

WOLLONGONG CITY COUNCIL
PROTOCOL - HOMELESS PEOPLE IN PUBLIC PLACES
SEPTEMBER 2019

1 Background

Context

The 2016 Census indicates that up to 1,000 people within the Wollongong statistical district are homeless or at risk of homelessness. A 'census' of homeless people conducted by the Wollongong Homeless Hub, IRT and Wollongong Council, in February 2019, indicated that on the night of the count, more than 60 people were 'sleeping rough' (ie on the streets) in the city of Wollongong, while another 600 were accommodated by homelessness services.

Homeless people are marginalised within the community and experience barriers to participation in social, recreational, cultural and economic life. There are particular issues faced by homeless people who seek to participate in the life of the community and make use of public spaces, whether to leave their personal belongings, gather together or sleep.

2 Wollongong City Council Protocol for Homeless People in Public Places

Purpose

The Wollongong City Council *Protocol for Homeless People in Public Places* (*the Protocol*) provides a framework for Council officers and delegates to effectively manage interactions in public spaces, with people who are homeless. The *Protocol* recognises that homeless people are members of the community and, as such, have a right to be in public places and to participate in public events. At the same time, it acknowledges the right of all members of local communities to live in a peaceful and secure environment and the right of Council to manage its public spaces, assets and services to meet legislative, safety and legal responsibilities of the local community.

Principles

The *Protocol* is based on the following principles, which align with the *NSW Protocol for Homeless People in Public Places*:

- Homeless people have the same entitlement as any member of the public to:
 - be in public places
 - participate in the life of the community, including accessing Council services, events and activities
 - be treated with respect
 - have the right to their personal property and the value of their belongings to them, acknowledged
 - belongings acknowledged
 - be informed and have the right of reply, appeal or complaint regarding Council services or their interactions with Council staff or delegates
- Homeless people have diverse backgrounds and needs. The following considerations will inform Council officers' and delegates' responses to homeless people:

- cultural sensitivity and respect will be applied when engaging with homeless people who are Indigenous, or who come from diverse cultural, linguistic or religious backgrounds
 - some people who are homeless have complex needs such as mental health and/or drug and alcohol issues, or cognitive impairment. The behaviours that accompany these conditions will be managed within a needs-based framework, as a manifestation of complex psychological and health issues that each individual may be able to control to a greater or lesser degree
 - they may be experiencing a range of other issues that are associated with their homeless status, such as family violence, family breakdown, child abuse or neglect, exiting custody or statutory care, or seeking asylum or refuge
 - many people who are homeless experience poverty, unemployment, loss of employment or under-employment, discrimination, inability to access affordable housing and poor access to goods and services
 - homeless people have the same rights as other citizens to choose whether to accept or to not accept advice, referral or other offers of assistance that Council officers and delegates make
- The *Protocol* does not override existing laws, statutory requirements or regulations. It does not reduce Council's powers or authority to enforce specific laws and regulations
 - The *Protocol* does not exempt homeless people from their obligations as citizens and community members, to obey the law and to interact with others in a respectful and co-operative way
 - The *Protocol* does not exclude the responsibilities of NSW Police to enforce laws and regulations, including the right to 'move people on' if they are intoxicated in public places.

Roles and Responsibilities

The Protocol recognises the role that a number of government and non-government organisations play in preventing and dealing with homelessness. As such, the protocol does not seek to position Council as the lead agency in relation to policy, provision or coordination of services and responses to homeless people.

The following key agencies are deemed to have responsibilities as outlined below:

Wollongong City Council

- Foster social inclusion for people who are homeless and afford them access to Council services and facilities that are available to all members of the community
- Work collaboratively with homelessness support services and government agencies such as NSW Police, NSW Health, NSW Housing and Office of Community Housing, to support homeless people in public spaces, where they indicate they are in need of assistance, to link with appropriate accommodation and support services
- Coordinate an appropriate response to incidents where people who are homeless are putting themselves, other members of the community, or Council property at risk (for example camping in public parks; trespassing in community facilities) in line with the principles of this protocol
- Advocate with other levels of government to enhance policy responses that address the root causes of homelessness

Government Agencies and Non-Government Organisations

NSW Government Agencies

- Deliver the NSW Homelessness Strategy 2018-2023
- Put into effect the principles and procedures of the NSW Protocol for Homeless People in Public Places.
- In consultation with community services and program providers, deliver support and resources and manage funding, contracting and governance for programs and services that address homelessness directly and indirectly, including specialist homelessness services, early intervention services, community housing, out of home care, family violence, child protection, exit from corrective services institutions and mental health
- Deliver social housing programs.
- Directly deliver services such as health, mental health, education, alcohol and other drug prevention and rehabilitation
- Manage Child Protection and Mandatory Reporting matters, where children under the age of 18 are at risk.

