Queensland Public Interest Law Clearing House
HOMELESS PERSONS’ LEGAL CLINIC NEWSLETTER
Edition 9 – March 2007

THE CLINIC PROVIDES FREE LEGAL ADVICE AT THESE LOCATIONS AND TIMES:

4AAA Kiosk
Boundary Street
West End
Fri 12.30pm - 1.30pm

Mission Australia
Café One
257 Wickham Street
Fortitude Valley
Thurs 9am - 11am

Red Cross Youth Night Cafe
City Hall, Adelaide Street
Brisbane CBD
Tues 7pm - 9pm

Salvation Army
Pindari Men’s
28 Quarry Street
Spring Hill
Every Tues
9.30 - 10.30am

Salvation Army
Pindari Women’s
28 Quarry Street
Spring Hill
Every 2nd Wed
12 – 2pm

Brisbane Homelessness
Service Centre
62 Peel Street
South Brisbane
Tues 8.30am - 10.30am

Anglican Women's Hostel
New Farm
Every 2nd Tues
10am - 11am

HART 4000
1/140 Ann Street
Brisbane CBD
Every 2nd Tues
10 - 11am

INALA
Telephone Legal Clinic
117 Formation Rd
Wacol
Wed 10am - 12 noon

GOLD COAST
St John’s Drop In Centre
36 Hamilton Avenue
Surfers Paradise
Tuesday 9 - 11am

Nowhere to Go: The Impact of Move-On Powers on Homeless People in Queensland

The HPLC and the T.C. Beirne School of Law at the University of Queensland have published their joint-research report on police move-on powers in Queensland. Entitled Nowhere to Go, the report provides a theoretical and empirical investigation into the use of police move-on powers in inner-city Brisbane. The empirical research findings were derived from a survey of 132 people experiencing homelessness in Brisbane from February to June 2006.

Some key findings of the Report include:

• 76.5% of homeless people surveyed had been told to move-on at least once in the last 6 months.
• 34% of young people were associated with other young people at the time they were issued with a move-on direction.
• 77.9% of homeless people who received a move-on direction indicated their behaviour or presence when directed to move-on was innocuous and unlikely to meet the threshold requirements for a lawful move-on direction.
• 85% of homeless people who had been told to move-on one or more times during the survey period were given nowhere in particular to go when being issued with a move-on direction.

Nowhere to Go will be officially launched on Wednesday 7 March 2007 at the HPLC’s inaugural Art Exhibition (see below).

To download a copy of the report, please go to www.qpilch.org.au or www.lawandpoverty.org.au/tamarawalsh

HPLC Art Exhibition!

The HPLC is holding its inaugural social inclusion event, an art exhibition, from Tuesday 6 March to Saturday 10 March 2007. Artworks will be displayed at Metro Arts Galleries, Level 2, 109 Edward Street, in Brisbane City. An official Opening Night will take place on Wednesday 7 March 2007 from 5.30pm, with Mr Ronan Lee, State Member for Indooroopilly and Parliamentary Secretary to the Minister for Communities, Disability Services, Senior and Youth officially opening the Exhibition.

This event is the result of collaboration and planning between volunteer HPLC lawyers and workers from the homelessness sector. Over 80 artworks will be exhibited, many of which will be for sale with all proceeds going directly to the exhibiting artists. Supporters of HPLC are warmly encouraged to come along and support the artists who will be in attendance.

To RSVP for the Opening Night or for more details, please contact social@qpilch.org.au or call 3012 9773.

New Gold Coast HPLC Clinic

The HPLC is trialing its first clinic on the Gold Coast. The clinic is located at the St John’s Drop-In Centre and is open every Tuesday from 9am to 11am. Please spread the word amongst homeless clients and service providers.
Update on HPLC Funding

In our last edition of Street Law the HPLC indicated that it may be forced to wind down operations due to a lack of funding beyond September 2006. We are very pleased to announce that the HPLC received funding from the Department of Communities to June 2007, and we thank the Department for their ongoing funding support.

HPLC GOOD NEWS STORIES

• HPLC lawyers at the Pindari Women’s Hostel negotiated the complete waiver of a client’s debt with Lion Finance which the client had accrued as a result of mental health issues arising from an abusive relationship.

• The HPLC Criminal Law List and HPLC lawyers from the Pindari Men’s Hostel successfully defended a client who had been charged with various offences under the Liquor Act 1992. Video footage of the alleged incident revealed that the client had been erroneously charged for disorderly offences in a situation where he was not the antagonist.

• HPLC lawyers from the Red Cross Youth Night Café with the assistance of the HPLC Criminal Law List also successfully defended a client who had been charged with a Commonwealth offence of using a carriage service to menace, harass or cause offence. The charge against our client was withdrawn on the basis of a lack of evidence.

• HPLC lawyers from the Mission Australia Café have been assisting a client with various debts that he accrued as a result of his mental illness. A lot of the lawyers’ work has involved negotiating with the client’s various creditors to avoid bankruptcy. The client is also receiving financial advice on a pro bono basis from a QPILCH member accounting firm.

KNOW THE LAW:
Victims of Crime & Compensation *

A victim of crime is someone who has been injured by a violent crime. Their injury does not have to be physical. It may also be psychological or emotional. Under the Criminal Offence Victims Act 1995 (COVA) victims of crime have certain rights and may be eligible for compensation. The maximum amount of compensation payable is $75,000. COVA applies to crimes committed after 18 December 1995.

Victims’ rights

A victim of crime has the right to have a say in the criminal justice process and be given protection when giving evidence during proceedings. These rights arise when the victim reports the crime to the police and continues during the police investigation and all the way to the trial or sentence.

A victim also has the right make a Victim Impact Statement about the impact the crime has had on their lives and to have the information put before a Court for consideration during the sentencing of an offender.

Criminal Injuries Compensation

Victims of crime in Qld may obtain compensation in two ways:

1. Where an offender is convicted, and the victim makes an application to the Court for payment of compensation from the offender. If the offender is unable to pay, the victim can apply to the Queensland Dept Justice & Attorney General government for an ex-gratia payment.

Ex-gratia payment means the government is not legally bound to grant compensation but may do so as “an act of grace”.

2. Where an offender is not convicted, the victim may still make an application for compensation for an ex-gratia payment.

Statutory requirements for compensation

In order to be entitled for compensation:

• The victim must have suffered an injury or injuries as a result of a personal offence, such as assault, rape, stalking or robbery.

• The offence must be indictable. This means it must be a serious offence usually tried in the District or Supreme Court, rather than a summary offence which is tried in the Magistrates Court.

• If no-one is convicted of the offence, an application must include a police report confirming that there was no prosecution or summary conviction and that the matter was investigated and has been finalised.

Time Limitations

Under COVA, the victim must make an application for compensation within 3 years from when the offender was sentenced. However, if the victim was under 18 years of age at the time of the offence, he or she must make an application within 3 years of turning 18 years of age.

* This is not a complete overview of victims of crime. If you think you may be eligible for victims of crime compensation or if you would like more information, please visit one of our clinics.