
From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 5:17 PM
To: CoM Meetings
Subject: Meeting submissions form [#178]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

Dear Mayor, Councillors and Council officers,

I would like to express my concern that the proposed Activities (Public Amenity and Security) Local Law goes too far, by apparently criminalising homelessness.

As I understand it, the proposed law will make it an offence to camp in public places, even if the camping only involves sleeping bag/ mat/ blankets, and also it will make it an offence to leaving personal belongings unattended in public places. Homeless people who are sleeping rough have no choice but to do these things. Often they have very little money or none at all, and so are likely to end up with a criminal record or even risk a prison sentence due to their inability to pay fines.

I understand that Melbourne City and the State Government are trying to improve homeless services, and that there may be a need to manage the large homeless camps that have arisen recently. I propose as a compromise that the local law allows homeless individuals, or small groups of 2-3 (for safety), to sleep in public spaces where they are not causing public obstruction or nuisance. That would still give police powers to disperse (and preferably re-house) large camps.

I live in Brunswick but travel to the CBD most week days (mainly to the State Library), and I have been approached by and have spoken to a range of homeless people over the last few years.

I'm aware of quite a number who have had no option but to sleep rough (a situation which continues for some). At least one homeless man I know has not had any income or Centrelink payments for over 18 months, though he still manages to look respectful, with his rough sleeping "bushcraft" as he puts it. A common concern is that no

accommodation has been offered, or else its a filthy, broken rooming house, to be shared with violent and drug affected individuals. For this privilege the rent can be as much as \$200 / week – most of the Centrelink payment, and more than what I pay for a decent studio apartment in Brunswick. I'm told this is why a group of elderly homeless gentleman have chosen to sleep at the end of the Tullarmarine freeway instead.

I have also spoken to a number of homeless service providers who tell me they often have to turn people away because they don't have accommodation available. Individuals who make a mistake with their first accommodation offer, have to wait several months before they can re-apply.

While the long-term solutions, and provision of adequate public / social housing may take a while to resolve, in the interim it is essential that society and Melbourne City are kind to rough sleepers.

I would like to express my concerns further to the Section 223 Submission Committee when it meets publicly on Thurs 30 March. I would like a well spoken homeless man, to present together with me if he's available.

Yours sincerely

Please indicate Yes
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

*

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 5:24 PM
To: CoM Meetings
Subject: Meeting submissions form [#183]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

I am appalled at the notion that people who find themselves homeless can be charged with a criminal offense. Isn't this just the same as the 'bad old days' when people who tried to commit suicide were then charged with a criminal offense instead of being supported. In a democracy where the welfare of each individual person, ratepayer or not, is important isn't the real crime in trying to hide the failure of our system of government to care for all citizens.

Criminalising homelessness is at odds with the values of a first world democratic country. I strongly oppose any proposal to criminalise anyone for being homeless.

Please indicate No
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

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From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 5:34 PM
To: CoM Meetings
Subject: Meeting submissions form [#185]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

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Please write your submission in the space provided below

What is happening here is beyond classist and fascist, it's inhumane. First of all, non-Indigenous people are here illegally, and although that's another issue, the city of Melbourne has no claim over the land.

The obvious thing to do here, and I'm sure the majority of submissions will be stating this, is make housing affordable. People on minimum wage or welfare are struggling to afford to pay rent, and there are so many empty houses. I realise this is probably an outrageous suggestion to a wealthy person or a baby boomer, but the amount of properties owned for investment should be capped at one or two, as the cost of rent has risen significantly more than wages.

Sure, there are housing options, but these aren't appropriate for everyone, and not everyone feels comfortable. Stop pretending that you care about them 'sleeping rough' in your campaign, when you just want to make people in a position of privilege feel comfortable.

Start tackling the root of the problem and things might improve,

PS The UN has already declared this a violation of human rights. I know that's a pretty popular violation in this country right now, but we're going to have to live with that shame in years to come.

Please indicate No
**whether you
would like to
address the
Submission
(Section 223)**

**Committee in
support of your
submission ***

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 6:09 PM
To: CoM Meetings
Subject: Meeting submissions form [#188]

Name *

Email address *

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below

The proposed changes to the local law are incredibly dangerous and will further marginalise at risk people facing homelessness in Melbourne. It is not illegal to be homeless. The proposed changes are a horrible message to send to society that punishes the victim of a failed system rather than trying to fix the failed system. Further burdening people facing homelessness will not solve the problem. More funding and support services need to be provided by government. Please look at alternative options, there are many that would have far more positive and less traumatic impacts.

