

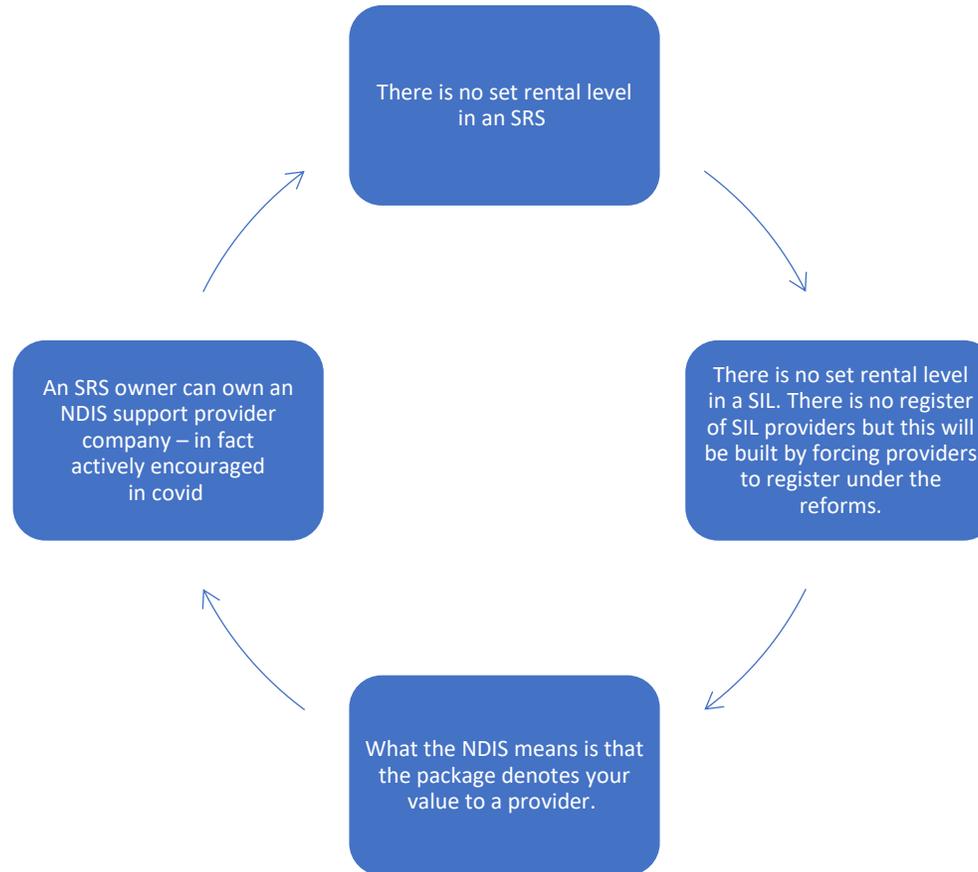
Where from and to housing

What now, how does it work and what does it mean?

Background



Costs and NDIS



Presumptions



Everyone has access to a phone and the internet – this is how all complaints are received. They are able to live in suitable conditions.



Reality – they may have a phone but it may not have a sim or credit. Often when residents are called it is the owner being called. Even when residents are given phones these are often taken, for their safety.



Everyone understands and knows that their NDIS plan allows them to buy services and can identify their NDIS provider.



Reality – unlikely often lots of information run through verbally and while these clients are highly skilled and adept at keeping information they need eg medicare numbers, etc in their brain reams of information no natural storage.

