

# Legal services for homeless people in Central Victoria

APRIL 2008



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 loddon campaspe  
community legal centre

A program of the Advocacy & Rights Centre Ltd

April 2008

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is a program of the Advocacy and Rights Centre Ltd

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ISBN 978-0-9805078-1-2

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# EXECUTIVE SUMMARY

This report documents the research undertaken to determine the need for targeted legal services to homeless people or those at risk of homelessness in the Loddon Campaspe region.

## Homelessness in Central Victoria

Homelessness or risk of homelessness is a significant issue in the Loddon Campaspe region.

### *Australian Bureau of Statistics*

According to the Australian Bureau of Statistics, on Census night (8 August 2006):

- 1188 people resided in the following categories of housing:
  - improvised home
  - tent
  - sleeping out
  - caravan
  - cabin
  - houseboat.
- There were 241 people living in an improvised home, tent or sleeping out.
- Just under half of 1% (0.48%) of the population of Australia was either sleeping in a caravan, cabin or houseboat or was sleeping out, in an improvised house or in a tent. This figure is lower in Victoria, at 0.26%. However, the percentage of people sleeping in these situations in the catchment area of the Loddon Campaspe Community Legal Centre is higher than the proportion for Australia, whereby 0.57% of the people in the catchment area were in one of these categories.
- Just over half (51%) of the people living in an improvised home or tent or sleeping out on census night were in the Greater Bendigo local government area. 22% were in the Campaspe local government area. 13% were in the Mount Alexander local government area.
- Of the people who are sleeping in an improvised house or tent or sleeping out, 28% are lone person households; 26% are couples with children, 23% are couples with no children and 8% are one parent families.

## ***Supported Accommodation Assistance Program (SAAP) statistics***

- 1259 people were assisted in the 2005–06 period.
- 74% were assisted by a program located in the Greater Bendigo local government area; 16% were assisted by an agency in either the Macedon or Mount Alexander local government area; 10% were assisted in the Campaspe or Goldfields area.
- Most of the people assisted by a SAAP agency were under 35 years of age. Above 35 years the number of people assisted reduced as age increased.
- The largest proportion of reasons for requiring assistance are:
  - 440 people needed assistance because of domestic/family violence.
  - 160 people needed assistance because of relationship/family breakdown.
  - 160 people sought assistance because they were being evicted or were asked to leave.
- According to the SAAP data the most common income source was Parenting Payment. This was followed by Newstart and DSP.

## ***Stakeholder consultation***

- Consultations have been conducted with the following methods:
  - establishment of a reference group and conducting individual interviews
  - seeking service user feedback at community dinners
  - conducting surveys with clients from Loddon Mallee Housing Services.
- The reference group comprised representatives from local agencies.
- Where people were unable to attend the reference group individual appointments were made.
- Key feedback from the reference group meetings included:
  - There is a need for a service running out of an agency that the homeless or those at risk of homelessness currently already attend. Such a service should be trialled.
  - A service that is run from the agency should be supported by the general service conducted by the Loddon Campaspe Community Legal Centre so that clients that need more flexibility of service delivery times can access legal services.
  - The concept would work well in an agency a couple of hours a week, but flexibility would be needed.
  - Areas covered should include criminal law and family law in addition to other areas of law.

- Services should have a drop-in element, perhaps with a combination of appointments and drop in.
  - Community dinners may not be well known enough and not located in accessible areas for providing a service.
  - Loddon Mallee Housing Services and St Luke's are each willing to provide a room for the service.
- St Luke's advised that youth were willing to come to St Luke's but they may not be willing to go to Loddon Mallee Housing Services. A number of other issues were discussed that were already raised in the reference group.
  - The John Bomford Centre advised that:
    - Clients could get confused if the service had alternative locations. This could be overcome by the worker making appropriate referrals to a service.
    - A service should not be available only in the morning because of the drowsiness caused by patients' medication, and not on a Thursday because this is Centrelink payday.
  - At the community dinners there were mixed feelings about whether a service should be located at an agency or at a community dinner. There was a preference for an appointment-based service. Family law and criminal law were raised as areas of law that should be covered in addition to other areas of law.
  - In surveys of service users at Loddon Mallee Housing Services, the majority of people who were homeless or at risk of homelessness thought their legal issues would have been dealt with better if there was a legal service that focused on their needs. There were differing opinions as to where it should be located and whether it should be by appointment or drop in. Family law was one of the most common areas of law raised.

### ***Possible service locations***

- Currently two organisations have offered rooms for a service to be run from – St Luke's and Loddon Mallee Housing Services.
- St Luke's assists teenagers (15–19 years old) who need accommodation (as well as providing a number of other services).
- Once the person is over 19 years of age Loddon Mallee Housing Services provide assistance.
- In order to cover the age group of people needing assistance it may be beneficial to provide a service in both locations in alternating weeks.

## ***Conclusions***

1. There is a significant need for targeted legal services for the homeless and those at risk of homelessness.
2. These services are required to be presented as close to the community as possible.
3. Extra resources, pro bono or otherwise, are required to commence this program.
4. Although there are varied methodologies to achieve the provision of legal services to the homeless, the Melbourne model is the most holistic and has strongly influenced homeless persons legal clinics or services in other states.
5. Discussions should be held between the Public Interest Law Clearing House (Vic) and Loddon Campaspe Community Legal Centre to determine capacity to provide a service.
6. There is significant interest and support by local agencies in supporting the establishment of a targeted service.

## ***Recommendations***

1. Two services should be trialled, at Loddon Mallee Housing Services and St Luke's, on an alternating fortnightly basis.
2. The services of the Loddon Campaspe Community Legal Centre and Victoria Legal Aid (Loddon Campaspe) should be utilised to provide flexibility of service delivery outside the hours of a targeted service.
3. Local legal practitioners should be recruited to staff a service on a voluntary basis.
4. Service eligibility criteria should be restricted to those who are homeless or at risk of becoming homeless.
5. Clear objectives should be established for the new Homeless Persons' Legal Service. They should include:
  - to provide a free legal service, in a professional and respectful manner, to those who do not have a home or are at risk of losing their home;
  - to challenge systemic issues that affect people that are homeless or are at risk of homelessness;
  - to use the law, where possible, to assist people to find sustainable ways out of homelessness;
  - to use the law to promote the human rights of the homeless or those at risk of homelessness.

6. Methods of how these objectives are going to be addressed need to be designed. Methods would include:
- to provide free legal assistance, advice, casework and advocacy for the homeless or those at risk of homelessness;
  - to identify and advocate on law and policy reform issues;
  - to identify and redress gaps in the delivery of services and assist with referrals where appropriate services are available;
  - to provide a process for law firms to assist the homeless and those at risk of becoming homeless;
  - to work alongside service providers to best meet the needs of the homeless or those at risk of homelessness;
  - to provide community legal education on issues relating to homelessness;
  - to communicate the experiences of homeless people or people with housing instability issues to government and the judiciary;
  - to provide these services in consultation with people who are homeless or at risk of becoming homeless.<sup>1</sup>
7. The files should remain the files of the law firm that is volunteering at the service.
8. Training should be conducted prior to the establishment of the Homeless Persons' Legal Service to prepare practitioners for the types of law they will need to advise on, the types of people they will encounter and other practical aspects of participating in this service.
9. Mentoring with people experienced in the Homeless Persons Legal Clinic in Melbourne should be established.

# INTRODUCTION

This report documents the research undertaken into the need for a targeted legal service that assists homeless people or those at risk of homelessness in the Loddon Campaspe region. The report provides the following:

- a definition of homelessness;
- an examination of causes and consequences of homelessness;
- an examination of the number of people suffering from homelessness;
- a survey of the services that are available for the homeless or those at risk of homelessness;
- the results of consultations;
- an examination of the models of legal services that assist the homeless or those at risk of homelessness within Australia;
- conclusions and recommendations for the establishment of a legal service to assist the homeless or those at risk of homelessness in the Loddon Campaspe region.

## The Loddon Campaspe region

The Loddon Campaspe Region covers a large area in northwest Victoria including six local government areas: Macedon Ranges, Mount Alexander, Central Goldfields, Greater Bendigo, Loddon and Campaspe.



# HOMELESSNESS

## Definitions of homelessness

There are a number of definitions of homeless and all definitions contain a number of different elements.

### *Homeless*

A homeless person is without an adequate home, and a person at risk of homelessness is a person who may lose their home. This home must be safe and secure and must not damage their health. It must provide adequate cooking and other personal hygiene facilities. This definition is broader than just being houseless. It includes the notions of a home.

### *Home*

A house may be just a physical structure, but a home is so much more.<sup>2</sup> It includes aspects like 'emotional relationships a home provides, such as warmth, security, love, support, family relationships, privacy and space ... It is the focus on relationship that appears to be the primary distinguishing feature that differentiates a house, or physical shelter from a home'.<sup>3</sup>

### *Research*

An important concept in this definition of homelessness is the aspects of a home. The following attributes of a home have emerged:<sup>4</sup>

- tenure security;
- security against internal and external threats;
- absence of characteristics that undermine health;
- affordability;
- ability to have visitors stay;
- privacy;
- autonomy;
- accessibility;
- compatibility with the neighbourhood;
- appropriateness for the needs of the household.

The literature supports the view that a definition should include more than just 'houselessness'. Healey notes that homelessness is more than just a lack of shelter: it is a lack of a 'safe and nurturing home environment; a place where people feel comfortable and settled; and a place that is private and where they feel they belong'.<sup>5</sup>

The legal definition of 'homeless' is more limited than the definition that is described above.

The *Supported Accommodation Assistance Act 1994* (Cth) contains the following definition:

For the purposes of this Act, a person is homeless if, and only if, he or she has inadequate access to safe and secure housing (s4).

'Safe and secure housing' is further described in this section as excluding those types of housing which may damage health, threaten safety, marginalise the person from amenities and the economic and social support the home normally offers, or compromise the affordability of housing.

Homelessness can be 'defined as that state in which people have no access to safe and secure shelter of a standard that does not damage their health or further marginalise them through failing to provide either cooking facilities, or facilities that permit adequate personal hygiene.'<sup>6</sup> This definition is also more limited than the definition that is being used in this report, but it does include those people 'living on the street, in squats, in refuges and shelters'. It also includes 'those moving about between relatives and friends, those living in rooming houses and intermittently in small inner city hotels ... if such places fail to offer any sense of "permanency" and/or protection from others'.<sup>7</sup>

The Council for Homeless Persons (1998) describes a homeless person as:

... one who is without a conventional home and lack the economic and social supports that a home normally affords. She/he is often cut off from the support of relatives and friends, she/he has few independent resources and often has no immediate means and, in some case, little prospect of self-support.<sup>8</sup>

The definition of homelessness that is being used in this report is a broad statement that includes the elements of a home that are more than just a house. All the definitions described above consider homelessness to be more than houselessness. The narrowest definition appears to be the legal definition, which does not seem to look at the relationship aspect of a home in much detail. Healey's definition and the Council for the Homeless Persons Australia are similar to the definition taken within this report. It includes aspects like belonging and being cut off from support of relatives and friends.

