

**Submission
No 5**

INQUIRY INTO THE PROTOCOL FOR HOMELESS PEOPLE IN PUBLIC PLACES

Organisation: Penrith City Council

Date Received: 25 February 2020

**Inquiry into the Protocol for Homeless People in Public Places
Parliament of NSW Legislative Assembly, Committee on Community Services**

Terms of Reference

That the Committee inquires into and reports on:

- a) Whether the Protocol continues to provide an effective framework for government organisations with an operational presence in public places and for services that support people who are experiencing homelessness**

The NSW Protocol for Homeless People in Public Places (the Protocol) outlines a framework for interaction between people who are homeless and government staff based on human rights and respectful communication. The principles of the NSW Protocol aim to protect people who are homeless from discrimination and the arbitrary interference of government agencies.

In addition to protecting the rights of homeless people, the Protocol also protects the wellbeing of staff from government agencies. People who are homeless may be experiencing a range of complex issues that require a specialised response from trained social work, health or mental health professionals. It can be argued that well intentioned staff that do not have a professional experience in the human services can cause the homeless person more stress contributing further to the impact of trauma.

This Protocol does not apply to Local Government. However, this framework leads a consistent response across Local Councils in responding to homeless people. Penrith Council has developed and implemented its own Protocol for Service Delivery to People Experiencing Homelessness that is informed by the NSW Local Government Act and is in line with the NSW Protocol.

The practical application of the NSW Protocol does present several concerns for people who are homeless, government organisations and services that support people who are homeless. A low intervention response could be perceived as disregarding or ignoring individuals in crisis which can entrench the situation of homelessness. This approach validates and normalises rough sleeping which often prolongs the crisis experience and may aid people to refuse the assistance of specialist services. It can also be argued that this approach can lead to the development of tent encampments in public spaces that cause a range of health and safety risks for the people sleeping rough, the general community, businesses and staff.

Local Councils have an operational presence in public space and a responsibility to ensure the health, safety and wellbeing of all members of the community accessing public space, facilities and services. The current legislative and policy context for Local Councils to respond to situations of homeless encampments is limited. Penrith City Council has recently experienced the development of several entrenched homeless encampments that have obstructed community access to Council facilities. Penrith City Council was required to initiate additional measures through the development of by-laws to pro-actively respond to these encampments. These by-laws are in accordance with section 632 of the Local Government Act 1993 and outline the type of use acceptable in an identified space. This means that camping, overnight staying, use for accommodation and the keeping or storage of personal belongings is prohibited in areas that relevant signage has been installed in.

Penrith Council has processes in place to store impounded belongings and individuals are able to reclaim them should they be required.

Council officers are in regular contact with homelessness specialist services and NSW government agencies to coordinate outreach service to people in crisis. The preferred approach is always to increase people's access to accommodation and other support services to help them sustainably exit and remain out of homelessness.

The additional resourcing of assertive outreach would effectively complement the Protocol and significantly reduce homelessness as a result.

b) The extent to which the Protocol is being implemented in practice by government organisations providing direct service delivery, and non-government organisations contracted on behalf of government

The level of awareness of the Protocol is reasonably high and it is currently being implemented effectively by a range of government and community organisations.

c) The appropriateness of the Protocol to support joint responses between government organisations, non-government organisations and local governments working in partnership to responds to homelessness

It is positive that the NSW Legislative Assembly is reviewing the Protocol, particularly in relation to possible joint responses from a range of organisations including Local Government. The Protocol in its current form does not address or resolve homelessness and it would be valuable for the NSW Government to explore the establishment of a complementary pro-active response throughout Western Sydney similar to the successful assertive outreach service models used in Sydney City, i.e. the Homeless Outreach Support team (HOST) and the Homelessness Assertive Response Team (HART) models.

The NSW Premier has committed to reducing street homelessness by 50 percent by 2025 as one of the key 14 priorities for the current NSW Government. It is encouraging to note that the NSW Government signed an agreement in February 2019 with the Institute of Global Homelessness to work towards zero rough sleeping.

The NSW Homelessness Strategy 2018-2023 also outlines a commitment to break the cycle of homelessness and further commitment to early intervention, person centred service delivery, assertive outreach and further opportunities for collaboration across agencies to resolve homelessness.