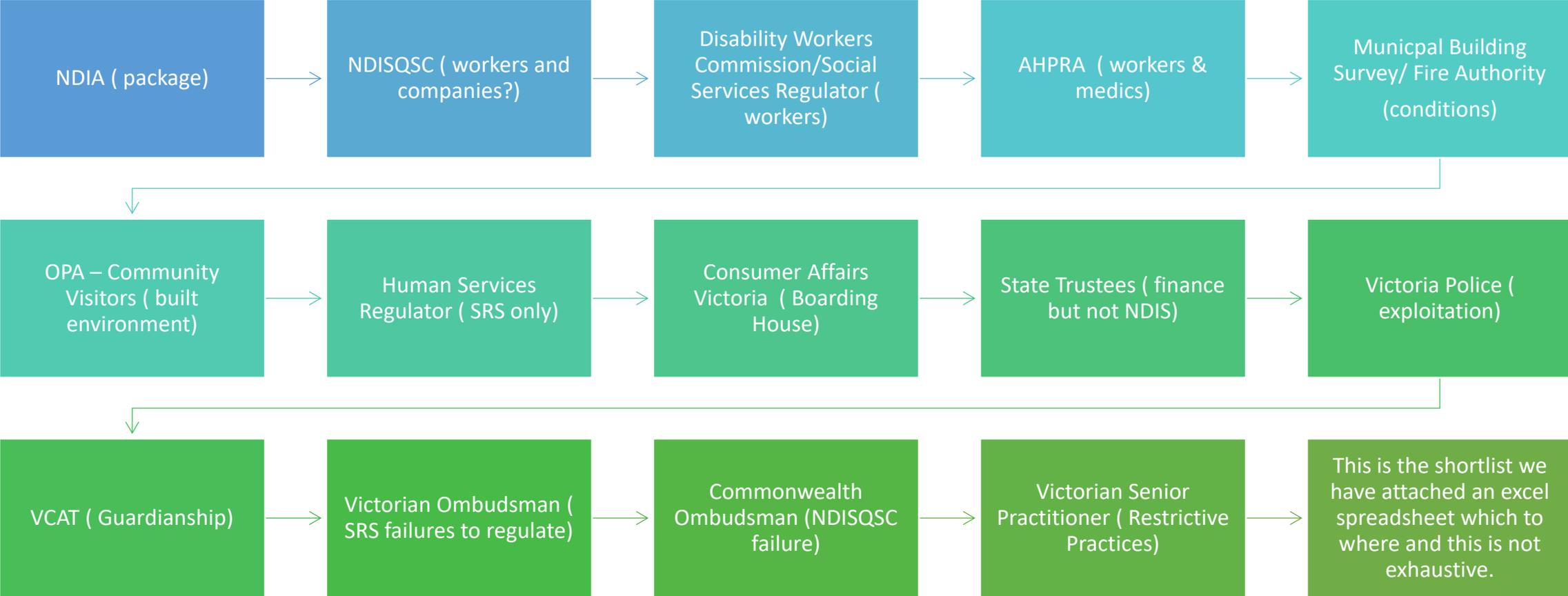


Everyone can read, write and comprehend documents.