The definition used in this report is:

**A homeless person does not have access to a home that is safe, secure, and has adequate facilities.**

A person who is at risk of homelessness is a person who is at risk of becoming homeless according to the above definition.

Examples of situations that are covered by the definition of homelessness used in this report include:<sup>9</sup>

- residing on the streets;
- crisis or refuge accommodation;
- living without security of tenure;
- residing in unsafe circumstances;
- facing extraordinary expenses or crises on a very low income.

## Causes of homelessness

Homelessness may be chronic, a single acute crisis or may occur intermittently. People often enter the state of homelessness due to a process rather than a single event. There is usually no single cause but rather a 'long-term accumulation of problems'. These causes are recognised to be multifaceted, but two extreme positions have developed in regard to the causes of homelessness. The first extreme focuses on the 'economic and other broader social and political conditions'. The second focuses on 'mental health problems, inadequate socialisation, and/or poor social adjustment on the part of the homelessness'.<sup>10</sup>

Some would say the interaction of the labour and housing markets would have to be the key cause of homelessness. The vulnerable would be likely to find housing if 'affordable and appropriate dwellings' were available. Unemployed people are forced to rely on private rentals and these costs may be unsustainable. The costs of purchasing houses are related to the affordability of rentals. If the costs of purchasing houses are too high, purchasers are likely to crowd the rental market and ultimately the prices of rentals are not as affordable. The people most affected are at the bottom end of the market.<sup>11</sup>

Burker focuses on people having insufficient income to afford housing as the most important factor and therefore sees the trends in the availability and cost of rental as the most important.<sup>12</sup> Burker also recognises that there may be issues within the person that may be a factor contributing to homelessness. These issues may be psychiatric problems, substance abuse or medical disability. Homelessness can be created by a breakdown in 'normal living arrangements' such as 'marital dissolution, children leaving home prematurely, domestic violence, or ... people failing to form families and living alone'.

Healey would also support the view that homelessness is caused by unaffordable housing, but this is not the only reason he finds for homelessness. He also looks at 'domestic violence and family breakdown, deteriorating social networks, unemployment, mental health and disability' as causes of homelessness.<sup>13</sup> Neil and Fopp would also consider such things as family breakdowns and the loss of social networks as elements that create vulnerability to homelessness.<sup>14</sup> These issues are deep-seated and complex causes that are difficult to deal with.<sup>15</sup>

A trend can be seen in these writers, in that they look at the cost of housing being too high as a cause of homelessness without forgetting that the issues of the individual situation may also be playing a large part in the situation.

There are certain groups – such as youth, single persons, and single parents – that are more vulnerable to homelessness. Other variations on these groups are ‘gender, ethnicity and Aboriginal status’.<sup>16</sup> Indigenous homelessness is affected by displacement caused by white settlement and ‘policies of segregation and assimilation, discrimination and low incomes’.<sup>17</sup>

## **Consequences of homelessness**

The major consequences of homelessness occur to the individual.<sup>18</sup> However there is also a cost to the community when the person suffering from homelessness is ‘unable to play a full productive role in the community’.<sup>19</sup>

Costs to the individual can include: family breakdowns, health problems (physical and mental) , drug and alcohol abuse, inability to meet nutritional needs, education problems, problems with employment, problems with obtaining social security benefits, isolation, frustration, powerlessness, loss of identity, development of survival skills that may be detrimental to obtaining accommodation, violence, anti-social behaviour and criminalisation.<sup>20</sup>

These problems may have come about in three different ways. First, problems may have been present prior to the person becoming homeless and may have contributed to the person’s vulnerability to homelessness. Second, problems may occur after homelessness, as a consequence of the factors that led to homelessness. Third, they may be a direct outcome of homelessness.<sup>21</sup>

The longer a person is homeless the more severe the problems will often be.<sup>22</sup> The longer a person is homeless the more likely they are to be suffering ill health, and the long term homeless are more likely to have their ability to obtain employment affected. Other effects of being long term homeless are that their experiences are marginalised and they become vulnerable to things like drug abuse, prostitution and other criminal activity.<sup>23</sup>

Other costs to the community include criminal activities, which affect insurance costs and costs to implement security measures. People are also affected by begging and other ‘non-socially sanctioned means’ of obtaining income’.<sup>24</sup> The direct costs of homelessness are the costs on the government for providing shelter and other services for the homeless.<sup>25</sup> Indirect costs are: increased demand on subsidised health services, pressure on child protection services where children are at risk, and on the legal system, prisons and policing where a homeless person gets into trouble with the law.<sup>26</sup>

There are also costs to non-government organisations, which include the direct costs to the charity and the time of volunteers.<sup>27</sup>

## Statistics on homelessness

Two sources of statistics concerning homelessness have been examined: Australian Bureau of Statistics data and the National Data Collection Agency data – a collection of data from the Supported Accommodation Assistance Program.

### *Australian Bureau of Statistics data*

It should be noted that, although many organisations located the whereabouts of homeless people so as to enable their inclusion in the census, not every homeless person may be included in these statistics. These statistics should be taken as a minimum, but are still useful in showing the need for a homeless persons' legal service in the Loddon Campaspe region.

Figures 1.1, 1.2 and 1.3 show the number of people who are suffering from homelessness in Australia, Victoria and in the Loddon Campaspe region. It also should be noted that if there were six or more people living in the one household, this was only counted as six people.

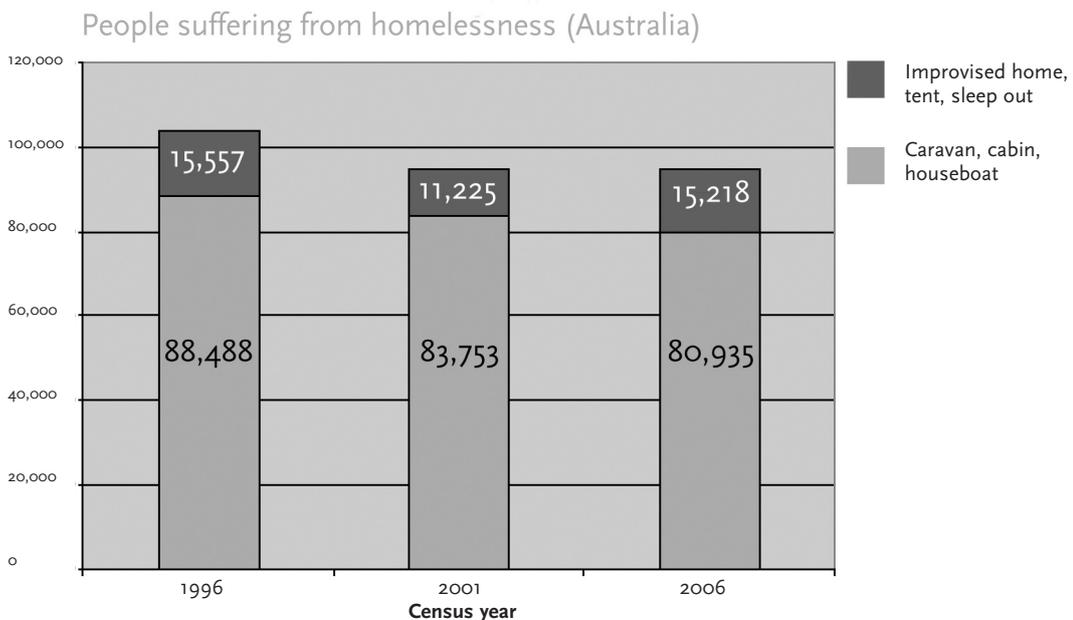


Figure 1.1 Australia

Figure 1.1 shows that in 1996 there were more than 100,000 people suffering from homelessness in Australia. In 2001 and 2006 the figure dropped below 100,000. In 1996, 15,557 people were in the improvised home, tent or sleeping out category. In 2001, this category dropped to 11,225 and then rose again in 2006 to 15,218.

The figures for people living in caravans, cabins and house boats represent people who are living in situations where tenure may be insecure, standards may not be decent and capacity to receive visitors may be limited. This figure represents people who may be suffering from tertiary homelessness.

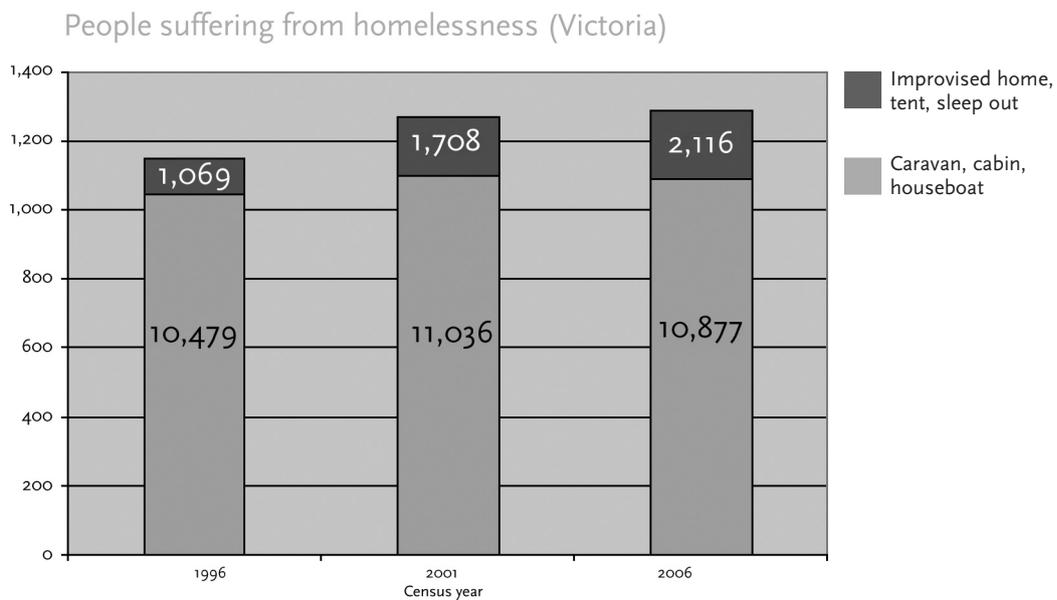


Figure 1.2 Victoria

Figure 1.2 shows that in Victoria the overall number of people suffering from homelessness has increased over the past 10 years. In 1996, the figure was under 12,000. In 2001 it rose to over 12,000 and also increased in the 2006 census. For people in the improvised home, tent or sleeping out category figures almost doubled over the 10 year period. In 1996 there were 1069 people in this category, in 2001 there were 1708 and in 2006 there were 2116.

