

16th March 2017

Manager Governance and Legal
Melbourne City Council
GPO Box 1603
Melbourne Vic 3001

cohealth
365 Hoddle Street
Collingwood, Vic. 3066

com.meetings@melbourne.vic.gov.au

Dear Lord Mayor and Councillors,

Re: Proposed amendments to Activities (Public Amenity and Security) Local Law 2017

cohealth has had a lengthy, collaborative relationship with the City of Melbourne to support people experiencing homelessness, and we acknowledge your leadership and positive work to date in this area. We were therefore surprised and disappointed with the proposal to amend the *Activities (Public Amenity and Security) Local Law 2017*. cohealth is deeply concerned about the impact these measures will have on people 'sleeping rough' within the City of Melbourne, some of the most vulnerable members of the community.

cohealth provides a range of health and other supports to people experiencing homeless in inner and western Melbourne, both from our Central City Community Health Service and via outreach. As a frontline service working directly with people experiencing homelessness, we have heard from them about the significant impact this by-law will have if adopted.

The amendments propose to:

- Broaden the definition of camping in the City of Melbourne
- Allow council officers to remove unclaimed items, impose a fee for their retrieval and dispose of them after 14 days if unclaimed

We are seriously concerned about the impact of this on people experiencing homelessness:

- They will be pushed out of the areas where they feel safer, and are close to services, supports and other connections.
- The 'problem' of rough sleeping will simply be moved to other areas, and the shortage of affordable, secure housing that is the major contributor to homelessness will not be addressed.
- People experiencing homelessness will not only lose belongings, but have fines imposed that they are unlikely to be able to pay, risking involvement in the justice system.
- Council officers and police already have powers to respond to the issues intended to be addressed by this by-law. Adding another layer of regulation and fines further demonises an already marginalised and vulnerable group of people.



People experiencing homelessness already face violations of a wide range of human rights¹, and these amendments will only compound this. Indeed, the United Nations Special Rapporteur on the Right to Housing has identified that the proposed amendments are a “serious international human rights concern”².

cohealth is aware of the recent dramatic increase in the numbers of people experiencing homelessness, has participated in the 2016 Street Count and has seen a doubling of people experiencing homelessness accessing our Central City Community Health Service. We have and will continue to work closely with City of Melbourne staff to create effective responses to the issues of homelessness.

cohealth strongly urges the City of Melbourne not to adopt these proposed amendments, rather to work with people experiencing homelessness and support services to identify sustainable solutions to community concerns.

A. Broadening the definition of camping

Broadening the definition of camping effectively makes it an offence to sleep on the streets. In our experience, people do not chose to become homeless, rather this occurs due to a combination of life circumstances. Widely acknowledged shortages of affordable, secure and safe housing mean that 'sleeping rough' is, unfortunately, the only option for increasing numbers of people. The proposed amendment does nothing to address the underlying causes of homelessness, and will simply act to push people experiencing homelessness out of City of Melbourne into other areas – areas that are further away from support services, and may not be as safe.

As one consumer asked:

“we've got to get sleep somewhere – what can I do [if the amendment is enacted]?”

Others spoke of the negative message conveyed by the proposal, and the psychological impact this has on them:

“we have aspirations, too, but this will mean we'll be pushed from the margins further to the edge”.

The penalty imposed for camping in a public place is high - \$388.65 (2.5 penalty units). For people on such low incomes, there is a very real risk that they will get caught up in the justice system due to inability to pay.

Recommendation 1: Reject the by-law amendment that broadens the definition of camping

Recommendation 2: Work in partnership with the Victorian and Federal governments to develop increased supply of affordable, supported and crisis

¹ <https://www.humanrights.gov.au/publications/homelessness-human-rights-issue#1> Accessed 16/3/17

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21357&LangID=E> Accessed 15/3/2017



housing, including models that provide flexible support to those with complex needs to remain housed.