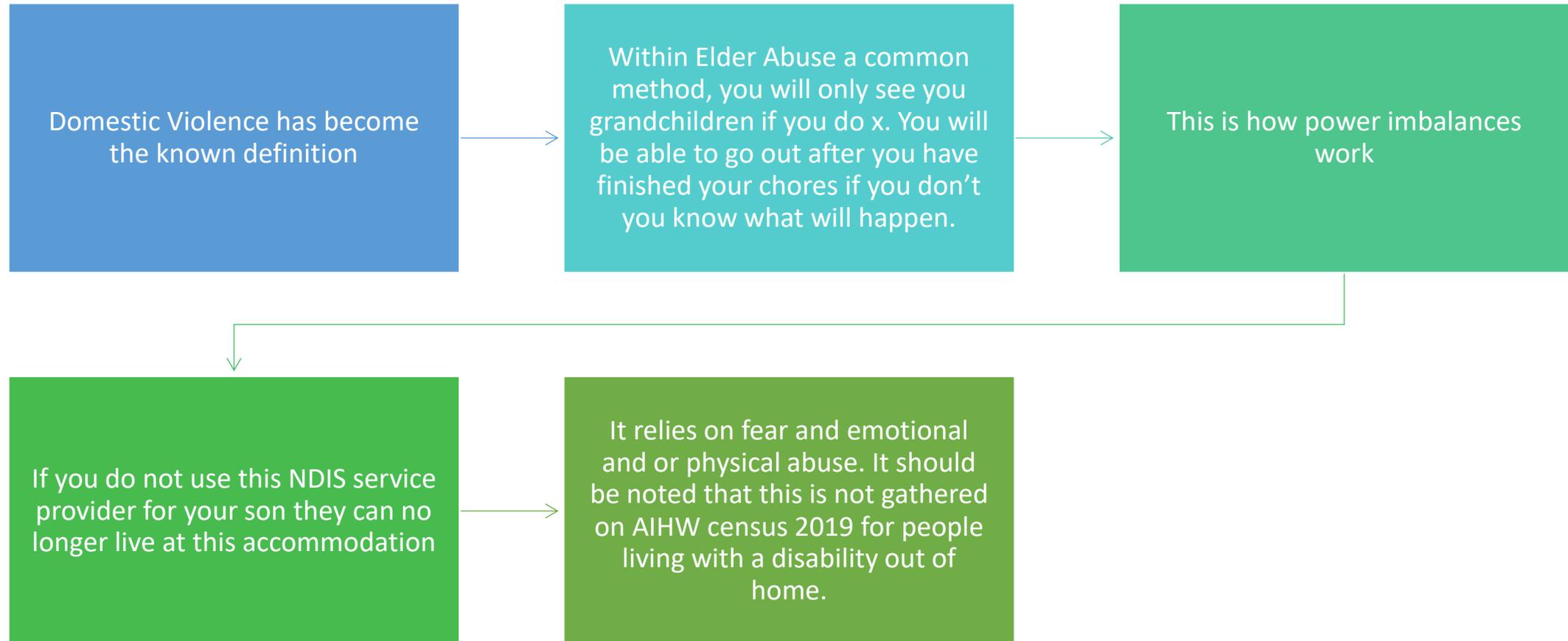


Reality – given the level of brain injury, trauma, ongoing medications and health issues the ability to read and comprehend complex documents is difficult.

Everyone understands who is regulating their issue right? Challenge – would you know?



Coercive Control – define it and know it - SRS.