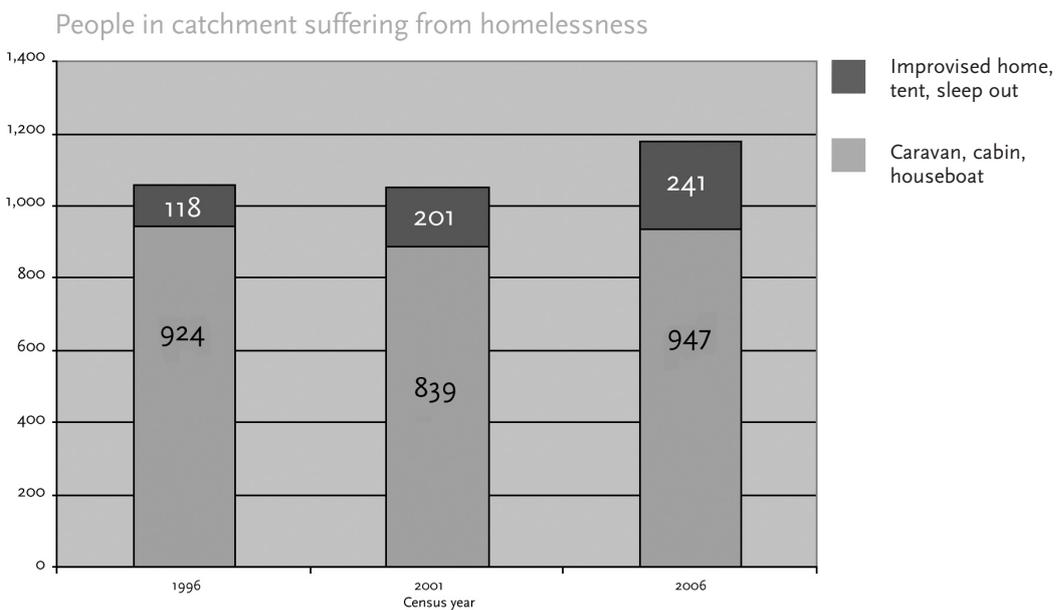
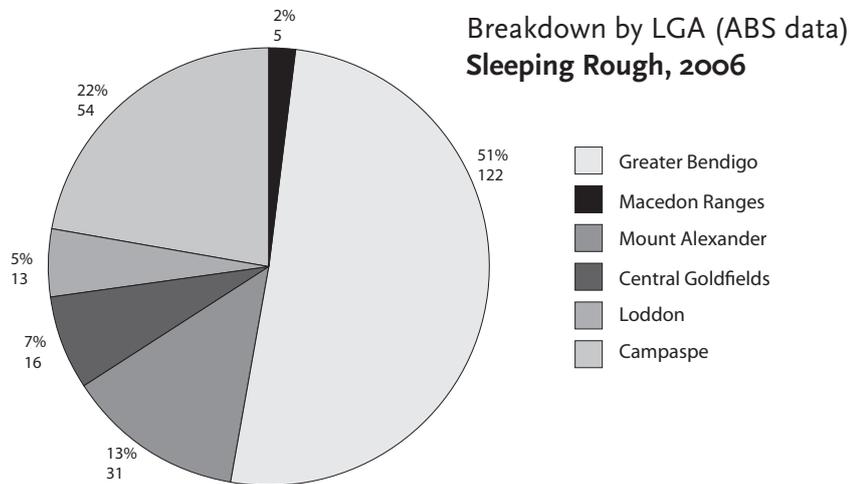


Figure 1.3 Loddon Campaspe region

In the Loddon Campaspe region in 1996 and 2001 there were around 1000 people suffering from homelessness. This increased to nearly 1200 people in 2006. The number of people in the improvised home, tent or sleeper out category more than doubled over the 10 years. In 1996, there were 118 people. Half a decade later there were 201 people and in 2006 there were 241 people. The number of people living in a caravan, cabin or houseboat reduced from 924 in 1996 to 839 in 2001, then increased to 947 in 2006.

Just under half of 1% (0.48%) of the population of Australia was either sleeping in a caravan, cabin or houseboat or was sleeping out, in an improvised house or in a tent. This figure is lower in Victoria, at 0.26%. However, the percentage of people sleeping in these situations in the catchment area of the Loddon Campaspe Community Legal Centre is higher than the proportion for Australia, whereby 0.57% of the people in the catchment area were in one of these categories.

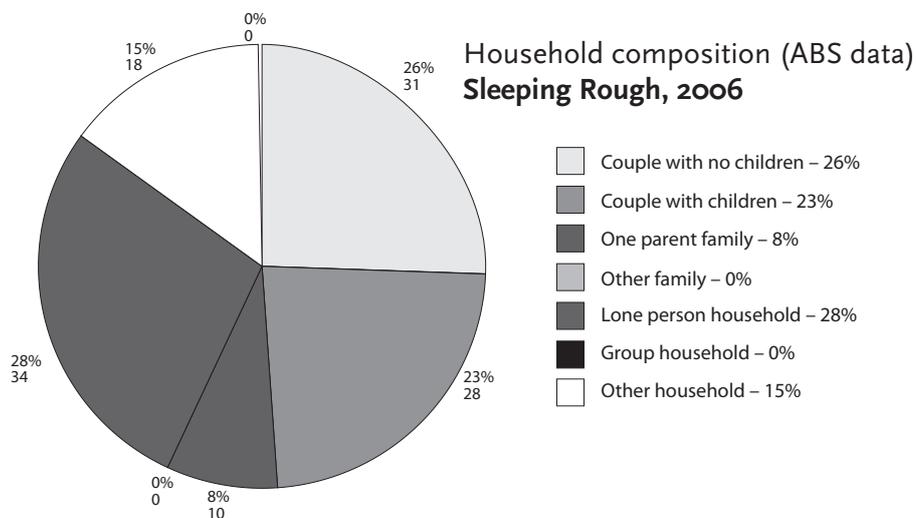


**Figure 1.4 Sleeping rough – by Local Government Area**

Figure 1.4 breaks down the 2006 statistics on how many people were sleeping in improvised homes or tents or sleeping out on census night ('sleeping rough').

This chart reveals that 51% of the people in the catchment area that were sleeping in an improvised home or tent or were sleeping out on census night were in the Greater Bendigo Local Government Area (LGA); 22% of these people were in the Campaspe LGA and 13% were in the Mount Alexander LGA.

Figure 1.5 gives the breakdown by family type for the people who were sleeping in an improvised house or tent or sleeping out.



**Figure 1.5 Sleeping rough – by family type**

Of the people who are sleeping in an improvised house or tent or sleeping out, 28% are lone person households; 26% are couples with children, 23% are couples with no children and 8% are one parent families.

### **Supported Accommodation Assistance Program statistics**

The Supported Accommodation Assistance Program (SAAP) assists homeless people and women and children escaping domestic violence. This program provides funding for the provision of housing and support for people who are experiencing homelessness or are at risk of homelessness. The aim of the program ‘is to provide transitional supported accommodation and related support services, in order to help people who are homeless to achieve the maximum possible degree of self-reliance and independence’.<sup>28</sup>

The statistics are based on the number of people who have received assistance rather than the number of people who sought assistance. In addition, the statistics are based on the postal address of the agency rather than the location of the user.

Of the 1259 people who were assisted under this program in the 2005–06 period, 74% were assisted by a program located in the Greater Bendigo LGA; 16% were assisted by a program located in either the Macedon or Mt Alexander LGA, and 10% were assisted by a program located in either the Campaspe or Central Goldfields LGA. There were no people assisted by agencies located in the Loddon LGA. These figures are depicted in Figure 2.1.

The location of the agency is based on the postal address. In regard to the Loddon LGA, the Australian Bureau of Statistics data (Figure 1.4) showed that a number of people were suffering from homeless in this area. The reason that no people appear to be assisted by SAAP agencies appears to be that agencies servicing this cohort have a postal address in a different LGA.

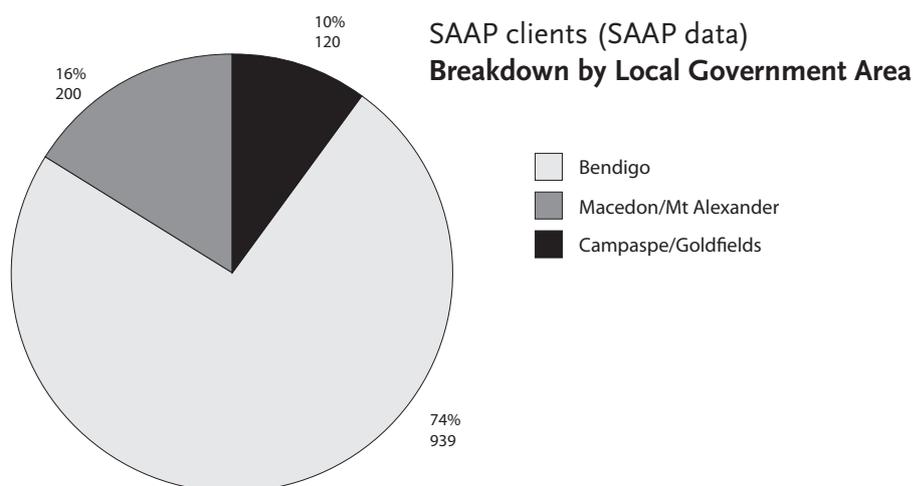


Figure 2.1 SAAP clients – by LGA

Figure 2.2 displays the age breakdown for those who were assisted by SAAP in the Loddon Campaspe CLC catchment area. The largest group represented in this data is the 20–24 year olds. The next largest bracket is 25–29 year olds, followed by 30–34 year olds and 15 to 17 year olds. As the age increases there are generally fewer people in that age group obtaining assistance through SAAP.

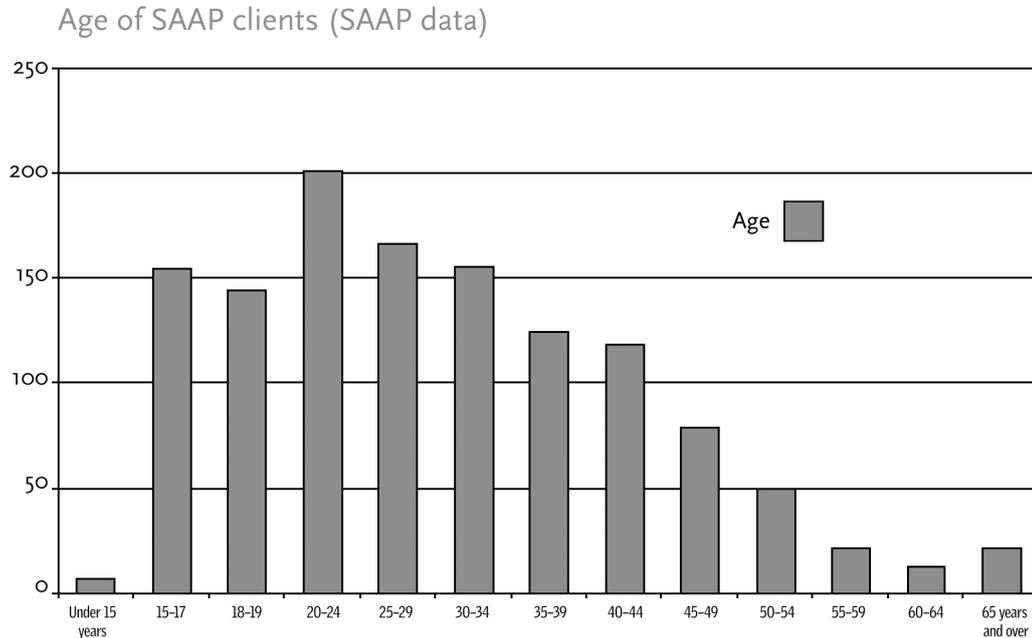


Figure 2.2 SAAP clients – by age

Figure 2.3 looks at the variety of reasons that people have sought and obtained assistance from SAAP.

