

**Submission  
No 32**

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

**Organisation:** Exodus Foundation

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## SUBMISSION

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

The Exodus Foundation (**Exodus**) is grateful for the opportunity to respond to the Inquiry into the Protocol for Homeless People in Public Places. We are also grateful for the extension of time we have been given to submit this response.

Bill Crews is the CEO of Exodus, an Australian registered charity that provides frontline support every day to Sydney's homeless and marginalised by way of food, primary healthcare and crisis assistance. For over 28 years, Exodus has been serving free, nutritious meals from the Loaves & Fishes Free Restaurant and from mobile food vans. With the assistance of volunteer doctors, dentists, counsellors and other clinical providers, Exodus coordinates essential healthcare and outreach services for some of society's most vulnerable people. Our vision is to connect people in need with the services they need to break their cycle of poverty.

In this submission, Exodus would like to comment on the terms of the inquiry from our perspective as a frontline service provider with many years of firsthand experience listening and responding to the needs of Sydney's rough sleepers.

- 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.**

Exodus submits that the implementation of the Protocol is not consistent, either between council to council or region to region. We recommend that the appointment of an external regulator to govern the implementation of the Protocol across all relevant government departments and organisations would assist to ensure a consistent approach.

Exodus suggests that companies should be required to provide a personalised framework for their workplace to implement the Protocol in accordance with the implementation guidelines provided by FACS.

- 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 the government.**



Some of Exodus' clients have expressed their concerns that the NSW Police Force will often assume a criminal breach when dealing with homeless people. Loitering offences and move on orders often come into action before the Protocol is considered. We believe that this loophole needs to be governed.

Exodus submits that an assumption of homelessness affects the response of government organisation staff in public places. Case studies regarding access to the 'accessibility' or 'disabled' toilets, provided to us by our clients, illustrate that homeless people are often questioned heavily when asking to use the accessibility toilets in public places, usually train stations.

We note that the website for *Transport for NSW* states the following (emphasis added):

*People with disabilities are given priority entry to accessible toilets at stations and on trains. Look for the accessibility symbol on the outside of the toilet. If the toilet is locked, please ask staff if the toilets can be opened. If they are closed for cleaning or security reasons, they will let you know. Toilets at stations may be locked outside of staffed hours for security reasons.*

Exodus is mindful that the above approach is not always followed for people living rough. The questioning of homeless people who wish to use accessibility toilets can be contrasted against the use of accessibility lifts at transport stations. In the context of the use of accessibility lifts, individuals are not questioned and are free to use the lifts whenever they wish.

Exodus submits that there are inconsistencies in the implementation of the Protocol both across departments and within departments. We recommend that the Protocol should be extended to parties contracted by signatory organisations, such as security companies. Whilst the Protocol does theoretically extend to contractors such as security officers, this approach does not translate in practice. Exodus submits that proper and consistent implementation needs to be ensured by the State, through a governing body and with training and guidelines provided, if necessary. Clients seen by Exodus have also noted their concerns regarding quotas set by the NSW Police Force for search and move on orders which often target vulnerable people, including those experiencing homelessness. We believe that these individuals are seen as easy targets, particularly in the early hours of the morning.

We submit that implementation of the Protocol will only be effective with a governing body. Many government organisations have stated their position as signatories of the Protocol on their websites



and highlighted their frequent reviews, however, the results of the reviews are not accessible to the public. Exodus recommends that a regulator would be able to keep track of this and improve implementation by facilitating accountability.

**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.**

Exodus submits that approaches to the Protocol by signatories are not consistent or regulated. We suggest that a regulatory body be established under the Protocol to regularly review signatory implementation.

Exodus notes that there is still a need to bridge the gap of understanding between government officials and homeless people. This would involve understanding that many homeless people cannot (or struggle to) read signs, understand social queues, and that their past experiences influence their behaviour and reactions, often as a result of complex mental health conditions such as PTSD. As a possible solution to this, we suggest organising guest speakers from NGOs to present to government organisations and departments to strengthen their understanding of these 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.**

Exodus is of the opinion that the Protocol is not followed during planned and executed removals of rough sleepers from public places where they may have formed a temporary community, such as in Pratten Park in Ashfield.

The removal of homeless people from one public place, with no Temporary Accommodation options available as an alternative, means that they are merely displaced to another public place and are unable to store their belongings. Exodus submits that this has a particularly negative effect on our New Zealander and refugee clients who have no access to Temporary Accommodation at all. We are mindful that the constant mobilisation of people experiencing homelessness often results in transport fines that they are unable to pay.

Through case studies provided by our clients, Exodus notes that the interrogation and intimidation of homeless people occurs at train stations and outside private buildings in the early hours of the morning. We believe this is usually related to attempts to enforce search and move on orders by NSW Police.



Our experience also tells us that Police officers often are more likely to profile persons experiencing homelessness and make weapon or drug searches, arrest warrants and other street charges.

Exodus submits that there remains negative associations and assumptions of people experiencing homelessness (that they are dirty, mentally ill, dangerous or troublesome) and these associations affect the way individuals (including the Police) treat them.

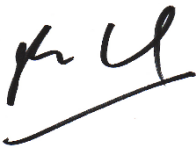
Exodus submits that it is the responsibility of the State to provide a strong narrative to the public (and to NSW Police) that people experiencing homelessness are equal and must be treated as such. This is the only way that other people will treat people experiencing homelessness with complete respect for their rights; and treat them the same way they treat all people. The State must remind, repeat and thus reinforce this message.

**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.**

Exodus submits that private businesses are often prioritised over homeless people, even outside business hours such as at 4am. Our clients have informed us on many occasions that they are told to move on by security guards in the middle of the night, including when they are simply sleeping.

**f. Any other related matters.**

Exodus is of the opinion that overall, the Protocol is generally trumped by legally enforceable measures (such as search and move on orders). We submit that without regulated implementation, the Protocol is significantly ineffective.



Rev. Bill Crews  
CEO & Founder  
The Exodus Foundation

