

**Submission  
No 12**

## **INQUIRY INTO THE PROTOCOL FOR HOMELESS PEOPLE IN PUBLIC PLACES**

**Organisation:** City of Sydney

**Date Received:** 27 February 2020

24 February 2020

Our Ref: 2019/628539-04

Ms Wendy Lindsay MP  
Chair, Legislative Assembly Committee on Community Services  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Ms Lindsay,

### **Inquiry into the Protocol for Homeless People in Public Places**

The City of Sydney (the City) welcomes the opportunity to respond to the Legislative Assembly Committee on Community Services' Inquiry into the effectiveness and appropriateness of the NSW Government's *Protocol for Homeless People in Public Places* (the Protocol).

The City has been working with the NSW Government and non-government organisations to assist people sleeping rough in the inner city for over 30 years. The City works directly with people experiencing homelessness and was one of the first councils in Australia with a dedicated Homelessness Unit. The City invests more than \$2 million each year towards assisting those experiencing homelessness, including funding specialist homelessness services in the inner city through the NSW Department of Communities and Justice.

The City employs Public Space Liaison Officers who work with city businesses, service providers and other stakeholders to manage the impacts of homelessness in the public domain, while ensuring that vulnerable people have access to the support that they need, including access to long-term, sustainable accommodation.

Homelessness is a complex problem that can't be tackled alone. The City recognises that working collaboratively is the most effective way to support people sleeping rough, and work towards ending homelessness. Guidance such as that provided by the Protocol is important for those engaging with people sleeping rough to ensure a consistent approach.

The City takes a compassionate approach to responding to homelessness in Sydney and follows the guidelines of the *NSW Protocol for Homeless People in Public Places*. We acknowledge that, like all other members of the public, people experiencing homelessness have a right to be in public places. At the same time, we respect the right of local communities to live in a safe and peaceful environment.

The Protocol is a rights-based framework to assist government and non-government organisations to engage with people sleeping rough in the public domain. We believe that any future protocol should continue to have this focus and be used as a 'best practice' guideline, rather than an enforcement tool. Further, that the Protocol should place emphasis on trauma-informed engagement over enforcement.

This submission outlines the City's view for the interest of the Legislative Assembly Committee on Community Services in light of the questions posed in the Terms of Reference.

The City's responses to the Terms of Reference are as follows:

**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 City supports the principles of the current Protocol, which acknowledges the individual rights of people sleeping rough, and provides a framework that outlines the rights and responsibilities of people sleeping in public spaces. The Protocol facilitates a consistent response from both government and non-government organisations when engaging people sleeping rough.

Whilst the City is not a signatory, we refer to the Protocol to assist us to balance the needs of people sleeping rough with those of residents, visitors and businesses to ensure our public spaces are safe and accessible for all.

The City considers the Protocol to be effective in enabling a shared understanding of how services should engage with people who are sleeping rough in the public domain.

We note that the Protocol guidelines state, in part, that "*homeless people should not be approached unless...they are sheltering in circumstances that place their or others' health and safety at risk (e.g. Staying in derelict buildings, high risk areas)*".

To enhance the Protocol, the City recommends that:

- there should be greater clarity regarding the circumstances under which rough sleepers can be approached in the public domain;
- there should be increased guidance and procedures on how to manage tents and other makeshift structures in the public domain to avoid the risk of fire, and other risks to health and safety;
- appropriate procedures to manage the accumulation of goods, use of tent structures, cooking equipment and donated goods in the public space to reduce health impacts, including those presented by vermin should be included;
- the Protocol could include a clearer definition of "belongings". The City currently uses the guideline of a roll of bedding or swag and two pieces of luggage;
- outdated information that refers to decommissioned services, such as the Homeless Persons Information Centre should be removed from Section 6.1 of the Protocol;
- the protocol should acknowledge the importance of Assertive Outreach and recognise this model as an appropriate engagement tool to support vulnerable people in the public domain; and,
- peer homelessness groups should be extensively consulted when determining future revisions of the Protocol.