The most common reason for a person seeking SAAP support is clearly domestic or family violence. The next most common reasons are relationship or family breakdown and being evicted or being asked to leave. Other reasons people seek SAAP supports are (in order of most common occurrence):

- other financial difficulty;
- previous accommodation ended;
- overcrowding issues;
- time out from family/other situation;
- interpersonal conflict or physical/emotional abuse reasons;
- recent arrival to area with no means of support, or mental health issues;
- problematic drug/alcohol/substance abuse, emergency accommodation needed, psychiatric illness, budgeting problems, or rent too high;
- recently left institution, itinerant, or other health issues.

Figure 2.3 Reason for requiring assistance

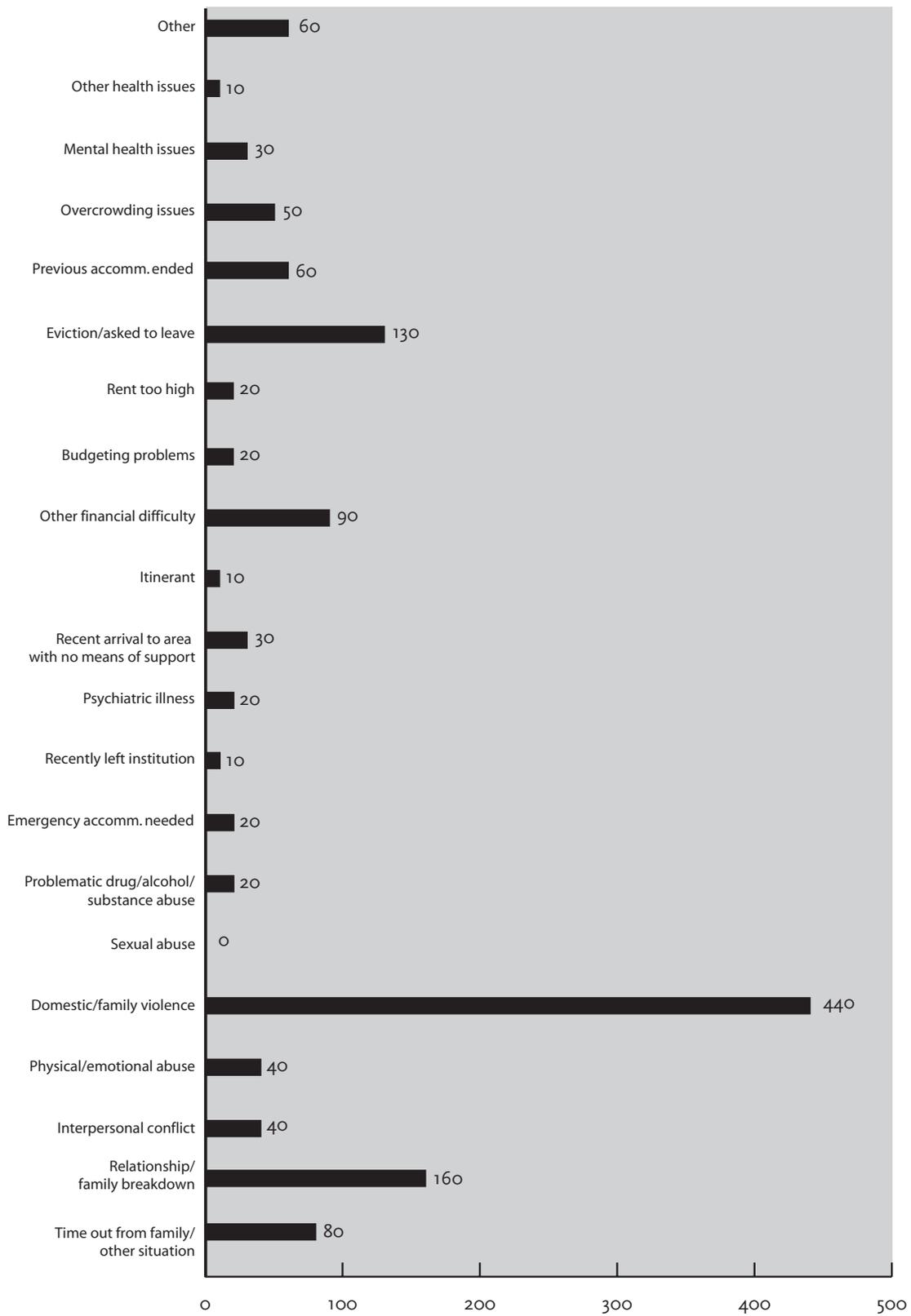


Figure 2.4 Tenure of SAAP Assistance

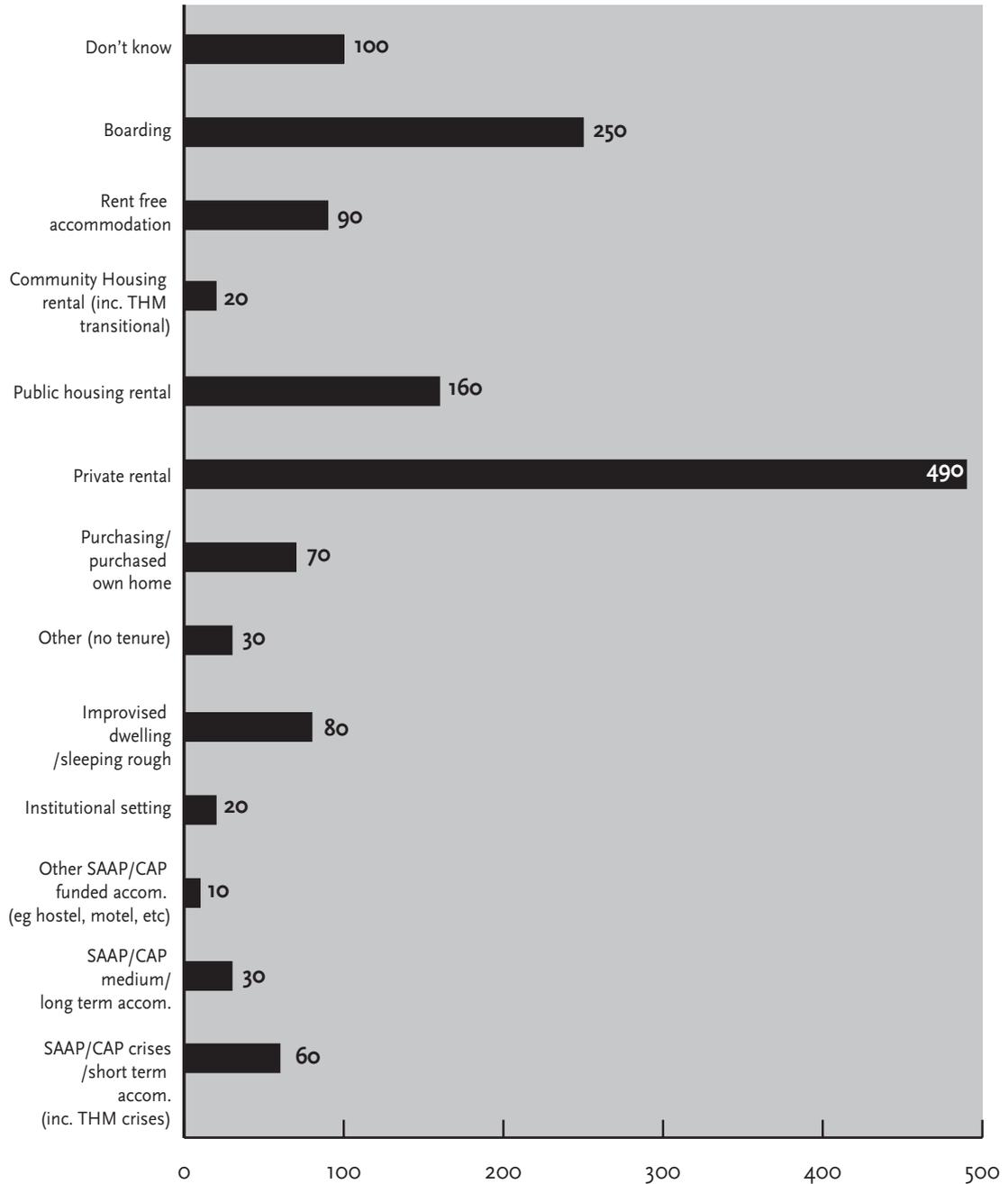


Figure 2.4 looks at the tenure a person had before they obtained SAAP support. By far the majority of people previously had a private rental. People who were boarding were the next most common group of people, followed by people who were previously living in public housing.