Service delivery to people who are homeless is principally a State and Commonwealth Government responsibility, however all levels of government have a role in assisting and supporting people experiencing homelessness. The community may not know about Link2Home or specialist homelessness service providers but will be aware of the information and referral function Local Councils provide to the community. The community will also contact Council to report cases of homelessness across the Local Government Area (LGA) and raise any concerns they may have in relation to this.

Councils deliver a range of essential services to the community within their LGA boundaries and have the systems in place to identify and monitor homelessness hot spots in public space. Many Councils, including Penrith City Council, have been pro-active and are currently working with local homelessness specialists and voluntary meal and basic support services through interagencies and networks in a sector capacity building approach. These initiatives bring together a wide range of community, voluntary and government agency services to explore collaborative solutions to homelessness and further develop coordinated and collaborative approaches to service delivery.

It would be valuable for the NSW Government to consider establishing Local Homelessness Action Committees as part of the NSW Homelessness Strategy. This structure would facilitate the ongoing dialogue between the NSW Government, Local Councils and the community sector that would encourage more effective planning and coordination of service delivery, particularly regarding early intervention and crisis response to homeless.

d) Whether the Protocol adequately protects the rights and interests of people who are experiencing homelessness who use public places, including indigenous people and minority groups

People experiencing homelessness are one of the most vulnerable and marginalised groups within the community. The current Protocol effectively protects the individual right to privacy and arbitrary interference from government agencies but other rights and interests may be neglected in its application.

A person's right to privacy is significant, however it can be observed that individuals experiencing primary homelessness undoubtedly lose their privacy when everyday activities such as sleeping, bathing, washing occur in public space and other issues become far more salient within the rights-based framework. Individuals sleeping rough are at extremely high risk of violent assaults and crime, decreased physical and mental health outcomes and increased rates of mortality. Intensive interventions of various government and community agencies are essential in reducing these risks and negative outcomes and sometimes for a range of reasons (such as addiction issues, mental health issues, trauma and brain injury) individuals are unable to take the necessary steps on their own to seek support and assistance.

The Protocol promotes a low intervention approach towards responding to homelessness. This approach is not aligned with best practice, evidence-based frameworks and inadvertently generates further ostracism of people who are sleeping rough. Passive responses to situations of homelessness create social exclusion and can further entrench homelessness through prolonging and providing the foundation to repeat the episode of homelessness.

Evidence indicates that assertive outreach is the most effective and appropriate response to people sleeping rough. As indicated in the Specialist Homelessness Services Assertive Outreach Good Practice Guidelines developed by Homelessness NSW, the four core responses within the assertive outreach approach are prevention and early intervention, rapid re-housing, crisis and transitional accommodation and intensive responses for people with complex needs. This type of work requires additional resourcing to increase the supply of social housing and accommodation options. Specialist Homelessness Services (SHS) and other services also need to be well resourced to deliver assertive outreach after business hours and to cover areas that are geographically expansive to further increase the success of this approach.

e) Whether the Protocol appropriately balances the rights and interests of people who are experiencing homelessness with those of residents, businesses and other people and organisations using public places

The Australian Bureau of Statistics determined that 37,715 people were homeless in NSW during the 2016 Census. This data demonstrates that NSW's homeless population has increased 37% from 2011 Census. Penrith Local Government Area has certainly evidenced this increase in our local area.

The broader community, including businesses and residents, will largely respond with empathy when encountering situations of homelessness and have some understanding of

the complexities and barriers experienced by people that are homeless. However, in some cases the community may be distressed about situations of homelessness or feel a decreased perception of safety. Sometimes local communities will convey negativity towards situations of homelessness, particularly when there is an obstruction to public space, services and facilities and it is helpful if they can discuss their concerns and understand the processes in play.

Local Councils are place managers and have a liaison role with numerous stakeholders within the community. Council officers will often utilise this opportunity for community education to increase understanding and acceptance of homelessness issues.

The Protocol applies only to public places and does not apply to private property which mitigates the impact that rough sleeping can have on private property.

f) Any other related matters

If required, Penrith City Council officers would be pleased to discuss the above information and/or provide further information to this Inquiry.