B. Provisions regarding the removal of unattended items

People experiencing homelessness currently have little alternative to leaving their possessions unattended at times. When they need to obtain food, go to the toilet and undertake other activities, even if only for a short time, they need to pack up all their belongings or leave them on the street. The proposed changes will create additional hardship for people experiencing homelessness who have nowhere to store their belongings.

cohealth acknowledges that belongings will be stored and that there is capacity for people to collect belongings following the payment of a fee. However, as people who are experiencing homelessness also experience significant financial disadvantage, the payment of a fee may be prohibitive in being able to retrieve their personal belongings, which could include important documents and medication. It is likely that this will result in their limited possessions being lost. Alternatively, support services may incur additional expense in paying fees from brokerage funds, supplying new bedding such as swags and paying fees for the replacement of important documentation such as birth certificates.

Fines imposed for leaving possessions unattended will contribute further to financial hardship, and risk involvement in the justice systems if a person is unable to pay. As the JAAG (Justice Access Advisory Group) submission states "These processes will take resources to administrate including local enforcement officers, legal services, civic compliance and courts. The justice system will not address their housing issue and rather punish them for being without a home."

The people cohealth works with who experience homelessness identify that the provision of secure lockers with 24 hours access would provide them with security, while also assisting in improving the amenity of city streets. We are aware that City of Melbourne staff have been working for some time to identify an appropriate location for lockers, but to date without success.

Recommendation 3: Reject the by-law amendments relating to unattended possessions

Recommendation 4: Prioritise the installation of lockers at accessible location/s for people experiencing homelessness

Council officers and police already have powers to respond to activities in public spaces that impact on amenity, cause a hazard, etc, and issue infringement notices for such offences. The proposed amendments add an additional unnecessary layer of fines, and increased risk of involvement in the justice system for people experiencing homelessness. Increased interaction with council officers, and community expectation that these officers will take a more assertive approach with people experiencing homelessness, is likely to result in greater conflict with council officers.



The Lord Mayor has stated 'it is not against the law to be homeless'. However, the implementation of these amendments would send a contrary, unhelpful message, that homelessness can be addressed by stronger laws. Not only does this further stigmatise people experiencing homelessness, it does nothing to address the causes. Common themes from our conversations with people experiencing homelessness are the need for understanding, respect and empathy; and to speak, and work, with them rather than impose punitive responses. As a consumer suggested:

"If it's you or your family [who becomes homeless], what sorts of laws would you like to have in place?"

In addition, research has demonstrated that enforcement provisions such as these by-laws are not a helpful part of responding to homelessness. Leading cities, in contrast, are moving away from these sorts of provisions³.

Finally, there is the potential for significant cost impositions if these measures are introduced. People experiencing homelessness face potential fines and the expense of replacing possessions. Support services may need to devote brokerage funding to assist with replacing lost items and staffing to assist people respond to infringement notices and fines. Council resources will be directed to enforcement of the by-laws and administration and storage of impounded possessions. These resources would all be more usefully directed towards positive responses to meeting the needs of homeless people in the City of Melbourne and to reducing homelessness.

While cohealth recognises the challenges faced by the City of Melbourne in managing community amenity, we believe that the proposed amendments will discriminate against already disadvantaged members of our community. They do nothing to address the underlying causes of homelessness and are likely to only result in moving people experiencing homeless to other areas. We urge the City of Melbourne to continue the leadership shown to date and to work with people experiencing homelessness and support services to develop lasting responses that work for all members of the community.

Yours sincerely



Lyn Morgain

Chief Executive

³ Justice Connect Homeless Law, 2017.

[https://www.justiceconnect.org.au/sites/default/files/Justice%20Connect%20-%20Submission%20to%20Future%20Melbourne%20Committee%207.02.2017%20\(edit\)_1.pdf](https://www.justiceconnect.org.au/sites/default/files/Justice%20Connect%20-%20Submission%20to%20Future%20Melbourne%20Committee%207.02.2017%20(edit)_1.pdf) Accessed 15/3/17