Figure 2.5 Income source

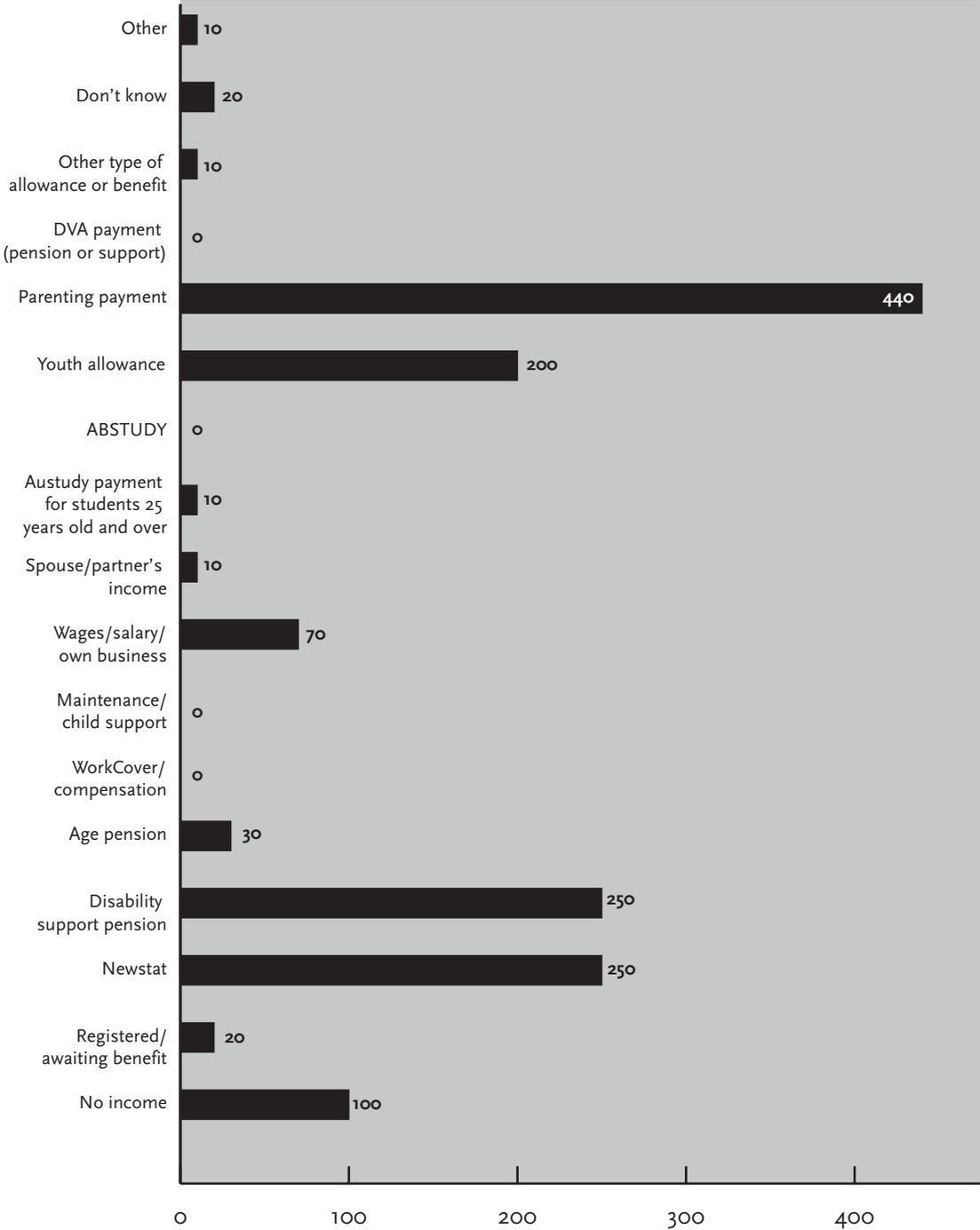


Figure 2.5 examines the income source before a person received SAAP assistance. Clearly, the most common income source prior to a person receiving SAAP assistance was the Parenting Payment. This is followed by Newstart and the Disability Support Pension. The fourth most common income source is Youth Allowance.

## Summary of statistics

According to the Australian Bureau of Statistics data, the majority of people who were sleeping in improvised housing or tents or were sleeping out were in the Greater Bendigo LGA. There were also a large percentage of people from the Campaspe LGA.

The number of people who are sleeping in improvised housing or tents or are sleeping out is growing, as is the number of people who are living in a caravan, cabin or houseboat. The majority of people who are sleeping in improvised housing, tents or sleeping out are lone person households.

According to SAAP data, the majority of people are being assisted in the Greater Bendigo LGA. The age group that is most highly represented is the 20–24 age group. The most common reason a person comes to get assistance from a SAAP agency is domestic violence, and most people had a private rental before needing to get assistance from the SAAP agency. Most people who receive support from a SAAP agency are in receipt of a Parenting Payment. The next most common income sources are Newstart and the Disability Support Pension.

# SURVEY OF SERVICES IN LODDON CAMPASPE

## General services

General services to homeless people or those at risk of becoming homeless are provided by the following agencies, which are mainly located in the Bendigo area as a hub of the Loddon Campaspe region:

- St Luke's
- Loddon Mallee Housing
- Emergency Accommodation and Support Enterprise Inc (EASE)
- Annie North Women's Refuge
- Mitchell Community Housing Service Inc.
- Maryborough & District Accommodation Service
- Office of Housing
- Aboriginal Housing Board
- Castlemaine and District Accommodation and Resource Group (CADARG)
- COBAW Accommodation Service.

## ***St Luke's***

St Luke's has a number of different programs including:

- financial counselling
- youth services
- housing services and support
- children and family services
- mental health rehabilitation and support
- professional training
- community building and research
- disability support.<sup>29</sup>

St Luke's provides emergency accommodation and access to transitional housing for youth who are homeless or at risk of becoming homeless.<sup>30</sup>

Within the SAAP program St Luke's focuses on 15–19 year olds that are suffering from homelessness or are at risk of homeless. Where children are younger than 15 years old and are at risk of homelessness because of what is happening at home, family services or child protection usually become involved.<sup>31</sup> St Luke's also provides a SAAP program for people suffering from mental health issues.<sup>32</sup>

## ***Loddon Mallee Housing Services***

Loddon Mallee Housing Services focuses on the needs of people other than the youth that St Luke's assists.<sup>33</sup> The goal of Loddon Mallee Housing Services is 'to integrate people experiencing homelessness into broader community supports so that they create a more secure and connected future that allows them to actively participate in the community of their choice'.<sup>34</sup>

Loddon Mallee Housing Services has a number of services including:

- transitional housing
- housing information and referral
- long term housing
- assertive outreach
- mental health and disability support
- mental health SRS program
- affordable housing association
- specialist personal support.
- housing support for the aged

Loddon Mallee Housing Services can provide information or advocacy to improve long term sustainability, can assist in a person's initial crisis and enable a person to find a 'safe and sustainable house of their own'. The service can also administer financial assistance to eligible clients from the Housing Establishment Fund. Loddon Mallee has crisis accommodation available for a maximum stay of 14 days, and 196 properties for transitional housing. Thirteen of these are crises properties. The average stay for transitional housing is 6 to 9 months. The Interim Long term Housing Program can provide affordable long term housing for low income households. A Victorian government initiative, the Affordable Housing Association delivers long term housing for low to moderate income households. This program offers greater choice and diversity of affordable housing.

## ***Emergency Accommodation and Support Enterprise (EASE)***<sup>35</sup>

EASE provides a range of services including:

- assistance to women and children who are escaping or experiencing domestic violence with support and accommodation;
- assistance to single young women with children or who are pregnant or women who have drug and alcohol issues;
- a recovery program for women and children who have experienced domestic violence, and domestic violence prevention programs;
- men's behaviour change programs;
- professional development to schools, welfare and other professionals

in regard to an anti-bullying program pioneered by EASE, Solving the Jigsaw.

### ***Annie North Refuge Service***

Annie North Refuge Service exists to assist women and children that are escaping domestic violence. It works closely with EASE as part of the Integrated Family Violence Support Service. The refuge service provides crisis and transitional support and accommodation. There is a children's support program and resources, an Indigenous program, and an immigrant women's program.<sup>36</sup>

### ***Mitchell Community Housing Service Inc.***

Mitchell Community Housing provides and maintains a number of properties and they seek to provide secure and affordable accommodation for people with low income and people with disabilities.<sup>37</sup>

### ***Maryborough District Accommodation Service***

The Maryborough District Accommodation Service is an accommodation support service that assists those who are homeless or are at risk of homelessness. The aim is to achieve the 'maximum possible degree of self-reliance' and assist the person to deal with their crisis and to 're-establish family links where appropriate and re-establish an opportunity to live independently of community services'.<sup>38</sup>

### ***Victorian Department of Human Services: Office of Housing***

The Victorian Department of Human Services: Office of Housing mission is 'to work in partnership to increase housing options for low income Victorians and strengthen communities'. This office is responsible to the Minister for Housing. The office manages and provides funds for the Victoria social housing portfolio of over 76,000 properties. These properties include long term community, public and Aboriginal housing, short-term, medium-term, crisis and transitional housing. The Office of Housing also provides assistance with bond loans for private rentals.<sup>39</sup>

### ***Aboriginal Housing Board of Victoria***

The Aboriginal Housing Board of Victoria provides housing assistance to the Aboriginal community. They seek to do it in an accessible, affordable and appropriate way and in a way that meets the 'social, cultural and economic aspirations of the Victorian Aboriginal community'.<sup>40</sup>

### ***Castlemaine and District Accommodation and Resource Group (CADARG)***

CADARG assists single men and women, young people, families, couples, women and children escaping domestic violence, men and women who have recently been released from prison and people visiting their relatives in prison. CADARG

provides information and advocacy, assistance with house hunting, assistance with public housing applications and private rental bond applications, emotional and personal support, financial support through the Housing Establishment Fund, links with other workers, emergency accommodation, and accommodation in a student house.<sup>41</sup>

### ***Cobaw Accommodation Service***

COBAW Accommodation assists people who are homeless or at risk of homelessness. They provide the following services:

- Emergency supported accommodation
- Short to medium-term accommodation
- Crises housing
- Family support and referral
- Information on legal aid, social security, employment etc.
- Referral
- Advocacy
- Outreach service
- Referral to Macedon Ranges Shire for housing
- Emergency relief in Macedon Ranges Shire.<sup>42</sup>

## **Legal services**

Currently there are two local legal services that are publicly funded to provide free legal assistance to the general community, especially those who are disadvantaged and vulnerable. These services are Victoria Legal Aid and Loddon Campaspe Community Legal Centre. Both services are operating in a collaborative and complimentary manner.

While people who are homeless or at risk of becoming homeless are obviously disadvantaged and vulnerable, these services do not provide a specialist service to this cohort.

### ***Victorian Legal Aid***

Victoria Legal Aid seeks to protect legal rights, focusing on the marginalised and economically disadvantaged. It provides assistance on a range of matters, especially criminal issues, family breakdown, family violence, immigration, social security, mental health, debt and traffic offences. They also support people divorcing and seeking to represent themselves. They provide legal information, advice and, where a grant of aid has been approved, ongoing representation. A client must satisfy a means and merit test to be eligible to receive aid.

### ***Loddon Campaspe Community Legal Centre***

The Loddon Campaspe Community Legal Centre is a relatively new service, opening in December 2005. The Centre provides legal assistance (information, advice, and ongoing casework) and undertakes community legal education and law reform/policy work. The service has a number of specialist services including the older persons legal program, a family violence legal assistance program and a migration advice service. Research into the establishment of a homeless persons legal assistance program is being conducted through the work of the Centre.

Eligibility to receive legal information, referral and advice is not means tested, but ongoing casework assistance is restricted to individuals that are disadvantaged or vulnerable.

# CONSULTATIONS

## Reference group

Consultations were begun by establishing a local reference group. This group comprises representatives of key agencies in the catchment area. There have been a number of issues in establishing this reference group. It was difficult to find a suitable meeting time when everyone could attend, so attendance was variable. To resolve this issue, stakeholders were consulted on an individual basis.

A number of issues were discussed at the reference group meetings<sup>43</sup> including:

- A strong desire was expressed for the provision of targeted legal services for the homeless or those at risk of homelessness.
- The concept would work well if it was located in an agency and would work if conducted a couple of hours a week. However, flexibility was needed in the time of service operation. It would be great if there was a service that would visit people at their homes.
- A service should cover criminal law, family law, Centrelink payments and debt. There was discussion of the general need for lawyers with a good understanding of child protection laws, as it was felt there was a lot of injustice surrounding this area of law. It would be good to have a solicitor at EASE for family law issues, but if there is only going to be one location it should not be at EASE.
- A service should have a drop-in element. Appointments don't always work, particularly when the client is a young person. A solution of having a combination of appointments and drop-in was discussed.
- It was suggested that if it is labelled as a homeless person's service this would have a stigma attached to it. However, the name also allows the lawyers involved to lobby on behalf of homeless people.
- There was discussion as to whether a service should be co-located with community dinners. The Salvation Army community dinner may not be well enough known, and people needing the assistance of EASE are not likely to attend there. Another option, the Vineyard church's community dinner, is not accessible by public transport. A further option is a community dinner in Eaglehawk, a suburb of Bendigo. However, Eaglehawk is outside town and not one of the preferred options.
- In discussing whether a service assisting the homeless or those at risk of homelessness should be located at an agency or whether current services at the Loddon Campaspe Community Legal Centre would be

sufficient, the reference group had a strong view that a service assisting the homeless or those at risk of homelessness should be located at an agency in addition to the services already conducted at the legal centre. This service should at a minimum be trialled at an agency location.