NSW Police

- Respond to incidents, as deemed appropriate, where people who are homeless are breaching the peace or otherwise behaving in a manner that is unlawful.
- Exercise powers in relation to 'Move on Directions' to intoxicated people in public places.
- Respond to incidents where people who are homeless threaten their own safety or the safety and security of people around them
- Respond to incidents that are likely to result in damage to property or have a negative impact on conservation of natural and cultural environment, including cultural heritage, water pollution and fire risks

Community and Not-for-Profit Homelessness Organisations

- Deliver services and programs to address the needs of homeless people, including: crisis, medium and long-term accommodation; support to access and sustain accommodation; outreach support; health, legal, financial and advocacy services; practical support such as showers, laundry, clothing and meal programs; social enterprise and employment programs.
- Advocate on behalf of people who are homeless to enhance funding, services and policy responses to address homelessness and the root causes of homelessness.

3 Scope of the Wollongong City Council Protocol for Homeless People in Public Places

Places Included in the Protocol

The *Protocol* applies to all public spaces, facilities and community assets owned or managed by Wollongong City Council. This includes (but is not limited to): parks; sportsfields and swimming pools; beaches, community centres and community halls; libraries; cultural facilities; surf clubs; depots and the Council Administration building.

The *Protocol* does not apply to private property or property which is not accessible to the general public.

Definitions

The most common definition of 'homelessness' identifies three types of homelessness: primary, secondary and tertiary¹. For the purposes of the Protocol, the 'primary homelessness' definition has been adopted - '*a person lives on the street, sleeps in parks, squats in derelict buildings, or uses cars or railway carriages for temporary shelter*'.

It is important to note that it may not be immediately obvious that a person is homeless and that Council staff should use both discretion and care when assessing whether a person is homeless.

¹ Chamberlain, C., & Mackenzie, D. (1992) Understanding Contemporary Homelessness: Issues of Definition and Meaning. *Australian Journal of Social Issues*, 27(4), 274-297.

Relevant Circumstances

Members of the community who are homeless will be free to participate in the life of the community. Council officers will offer assistance to people who are homeless, in the following circumstances:

- they request assistance
- they appear to be distressed or in need of assistance
- it is necessary engage with them for the purpose of information exchange or provision of a service
- their behaviour threatens their safety or the safety and security of people around them
- their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks
- they are sheltering in circumstances that place their or others' health and safety at risk (for example, staying in derelict buildings, high risk areas)
- they are behaving in a way that breaches the peace or is otherwise unlawful

4 Policy Framework for Implementation

Management Procedure

The Wollongong City Council Protocol for Homeless People in Public Places is supported by a Management Procedure, that outlines roles, responsibilities and procedures for Council Officers who are engaging with people who are homeless, in the course of their daily duties.

Review of the Protocol

This Protocol will be reviewed every three years from the date of its endorsement, in line with Council's rolling review of organisational policies.

Related Policies – Internal

Although not documented within Council's formal policy register, libraries provide for membership for people who are homeless and cannot meet the regular membership requirements, such as residential address and proof of identity. This includes provisions for people aged under 16, who are not living with a parent or guardian and who cannot meet the standard 'guarantor' requirements for membership.

Related Policies – External

NSW Homelessness Strategy: 2018-2023

The NSW Homelessness Strategy sets out the NSW Government's plan for a comprehensive approach to prevent and improve the response to homelessness across the state. It focuses on three key areas: prevention and early intervention; effective support and response; and an integrated and person-centred service system.

NSW Government Protocol for Homeless People in Public Places

The NSW government introduced its *Protocol for Homeless People in Public Places* in 2012, to complement Housing NSW' suite of *Regional Homelessness Action Plans* that were developed as part of the state-wide reform of services for homeless people.

The NSW Division of Local Government issued a circular to NSW councils in January 2013, informing them of the publication of the updated *Protocol for Homeless People in Public Places* and *Guidelines for Implementation*. The circular requested General Managers of NSW Local Government Organisations to consider adoption of the Protocol within their Local Government Area.

The Protocol provides a framework for interactions between officials of participating NSW government organisations and homeless people in public places. The aim of the Protocol is to ensure homeless people are treated respectfully, appropriately and without discrimination.