**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 City follows the guidelines of the Protocol acknowledging that, like all other members of the public, people experiencing homelessness have a right to be in public places, whilst respecting the right of local communities to live in a safe and peaceful environment. We take a compassionate approach to responding to homelessness in Sydney.

The City regularly uses the Protocol to:

- guide our Homelessness Unit in engaging with people sleeping rough in the public domain;
- inform people sleeping rough on their responsibilities when occupying public space;
- educate the community and our staff regarding the rights of people sleeping rough and the shared use of the public domain; and
- advocate for the rights of people sleeping rough.

To enhance the Protocol, the City recommends further engagement with contracted service providers to ensure they are aware of their responsibilities under the Protocol.

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

Homelessness is a complex issue requiring a high level of collaboration, particularly given the high rate of trauma and mental health presentations amongst people sleeping rough.

The Protocol provides an appropriate framework to ensure a consistent response when engaging with people sleeping rough. It is used by government and non-government organisations when delivering a coordinated response to public space issues.

The City recommends the following to enhance the Protocol:

- that the Protocol be extended to better support services to provide coordinated responses in extreme weather and/or emergency events including: severe heat, rain, or hazardous air quality from pollution or bushfire smoke. Currently there is nothing stated within the Protocol regarding how to approach people sleeping rough during these events, and to plan for their safety;
- inclusion within the Protocol of procedures to allow government organisations (Police and Health) to more assertively provide a health response to those rough sleepers that have or are experiencing a persistent mental health presentation;
- inclusion of a clear framework of intervention to escalate a response for vulnerable who are sleeping rough with significant (though not acute) mental health issues.

***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.***

The circumstances that often underpin the reasons why people sleep rough, including mental illness, cognitive disability, substance dependence, and domestic violence, are health and social issues that require specialist responses.

The Protocol currently acknowledges the complex nature of homelessness, and seeks to protect the rights of people sleeping rough, who, like all other members of the public, have a right to be in public places.

The Protocol addresses some facets of engagement with Aboriginal and Torres Strait Islander Peoples sleeping rough. Consideration has been given to promoting cultural awareness training for service providers, and the provision of Aboriginal and Torres Strait Islander specific services and Aboriginal and Torres Strait Islander workers.

The City recommends the following to enhance the Protocol:

- increased community engagement to ensure the community is aware of the rights of people sleeping rough outlined in the protocol;
- acknowledgment of cultural events amongst Aboriginal and Torres Strait Islander Peoples, including Sorry Business (for example, a significant increase in the number of people sleeping rough in a location due to cultural events; and
- that Aboriginal and Torres Strait Islander groups are consulted extensively on any future revisions to the Protocol.

**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 Protocol effectively balances the rights and interests of our residents, workers and visitors with those of rough sleepers. There are competing priorities in the public domain and the Protocol assists the City and others to manage these, and to negotiate with stakeholders to maintain that balance.

The City recommends the following to enhance the Protocol:

- further community engagement and education around homelessness and a person's right to be in the public domain could be considered. This might help to build greater community understanding, awareness and compassion about the complex needs of those sleeping rough.

**f) *Other***

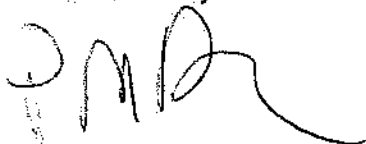
The City recommends the following to enhance the Protocol:

- given the Protocol is aimed at primary homelessness, consideration could be given to using terminology such as: "people sleeping rough"; and
- consideration could be given to how the Protocol responds to those who may be experiencing homelessness due to climate displacement (drought, bushfire, floods etc).

The City commends the balance contained within the current Protocol, and considers that it is vitally important that any future amendments to the Protocol continue to balance the rights of those sleeping rough with those of the communities to live in a safe and peaceful environment.

The City welcomes the opportunity to provide further information and consultation on this important matter if required.

Yours sincerely



**Monica Barone**  
Chief Executive Officer