Loddon Mallee Housing Services have been supportive of a targeted legal service for homeless people or those at risk of homelessness since they were informed about the proposal. They are willing to make a room available for a service and have allowed surveys to be conducted with their clientele.

## Individual appointments

Nicole Turner is the program manager of Youth Services at St Luke's. She was willing to make a room available from which a service could be run. She felt that young people were willing to come to St Luke's and might not be willing to go to Loddon Mallee Housing Services. She suggested that it would be better for youth if they got to see either the same person or someone from the same team in follow-up visits. Locating the service in B Central (a one-stop shop comprising various youth services in Bendigo) could be a good idea. She supported the idea of a mixture of appointment and drop-in. The kinds of issues that she suggested would be raised were: family and criminal law issues, police powers, contact with siblings still in foster care, adoption, mobile phone contracts. It would be good, she thought, if the lawyers had a range of written material that people could take away with them. The service should be run at a particular time and be well promoted. Community legal education could be run along with it.<sup>44</sup>

The meeting at the John Bomford Centre (a psychiatric outpatient service) was productive, with approximately six people in attendance. This team thought it was important that the service be located in the same place each week: their clients would get confused if it was at alternating venues fortnightly. Other constraints they raised were that the service should not be held in the morning because their clients can't make morning appointments due to the effects of their medication, and it should not be held on a Thursday because this is Centrelink pay day. They agreed with it being run with a combination of appointments and drop-in, and suggested the appointments should be made through the agency. The areas of law that they thought would arise were:

- criminal law (assault, drugs)
- evictions
- arrangements to spend time with their children
- infringements
- property damage
- VOCAT
- driving charges.

The team thought it could be promoted through local radio, newsletters, Bendigo Health social work department, police, Commonwealth Carelink, Bendigo Community Health, Women's Health, CASA, and the Magistrates' Court.

The team suggested that in order to assist people within the catchment area but outside Bendigo, a telephone advice service should be available.

It was important to the team that a service be accessible, safe and confidential. Issues like location, feeling comfortable, and simple language were all part of accessibility. It was important that there be a mix of male and female lawyers, because some clients may prefer to speak to one over the other. The room used needs to be decent and the clothes that the lawyers wear need to be appropriate – for example, it would not be appropriate to wear an expensive suit to this service, although the lawyer still needs to be dressed neatly.

The team at the John Bomford Centre favoured Loddon Mallee Housing Services as a location because it had more of a focus on homelessness and it was more centrally located. St Luke's has the connotation of youth or families, long term support and kids in custody, and people may feel exposed going there.<sup>45</sup>

## **Community consultations**

### ***Community dinners***

Consultation with consumers in the catchment area has been undertaken in a number of ways. First, various community dinners that take place in the catchment area were attended. The first of these was at St Peters church in Eaglehawk. The main queries raised concerned the location of the clinic and also whether it would be structured on an appointment basis or a drop-in style. Many of the people were happy to engage in discussion, however, they often discussed things that were not relevant to this particular project. The result of the night was that there were mixed feelings as to whether the clinic should be located in an agency or whether it should be at a place that is hosting a community dinner. In regard to whether there should be appointments or a drop-in style, there seemed to be a preference for appointments. There were approximately six people who engaged in a conversation regarding the concept of a homeless persons' legal service. Not all these people were suffering from homelessness and the housing situation of each of the participants was unclear. Those who were not homeless provided valuable input and fresh views; however, it was not as valuable as discussing the proposal with the homeless themselves.

The second community dinner attended was at the Bendigo Salvation Army. A survey was circulated that covered the areas discussed at the first community dinner and some additional questions. These included:

- whether the respondent had ever had a legal problem and, if so, what it was;

- whether this problem would have been resolved better if there had been a dedicated legal service for people who were homeless or were at risk of becoming homeless;
- whether they were aware of any free legal services;
- what areas of law the clinic should cover; and
- how they would describe their housing situation.<sup>46</sup>

The café where the dinner was held seated approximately 60 people. Surveys were distributed to the adults who remained after the main course, but only three people responded. Two of these people were living in rented property and one was living in a caravan.

The specific responses:

- One man, who rented, reported that he had never had a legal problem, but thought that services that worked with homeless people or those at risk of homelessness would understand homeless people better. He was aware of Victoria Legal Aid (although he described it by a different name) and knew their address. He thought a legal service that was dedicated to the homeless or those at risk of homelessness should be located at an agency dealing with these people. He suggested the Salvation Army because 'everyone knows that they can be trusted'. He thought the clinic should be run by appointments and should cover the following areas of law: family law, criminal law, debt, social security, victims of crime assistance and compensation, mental health and discrimination.
- One woman, who rented a public tenancy property but had never been homeless, responded to the survey. She had previously had a legal problem where a private home owner had been creating problems and the police and the 'Ministry of Housing' refused to do anything. The issue got to the point of her renting a second property so her children could have a break from the situation. This lady was aware of Victoria Legal Aid. She thought a legal service dedicated to the homeless people or people at risk of homelessness should be located at an agency where they assist with these issues. She thought a mixture of both appointments and drop-in time would be of assistance. She thought the following areas of law should be covered by a service: family law, criminal law, debt, housing and tenancy, social security, guardianship and administration problems, victims of crime assistance and compensation, mental health and discrimination.
- The final respondent was a man who was living in a caravan. He had previously had a legal problem in that he had tried to stop a crime when he saw it happening. He thought his legal problems would have been resolved better if there had been a legal service that was focusing on the homeless or those at risk of homelessness. He was aware of Victoria

Legal Aid. He thought a service should be located at a place that hosted a community dinner. He thought appointments were the best way to run such a service. The following areas of law should be covered by the clinic: family law, criminal law, debt, housing and tenancy, fines and infringement notices, social security, guardianship and administration problems, victims of crime assistance and compensation, personal injury, mental health, bankruptcy and discrimination.

### ***Housing expo***

In addition to attendance at two community dinners, a short presentation of the project was made during a local housing expo. A shorter version of the above survey was available at the stall and views on the proposed clinic were requested via the survey. There were no responses to this survey.

### ***Surveys with clients of Loddon Mallee Housing Services***

Surveys were conducted with service users at Loddon Mallee Housing Services. This was considered a good way to discuss the concept with people who were homeless or at risk of homelessness. Twelve people participated in the survey (see Appendix 1).<sup>47</sup> Six people who participated were suffering from homelessness or at risk of homelessness, five people were renting and one person was purchasing their own home.<sup>48</sup>

### ***Responses from homeless/at risk group***

All of the people suffering from homelessness or at risk of homelessness had previously had a legal problem. Five of the six said that their issue would have been dealt with better if there had been a legal service that focused on the needs of homeless people or people at risk of homelessness. The sixth person had had their legal issue dealt with by a solicitor and did not think that the issue could have been dealt with better by a legal service focusing on the needs of homeless people or people at risk of homelessness. Some of the reasons given for thinking the issue would have been dealt with better were as follows:

- ‘knowing that there was someone to help’;
- ‘there hasn’t been enough legal support’;
- ‘more help would be available’;
- ‘helpful to get someone else to speak for him’;
- ‘helpful to have someone else to speak to other than the Victims of Crime worker’.

On the issue of where to locate a targeted legal service, three out of the six people answered that it should be located with a community dinner. Two said it should be in an agency dealing with the homeless or those at risk of homelessness, and one person did not suggest a location but stated that it should be located where homeless people are located.

Only three people suggested an actual location for a service. One person suggested the law courts, one suggested either Loddon Mallee Housing Services or the Salvation Army, and another suggested Loddon Mallee Housing Services only.

Half of the respondents answered that a service should be run on an appointment basis and the other half responded that it should be run on a drop-in basis.

Table 1 shows the areas of law from which people were asked to select when nominating which areas a service should cover. The second column shows the number of people that agreed that area of law should be covered by a service.

Table 1: Data from Loddon Mallee Housing Service survey – Area of law – respondents that were homeless or at risk of homelessness

Area of law	Number of respondents
Family law	6
Criminal law	2
Debt	4
Housing and tenancy	4
Fines and infringement notices	3
Social security	3
Guardianship and administration problems	3
Victims of crime assistance & compensation	2
Personal injury	3
Mental health	4
Bankruptcy	3
Discrimination	3

***Responses from non homeless/at risk group***

Almost half of the respondents to the survey could not be described as homeless or at risk of homelessness.

None of the people who were not suffering from homelessness or at risk of homelessness had legal issues. It is interesting to note the contrast with the people who were homeless or at risk of homelessness, all of whom did have legal issues.

Most of the people (four out of five respondents) were aware that free legal assistance was available through Victoria Legal Aid. Most (four out of five people) thought a legal service that was assisting the homeless or those at risk of homelessness should be located at an agency that assists these types of people rather than at a community dinner. One person thought either option would be

suitable. Some suggestions were the Department of Human Services or Loddon Mallee Housing Services. One suggestion was ‘where they hang out’.

The majority of people thought a service should be run on a drop-in basis (three out of five respondents). One person thought it should be a combination of appointments and drop-in and another person thought it could be either appointments or drop-in.

Table 2 looks at the areas of law people who were not homeless or at risk of homelessness suggested a targeted service should cover. Again, the most common suggestion from this group was family law.

Table 2: Data from Loddon Mallee Housing Service survey – Area of law – respondents that were not homeless or at risk of homelessness

Area of law	Number of respondents
Family law	5
Criminal law	2
Debt	3
Housing and tenancy	4
Fines and infringement notices	2
Social security	2
Guardianship and administration problems	3
Victims of crime assistance & compensation	3
Personal injury	2
Mental health	2
Bankruptcy	3
Discrimination	3

### ***Summary of community consultations***

There were differences of opinions that came out of the consultation process.

At the first community dinner at St Peters there were mixed feelings expressed as to the location of a service, but there was a clear preference for appointments over drop-in arrangements. At the Salvation Army dinners two thirds of respondents had had legal problems, all were aware of Victoria Legal Aid, two thought issues would be dealt with better if there was a legal service specifically for the homeless or those at risk of homelessness, there were mixed responses as to whether it should be run at an agency or at a community dinner, and appointments were preferred.

With the Loddon Mallee Housing Services surveys, two distinct groups of people responded to the survey: homeless people/people at risk of homelessness; and

people who were not homeless or at risk of homelessness. Of the people who were homeless or at risk of homelessness, the majority had previously had a legal issue and believed it would have been dealt with better if there had been a homeless person's legal service. Half the respondents answered that a service should be located in a community dinner, two said it should be at an agency and one didn't suggest a location. Half the respondents said it should be run on an appointment basis and the other half that it should be run on a drop-in basis. The major area of law suggested for the clinic to cover was family law.

