the area of boarding houses please email Lou at homelessproject@piac.asn.au

Case study

In 2008 a resident in a licensed boarding house was found dead in his room. He had been dead for at least 12 hours. Police attending the scene reported that his room was in a squalid state, and his bedclothes were covered in filth. Previous concerns about the hygiene, nutrition and the conditions in the facility had been raised with the ADHC and the manager of the facility. ADHC stated that they did not have the power to enforce licence conditions that apply to health, wellbeing and cleanliness of residents and the facility.

- More than board and lodging: the need for boarding house reform,
NSW Ombudsman, August 2011

Legal Beagle: Know your rights!

Victims' Compensation

People who have been the victim of a violent crime that has caused injury may be able to apply to the Victims Compensation Tribunal for an award of compensation.

In this edition of the Legal Beagle, we will provide a brief overview of the law in relation to victims' compensation. However, if you think you may be eligible for victims' compensation, **please see a lawyer at one of the HPLS clinics for more details.**

Who is eligible?

For a person to be eligible for victims' compensation:

- there must have been an act of violence;
- they must have suffered an injury listed under the Victims Compensation Act 1998; and
- they must also be a **primary victim** (a person who is injured or who dies as a direct result of a crime or as a direct result of stop someone/rescuing someone from an act of violence), or a **secondary victim** (a person who sustains an injury as a result of witnessing the crime against the primary victim), or a **family victim** (someone who is a family member of a person that has died as a result of an act of violence).

Who is not eligible?

You are not eligible for victims' compensation if:

- the act of violence was work related and the person is entitled to workers' compensation;
- the person was injured in a motor vehicle accident;
- if the act of violence occurred while you were in prison or if;
- you were committing an offence when the act of violence occurred.



The amount of compensation

The amount of compensation available under victims' compensation depends on the kind of injuries that you have received and whether you are a primary, secondary or family victim. For more information speak to an HPLS lawyer.

Time limits

Generally, speaking an application for victims' compensation must be lodged

- within two years of the act of violence; or
- in the case of a family victim, two years after the death of the primary victim.

However, there are many reasons why a late application may be accepted. If you think that you have a victims' compensation claim, even if the violence occurred more than two years ago, please see an HPLS lawyer.

HPLS is very keen to get contributions from people who are homeless or at risk of homelessness to *STREETRIGHTS NSW*. If you have a comment about anything that's covered in this newsletter please e-mail us at homelessproject@piac.asn.au

The Protocol for Homeless People - A recent case study

In August a man, called Peter, contacted HPLS for help with a complaint he had about how he had been treated by Local Council staff, following removal of his belongings from a park where he sleeps rough.

Peter is a 50 year-old homeless man. He sleeps rough at a park, next to a football oval. He has been sleeping there for over three months. Local residents help him out and he has not been in any trouble while living there. He has suffered considerable trauma in his life, in particular, witnessing the death of his father when he was young.

On a Monday morning in August Peter left his sleeping area at about 8.30am and travelled to a nearby set of shops for coffee and to see and talk with some people he knows there. He came back just after midday and noticed that a box that contained his personal items was missing. He found out from a local business that a Council worker had been performing a "clean up".

Peter called the Council and was put through to Jarrod, who had been the worker who had performed the clean up. Peter asked Jarrod why his personal items had been removed – they had been there for three months or more with no problems. Jarrod's reply was that they were junk and rubbish and had to go. He then asked where the items were and was advised, "In the tip by now". Peter then told Jarrod that there were two blankets (as well as other important personal items) amongst the items removed. Jarrod abruptly replied by scoffing, "Go see the Salvation Army and get some more".

Understandably, Peter was shocked by this comment. He told Jarrod that another item taken was a motorcycle jacket, which cost \$140. Peter, upset, swore when he said this to Jarrod and Jarrod warned him that by swearing he would disconnect the call, which he then did. Peter called the Council back and spoke with Gemma, who tried to transfer him to the Manager, only to be told by her that the Manager and everyone else were at lunch. Gemma asked him to leave his number, which he did. When he contacted HPLS he had not received a return call.

HPLS found out the name and contact details of the Council's General Manager (via the internet) and

faxed him a letter of complaint, explaining what had happened and how Peter wanted the matter resolved. We also attached a copy of the Protocol for Homeless People. The Protocol was introduced in 2000 to guide agencies that operate in public places on how to engage with and assist homeless persons. While the particular Council was not a direct signatory to the Protocol, it is certainly a compelling guide as to best practice in engaging with homeless people in public places.

The response from the Council was prompt and apologetic. Two senior staff were sent down to see Peter and apologise. They also offered to reimburse him the cost of all property that was taken. The General Manager telephoned HPLS to apologise and explain he would counsel the staff involved and ensure Peter was fully reimbursed. The General Manager was also interested to know more about HPLS and ways the Council and local Police could engage HPLS when there were any issues with other homeless people in the Council area.

Peter was overwhelmed with the outcome. In his own words in an email to HPLS, "Sorry for not emailing you earlier. all has been resolved, in fact council has been very good. I will be sending council a thank you note."

* All names have been altered in this article to protect the identity of the people actually involved.