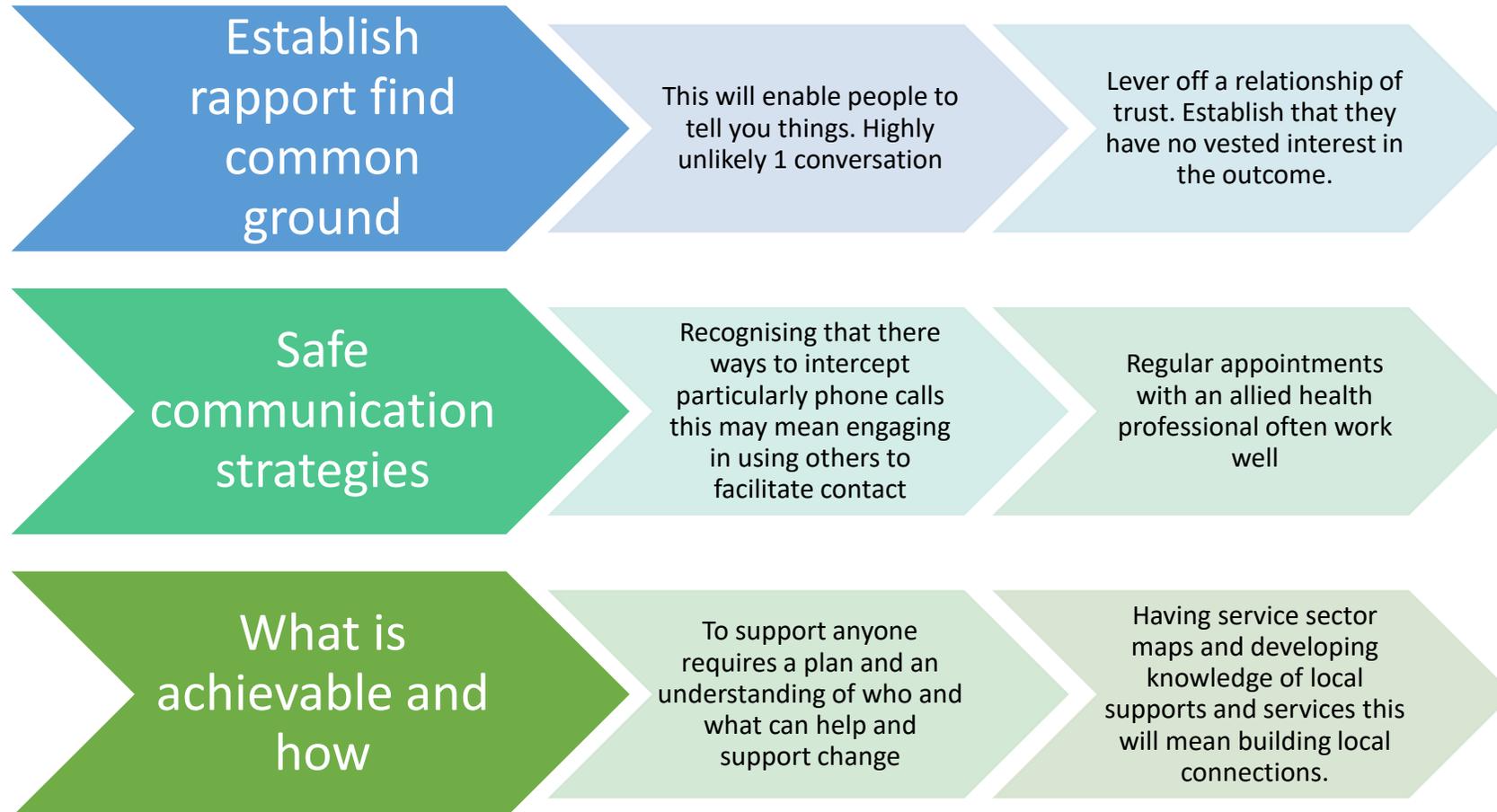
Clients landing in hospital

Client has a home

Cannot return

Client has resources

Framework of Support Complex Needs Team



Informed Consent
– Capacity to
make decisions –
training
framework

Retain	Retain – can the person remember what they have been told
Use	Use – can they explain it back
Weigh	Weigh – can they work with it to decide between services and choices
Communicate	Communicate – verbal or non verbal

We asked 52 SRS residents their thoughts

" I guess I would have been homeless otherwise, but not many options for me. This is my life. Prisons or SRs's it seems. State Trustees control my money and not much pocket money left over"

I wish we could do our own laundry. I hate when they finish the laundry and put it out in the public area to be picked up – stuff goes missing

I don't like it when the GP comes and sits over there at the reception desk to see people – everyone hears your business. Not much privacy really.

At least this SRS has heaters.

Never enough heaters so you have to sleep in extra clothes.

I don't really know how to find another place: this is all I know. I guess I's fortunate to have at least this.,

Take aways

- Listen – there is a criminal element which is human slavery.
- They are bribed with drugs and alcohol, they are taken and kidnapped and dumped
- An SRS and a SIL can be checked by Community Visitors their annual report is a useful resource.
- Ever considered what is happening in private rental SIL is not the answer.
- The SRS has a new regulator – the social services regulator standards are low but it is what we have oh yes you have to email not call.

Villamanta Disability Rights Legal Service

- Villamanta Disability Rights Legal Service (Villamanta) is a free state-wide Community Legal Centre that focuses on disability related justice issues.
- Our focus is the rights of people who have an intellectual disability.
- Our main purpose is to protect and advance the rights of people with disability related justice issues.
- Our priority areas:
 - ✓ Disability specific accommodation issue (Housing Justice Project for People in Disability Accommodation)
 - ✓ Guardianship and administration
 - ✓ Disability Service Complaints
 - ✓ Financial abuse
 - ✓ Restrictive practices

Best referral pathway: legal@villamanta.org.au

Phone line: 1800 014 111

Notices to Vacate and Eviction

- There are multiple steps, and in most cases the provider has not carried any of them out!
- A conversation, suggestion, meeting or letter are not any of those steps
- Important to get advice early
- A notice to vacate does not mean they have to leave!

Notice to Vacate

- Needs to be in correct form and include specific details
- Resident can apply to VCAT at this stage (timeframe either 5 or 28 days for SRS depending on circumstances, and 90 days for SDA)

Application for review of Notice to Vacate at VCAT

- Certain grounds that may make the notice invalid

Application for Possession Order/ Order to Vacate

- This needs to be decided by VCAT, resident can make their case at this stage as well
- If VCAT confirms order to vacate valid - warrant of possession / warrant to remove resident must be made



Partners in Community

MENTAL HEALTH LEGAL CENTRE | BOLTON CLARKE HPP
HEALTH JUSTICE PARTNERSHIP

We connect your clients to lawyers

Referral | Advice | Advocacy



Refer by contacting our specialist team:

9am to 5pm:

- 0431 745 703 (Andre) or 0418 355 807 (Chris)
- hjp@mhlc.org.au
- 9am to 4.30pm on (03) 9629 4422