The people who were not homeless or at risk of becoming homeless did not have legal issues, were aware of Victoria Legal Aid, and thought the concept should be located at an agency and should be run on a drop-in basis. Again, the most common suggestion for areas of law to be covered was family law.

# MODELS

Homeless Persons' Legal Clinics, or Homeless Person Legal Services as they are sometimes called, are located in a number of capital cities – Melbourne,<sup>49</sup> Sydney,<sup>50</sup> Brisbane<sup>51</sup> and Adelaide. Brisbane has also begun a regional service in Toowoomba. All of the capital city legal clinics/services are based on the model that was established in Melbourne. Toowoomba has a different model, to allow for regional differences. The author has attended some of the clinics in Melbourne and the clinic that is run in Toowoomba.

In the analysis of these models, it was not possible to examine the model operating in Adelaide as this document was not made available. However, discussions with Bill Manalleck from the Adelaide legal clinic made clear that their policy and procedures manual is based on the Melbourne one.<sup>52</sup>

## Eligibility and definitions of homelessness

All the states have the same eligibility criteria. The clinic or service will assist a person if that person is suffering from homelessness or is at risk of suffering from homelessness.

However, the definitions that are used in each state are somewhat different. The Melbourne Homeless Persons' Legal Clinic Policies and Procedures Manual defines 'homeless' as 'having no access or inadequate access to safe, secure, affordable and adequate housing that affords the right to live in security, peace and dignity'.<sup>53</sup> This includes not having conventional accommodation, moving frequently from one form of temporary accommodation to another and living in accommodation which falls below minimum community standards.

The Homeless Persons' Legal Service in Sydney includes the following people as homeless or people who are at risk of homelessness:<sup>54</sup>

- 'people who sleep rough';
- 'people who live with friends/families due to homelessness';
- 'people living in boarding houses/hostels/hotels';
- 'people in private rental accommodation where their housing security is at risk'; and
- 'people in public housing where their housing security is at risk'.

The Sydney clinic also considers whether factors such as mental illness or disability affect housing security.

Queensland uses the Chamberlain & Mackenzie definition of homelessness:<sup>55</sup>

- Primary homelessness: people without conventional accommodation

- living on the streets, in deserted buildings, in cars, under bridges, in improvised dwellings, etc.
- Secondary homelessness: people moving between various forms of temporary shelter, including friends, relatives, emergency accommodation and boarding houses.
- Tertiary homelessness: people living in single rooms in private boarding houses on a long-term basis – without their own bathroom, kitchen or security of tenure, and people living as ‘marginal residents’ in caravan parks where no person in the household is in full-time employment and all persons are at their ‘usual address’.

They also refer to the Council for Homeless Persons’ description of a homeless person. A homeless person ‘lacks the economic and social supports that a home normally affords. He or she is often cut off from the support of relatives and friends, has few independent resources and often has no immediate means, and in some cases, little prospect of social support’.<sup>56</sup>

## **Objectives of homeless persons’ legal clinics/services**

### ***Melbourne***

The Melbourne clinic has a focus on the human rights of a homeless person. This is not found in the other clinics/services throughout Australia. The clinic has a number of aims and objectives:

- to provide legal services without cost to people who are homeless or at risk of homelessness in a manner that has regard to their human rights and dignity;
- to use the law to ‘promote, protect and realise’ the human rights of homeless people;
- to ‘redress unfair and unjust treatment’ of homeless people;
- to ‘reduce the disadvantage and marginalisation of homeless people by the law’;
- to utilise the law to build ‘viable and sustainable pathways’ to exit homelessness.

The Melbourne clinic seeks to provide free legal services in a professional, respectful and accessible manner and they use the law for a number of purposes:

- to promote, protect and realise human rights;
- to redress unfairness and unjust treatment; and
- to construct viable and sustainable pathways out of homelessness.

## ***Sydney***

The Homeless Persons' Legal Service in Sydney focuses more on the legal rights, needs and problems of homeless people. They do not forget systemic issues and they seek to assist prevention of homelessness and breaking the cycle of homelessness by removing barriers to the resolution of legal problems. This raises the question as to whether the solution of legal problems would have a significant effect on whether or not a person remains homeless.

The Homeless Persons' Legal Service in Sydney has the following aims:

- ensuring that the legal rights of homeless people are 'recognised, respected and protected';
- providing access to free legal advice and information;
- addressing systemic issues through policy development;
- preventing homelessness by the removal of barriers to the resolution of legal problems;
- generating awareness of homeless people's legal needs.

## ***Queensland – Brisbane and Toowoomba***

The clinics in Queensland have only one aim: to increase access to legal services for homeless people or people at risk of becoming homeless.

## ***Summary***

A number of common aspects are found in these aims and objectives. They each address:

- provision of a free legal service;
- how the homeless person is to be treated when being provided with this legal service;
- systemic issues;
- pathways out of homelessness;
- promotion of human rights.

## **Methods of achieving their aims**

Methods of achieving aims differ from state to state. The range of methods includes:

- provision of free legal advice for the homeless or those at risk of homelessness;
- identification and advocacy on law and policy reform issues;
- identification of legal issues affecting homeless people;

- identification and redressing of gaps in the delivery of services;
- providing a process for law firms to assist the homeless;
- provision of legal advocacy;
- collaboration with service providers;
- community legal education in regard to homelessness, human rights and the law.

Although it is likely that other homeless persons' legal centres/services also use these methods, Sydney has formally included a number of methods that are unique to their policies and procedures:

- assistance to individuals to access legal or non-legal services;
- communication of the experiences of people experiencing homelessness and housing instability to government and the judiciary;
- consultation with people experiencing homelessness or housing instability.

Queensland also provides group information sessions at welfare agencies.

## **Consultations with consumers**

The Homeless Persons' Legal Clinic in Melbourne has a consumer advisory group of eight people who either are currently homeless or were formerly homeless. The group aims to enhance and improve the clinics, and they meet once a month. The group has the following activities associated with their role:

- preparing for, attending and participating in the group meetings;
- consulting with the community;
- peer education;
- strategic advice and recommendations for the Clinic Coordinator;
- provision of an annual report.

New South Wales also states in their Policy and Procedures Manual that they will consult people who are experiencing homelessness or housing instability.

## **Structure of the models**

Each of the models is coordinated within an auspicing organisation – such as the Public Interest Law Clearing House in Melbourne, the Public Interest Advocacy Centre in Sydney, and Queensland Public Interest Law Clearing House in Queensland. These organisations oversee the programs and provide the insurance, administration and office space. The files remain the files of the overseeing organisation.

The lawyers are from large city law firms who usually practise in quite a different area of law than those they deal with in the clinics. The clientele they deal with in their regular practice is often corporate, and many of the lawyers come from privileged backgrounds. To participate in the clinics is quite an experience, and entirely different from their day-to-day work.

Each law firm looks after their own clinic or service, and some look after more than one. The procedure is different in Toowoomba, where a number of law firms provide lawyers for the one clinic. Larger firms provide two lawyers for each session, and the local community legal centre provides a second worker when a law firm can only afford to provide one.

These law firms provide supervision and support for the volunteers that are staffing the locations. The supervision given is slightly different between the states. However, supervision is always provided by senior solicitors.

In Melbourne the senior solicitors confirm the clients' instructions and proposed courses of action, check oral and written advice and participate in meeting with the coordinator, who works out of the Public Interest Law Clearing House.

The New South Wales model is made up of the following people:

- lawyers
- senior solicitors
- team leaders
- coordinator and principal solicitor.

The senior solicitors attend the clinic and discuss the client's instructions and the lawyer's advice before that advice is given to the client, sign the contact and advice forms after checking them while still at the clinic, supervise and sign written advice and correspondence written by volunteers other than senior lawyers, and meet and discuss matters with Homeless Persons Legal Service lawyers, team leader and the coordinator and principal solicitor.

In Queensland, the team leaders supervise casework and file management of lawyers at their firm, assist with appropriate referral within their firm, other firms or other organisations, and maintain a client spreadsheet, among other duties.

# CONCLUSIONS

1. There is a significant need for targeted legal services for the homeless and those at risk of homelessness.
2. These services are required to be presented as close to the community as possible.
3. Extra resources, pro bono or otherwise, are required to commence this program.
4. Although there are varied methodologies to achieve the provision of legal services to the homeless, the Melbourne model is the most holistic and has strongly influenced homeless persons legal clinics or services in other states.
5. Discussions should be held between the Public Interest Law Clearing House (Vic) and Loddon Campaspe Community Legal Centre to determine capacity to provide a service.
6. There is significant interest and support by local agencies in supporting the establishment of a targeted service.

## Recommendations

### *Recommendation 1:*

***Two services should be trialled, at Loddon Mallee Housing Services and St Luke's, on an alternating fortnightly basis.***

These services assist people with housing issues and are centrally located in Bendigo. St Luke's focuses its efforts on youth, and Loddon Mallee Housing Services focuses on the older age group. Both assist people with issues of homelessness.

Locating a service in both agencies will enable people of all ages to feel comfortable with accessing the service.

The drawback of this recommendation is that it may be confusing to people who are suffering from mental illness. This may be overcome by support workers assisting these people with accessing the service.

The community dinners are run at night and this could affect some people attending if a service is run during those times. In addition, some people expressed the opinion in the consultations that these dinners are not well enough known in the community.

***Recommendation 2: The services of the Loddon Campaspe Community Legal Centre and Victoria Legal Aid (Loddon Campaspe) should be utilised to provide for flexibility of service delivery outside the hours of a targeted service.***

Some homeless people or people at risk of homelessness will struggle with accessing services that are only available a few hours a week. The existing services of Loddon Campaspe Community Legal Centre and Victoria Legal Aid (Loddon Campaspe) can be accessed outside the hours of a service.

***Recommendation 3: Local legal practitioners should be recruited to staff a service on a voluntary basis.***

Local legal practitioners could be approached in two ways: inviting local practitioners to a lunch where the concept of a homeless persons' legal service would be discussed, or presenting the concept to them by providing information sessions at various law firms around town. The latter approach of targeting specific lawyers is preferred.

***Recommendation 4: Service eligibility criteria should be restricted to those who are homeless or at risk of becoming homeless.***

***Recommendation 5: Clear objectives should be established for the new Homeless Persons' Legal Service.***

They should include:

- to provide a free legal service, in a professional and respectful manner, to those who do not have a home or are at risk of losing their home;
- to challenge systemic issues that affect people that are homeless or are at risk of homelessness;
- to use the law, where possible, to assist people to find sustainable ways out of homelessness;
- to use the law to promote the human rights of the homeless or those at risk of homelessness.

***Recommendation 6: Methods of how these objectives are going to be addressed need to be designed.***

Methods would include:

- to provide free legal assistance, advice, casework and advocacy for the homeless or those at risk of homelessness;
- to identify and advocate on law and policy reform issues;
- to identify and redress gaps in the delivery of services and assist with referrals where appropriate services are available;
- to provide a process for law firms to assist the homeless and those at risk of becoming homeless;
- to work alongside service providers to best meet the needs of the homeless or those at risk of homelessness;
- to provide community legal education on issues relating to homelessness;
- to communicate the experiences of homeless people or people with housing instability issues to government and the judiciary;
- to provide these services in consultation with people who are homeless or at risk of becoming homeless.<sup>57</sup>

***Recommendation 7: The files should remain the files of the law firm that is volunteering at the service.***

This is to design the service to be as independent as possible. Currently, only one year's funding is allocated for a person to research and report on the establishment of a homeless persons' legal service.

***Recommendation 8: Training should be conducted prior to the establishment of the Homeless Persons' Legal Service to prepare practitioners for the types of law they will need to advise on, the types of people they will encounter and other practical aspects of participating in this service.***

It is recommended that the lawyers participate in the annual training that is provided by the Homeless Persons' Legal Clinic in Melbourne.

***Recommendation 9: Mentoring by people experienced in the Homeless Persons' Legal Clinic in Melbourne should be established.***

This will provide support for the solicitors that are participating in this service.

# NOTES

1. These are drawn from Hilton, Kristen, *Homeless Persons' Legal Clinic – Policies and Procedures Manual*, March 2006; *Homeless Persons' Legal Clinic Policies and Procedure Manual*, Queensland Public Interest Law Clearing House, 2006; *Homeless Person's Legal Service Procedures Manual* (NSW) 2006.
2. Neil, C and Fopp, R (1992), *Homelessness in Australia: Causes and consequences*, CSIRO: Victorian Ministerial Advisory Committee on Homelessness and Housing, 1992, p 3.
3. Farrin, J, Dollar, M and Cheer, B, 'Homeless youth in the country: exploring options for change' (2005) 24(3) *Youth Studies Australia*.
4. Neil and Fopp, above n 2, pp 5 & 6; Watson, S, 'Definitions of homelessness: a feminist perspective' *Critical* (1984) 4 *Social Policy* 60–73; Watson, S and Austerberry, H (1986) *Housing and Homelessness*, Routledge and Kegan Paul, London; Ministerial Advisory Committee on Homelessness and Housing (1990), *The Human Face of Homelessness*, Melbourne; Barclay, L, Johns, L, Kennedy, P and Power, K (1991) *Speaking of Housing*, Women in Supportive Housing and Ministerial Advisory Committee on Women and Housing: Melbourne.
5. Healey, J (Ed.) (2002), *The Homeless*, The Spinney Press, Rozelle, NSW, p 4.
6. Neil and Fopp, above n 2, p 1.
7. *ibid.*
8. Homelessness Information Sheet Number 1 – Overview of Homelessness in Victoria; [www.chp.org.au/search/results.shtml](http://www.chp.org.au/search/results.shtml)
9. Healey, above n 5, p 4.
10. The quotes in this paragraph are from Neil and Fopp, above n 2, p 36. This section draws heavily from this resource.
11. *ibid.*
12. Burker, T (1994), *Homelessness in Australia: Causal factors*, Australian Government Publishing Service, Canberra.
13. Healey, above n 5.
14. Neil and Fopp, above n 2, p 36.
15. McCaughey, J (1992), *Where Now? A study of homeless families in the 1990s*, Policy Background Paper No. 8, Australian Institute of Family Studies, Melbourne, p 6.
16. Burker, above n 12.

17. Healey, above n 5.
18. Neil and Fopp, above n 2, p 13.
19. Dixon, D (1992), *Effects of Homelessness on the Community*, Draft Paper prepared for the Ministerial Advisory Committee on Homelessness and Housing, April 1992.
20. Neil and Fopp, above n 2, p 13.
21. *ibid.*
22. *ibid*, p 14.
23. Healey, above n 5, p 7.
24. Neil and Fopp, above n 2, p 22.
25. *ibid*, p 23.
26. *ibid*, p 25.
27. *ibid.*
28. <http://www.aihw.gov.au/housing/sacs/saap/index.cfm>
29. [www.stlukes.org.au](http://www.stlukes.org.au)
30. [www.stlukes.org.au](http://www.stlukes.org.au)
31. Nicole Turner, Program Manager of Youth Services, St Luke's, Consultation meeting 11 October 2007.
32. John Bonnice, St Luke's, Consultation meeting 6 July 2007.
33. Nicole Turner, above n 31.
34. [www.lmhs.com.au](http://www.lmhs.com.au)
35. EASE Annual Report 2005/2006.
36. Annie North: Women's Refuge and Domestic Violence Service brochure.
37. <http://communitysites.impulse.net.au/mitchell/default.htm>
38. [www.loma.net.au/MDAS.htm](http://www.loma.net.au/MDAS.htm)
39. <http://hnb.dhs.vic.gov.au/ooh/ne5ninte.nsf/Home+Page/OOH-Internet~OOH-Internet-HomePage?open>
40. <http://home.vicnet.net.au/%7Eahbv/>
41. Castlemaine and District Accommodation and Resource Group Information Pamphlet
42. InfoCom – Cobaw Accommodation Service entry
43. The first meeting was held on 6 July 2007 and was attended by John Bonnice of St Luke's and Melissa Lenton of Loddon Mallee Housing Services. The second meeting was held on 31 August 2007 and was attended by Melissa Lenton and Jude Di Manno of Loddon Mallee Accommodation Network. Another meeting was held on 21 December

2007 and was attended by Melissa Lenton, Jude Di Manno, and Nicole Turner of St Luke's.

44. Nicole Turner, above n 31.
45. Meeting at the John Bomford Centre, 11 October 2007.
46. See Appendix 1 for the survey. Peter Noble, Principal Solicitor of the Loddon Campaspe Community Legal Centre, participated in the drafting of this survey.
47. This survey was developed with the assistance of Peter Noble, Principal Solicitor of the Loddon Campaspe Community Legal Centre.
48. Survey conducted on 8 October 2007 at Loddon Mallee Housing Services.
49. Hilton, Kristen (March 2006), *Homeless Persons' Legal Clinic – Policies and Procedures Manual*.
50. Homeless Person's Legal Service Procedures Manual (NSW) 2006.
51. Homeless Persons' Legal Clinic Policies and Procedure Manual, Queensland Public Interest Law Clearing House, 2006.
52. Personal conversation with Bill Manalleck from the Adelaide Homeless Persons Legal Clinic.
53. Hilton, above n 47.
54. *Homeless Person's Legal Service Procedures Manual (NSW) 2006*.
55. Chamberlain and MacKenzie (1998), *Youth Homelessness: Early intervention and prevention*, Australian Centre for Equity through Education, p 21.
56. Homelessness Information Sheet Number 1 - Overview of Homelessness in Victoria; [www.chp.org.au/search/results.shtml](http://www.chp.org.au/search/results.shtml)
57. Recommendation 5 and 6 are drawn from Hilton, Kristen (March 2006), *Homeless Persons' Legal Clinic – Policies and Procedures Manual*; *Homeless Persons' Legal Clinic Policies and Procedures Manual*, Queensland Public Interest Law Clearing House, 2006; *Homeless Person's Legal Service Procedures Manual (NSW) 2006*.

# APPENDIX 1 – SURVEY

## New Legal Advice Clinic – SURVEY

The Loddon Campaspe Community Legal Centre is looking into the possibility of establishing a legal advice clinic for people who are at risk of homelessness or experiencing homelessness. We would like your contribution in designing this clinic. If you would like to help please complete the survey below.

The Loddon Campaspe Community Legal Centre thanks you for your support and should you have any inquiries regarding the survey please contact us.

Please give or mail completed surveys to:  
Paula Glassborow  
Loddon Campaspe Community Legal Centre  
29 Queen St, Bendigo

For inquiries contact Paula on 5444 4364
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### Identifying Information

Name .....

Address:..... Tel:.....

Please tick if you are willing to be contacted by us to discuss your case further

1. Have you previously had a legal problem?

Yes  No

2. Briefly describe your legal issue

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3. Would you have been able to resolve it better if you had a legal service dedicated to homeless people or people at risk of homelessness?

Yes  No

4. If yes, why?

5. Are you aware of free legal services?

Yes  No

6. If yes, which ones?

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7. If there was a legal service dedicated to homeless people or people at risk of homelessness, where should the legal clinic be located? (Please tick one box)

- An agency dealing with the homeless or those at risk of homelessness.
- A location that provides a community dinner
- Other: \_\_\_\_\_

8. Please specify which agencies should host the legal clinic?

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9. Should the clinic run on an appointment basis or alternatively should it be run that people can drop in between certain times and wait their turn to see a solicitor?

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10. What areas of law should the clinic cover?

- Family Law
- Criminal Law
- Debt
- Housing and tenancy
- Fines and infringement notices
- Bankruptcy
- Discrimination
- Guardian and Administration problems
- Victims of crime assistance and compensation
- Personal Injury
- Mental Health
- Social security
- Other: \_\_\_\_\_

11. How would you describe your housing situation?

- Homeless
- Staying with friends or family (other than immediate family)
- Renting but the tenancy is insecure
- Renting
- Buying your own home
- Own your own home

Other: \_\_\_\_\_

## APPENDIX 2 – LAW FIRMS

In Melbourne, the following legal firms and departments participate in the following homeless persons' legal clinics:

- Clayton Utz – The Big Issue clinic and the Urban Seed clinic
- Mallesons Stephen Jaques – the Melbourne Citymission Western clinic
- Minter Ellison – the Ozanam House clinic and the Flagstaff Crisis Accommodation clinic
- Hunt and Hunt – the Flagstaff Crisis Accommodation clinic
- Blake Dawson Waldron and the National Australia Bank Legal Department – St Peter's Eastern Hill
- Phillips Fox – the Hanover Southbank clinic
- Allens Arthur Robinson – the Argyle Housing Service clinic
- Baker and McKenzie – the Salvation Army Life Centre clinic
- Corrs Chambers Westgarth – the Victorian Association for the Care and Resettlement of Offenders (VACRO) clinic.

The firms involved in the New South Wales Homeless Persons' Legal Service are:

- Ebsworth and Ebsworth;
- Henry Davis York
- Gilbert and Tobin
- Clayton Utz
- Baker and McKenzie
- Allens Arthur Robinson
- Minter Ellison
- DLA Phillips Fox.

The following New South Wales agencies are the hosts of the various clinics:

- The Station Ltd
- Matthew Talbot Hostel
- Parramatta Mission
- Streetlevel Mission
- Edward Eagar Lodge
- Women's and Girls' Emergency Centre
- Newtown Mission.

The following law firms are involved in the clinics in Brisbane:

- Blake Dawson Waldron
- Allens Arthur Robinson
- Mallesons Stephen Jaques
- Clayton Utz
- Phillips Fox
- Freehills
- McCullough Robertson
- Minter Ellison.

The clinics are held at the following agencies:

- Brisbane Homelessness Service Centre
- Anglican Women's Hostel
- Red Cross Youth Night Café
- Salvation Army Pindari – Men's
- Salvation Army Pindari – Women's
- Mission Australia Café One on Wickham
- 4AAA Kiosk
- Inala Telephone Legal Clinic.

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## Consultations

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