Please indicate whether you would like to address the Submission (Section 223)

No

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 7:19 PM
To: CoM Meetings
Subject: Meeting submissions form [#191]

Name *

Email address *

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

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Please write your submission in the space provided below

To the Mayor and City Councillors,

The Homelessness crisis in Melbourne is indeed shocking. It requires a united strategy across all levels of government that includes affordable housing, ensuring that psychiatric care is supported sufficiently so that those at risk of transitioning to the streets have somewhere to go, public housing that is safe, taxes on property owners who have empty investment residences, and of course opportunities for just and secure employment – reduce casualisation and short term contracts. And undoubtedly more is needed including some basic compassion.

Listen to the stories and walk in their shoes....

yours sincerely,

Please indicate Yes
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

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From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 7:38 PM
To: CoM Meetings
Subject: Meeting submissions form [#192]

Name *

Email address *

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

The City of Melbourne has had years to provide shelter for the homeless. Nothing has been done for those who genuinely require a safe place to sleep, shower facilities and access to other facilities that those who have a home take for granted. I speak from experience as I was a battered wife who constantly called the Police to no avail. When and if the Police arrived I was the one who was told to remove myself from our home, irrespective of the fact I hadn't been drinking nor aggressive.

The actions by the Police caused me to live in my car without access to any amenities. I ask that proper safe facilities be given to those in genuine need. Millions of dollars are spent on fireworks and other free entertainment but nothing is spent on the homeless. This problem can no longer be ignored or left to the Salvation Army and other non funded Govt. organisations.

Please indicate Yes

**whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission ***

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

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From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 8:20 PM
To: CoM Meetings
Subject: Meeting submissions form [#195]

Name *

Email address *

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below

Homelessness is not a crime, and the people who lost their homes possibly without their fault should not be penalized like criminals. The Local Law 2017 should not be passed if we want to remain a fair and compassionate community.

Please indicate whether you would like to address the Submission (Section 223)

No

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 8:56 PM
To: CoM Meetings
Subject: Meeting submissions form [#196]

Name *

Email address *

Contact phone number (optional)

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

**Please write your submission in the space
provided below**

Please help the Common Law Rights of all Human Beings, especially the
Poor and less fortunate.

We need to approach this with new eyes and open hearts.
Have compassion for every human that deserves their rights to a place
on this Earth of ours.

With LOVE and UNDERSTANDING

**Please indicate whether you would like to
address the Submission (Section 223)
Committee in support of your submission ***

Yes

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my
personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 9:40 PM
To: CoM Meetings
Subject: Meeting submissions form [#198]

Name *

Email address *

Agenda item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Please indicate whether you would like to address the Submission (Section 223) No

Committee in support of your submission *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 15 March 2017 10:56 PM
To: CoM Meetings
Subject: Meeting submissions form [#199]

Name *

Email address *

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

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Please write your submission in the space provided below

I have serious concerns about the impacts that this proposal will have on not only the homeless population of our city but on the culture of our community.

I believe there are viable alternatives. It cannot be argued that the most obvious and the most imperative is providing affordable housing. However I would like to briefly outline some suggestions that I believe the council needs to consider in preventing and responding to homelessness.

I believe that there needs to be further funding put towards preventing homelessness and creating pathways out of homelessness. Programs such as supporting people that are in financial crisis and may have rent arrears, that can lead to evictions. Financial assistance will ensure these people do not become homeless. Providing funding towards assisting people to establish themselves in properties if they are successful in applying for private rentals; such as paying rent in advance and bond loans. Programs that advocate with real estate agents and private rental proprietors to encourage them to accept people that may have barriers to successfully applying for private rentals. Discrimination towards marginalised groups that have barriers to being successful in their applications needs to be explored and challenged. Real estates need to be encouraged to broaden their perception of who is an appropriate tenant. Programs such as employer subsidy; where employers are encouraged to accept applications of people that have been unemployed for a length of time through financial benefits could be applied in the homeless sector where Real estate / private rental owners could be encouraged to accept people that have barriers to successfully applying for housing through financial contributions/incentives. As well as programs that provide funding to subsidise rent for people that are in crisis and newly establishing themselves in a rental property; for the initial 6 months new tenants may be supported with some funding to pay a proportion of rent to assist with transition and budgeting. More supported accommodation services; where people get support to overcome barriers to establishing themselves in a home whilst being temporarily accommodated in a safe environment. Much research has been done and provided to the council and governments by experts in this area. The council needs to consider these innovative approaches as well as accept that there is a housing crisis in our city and the most necessary requirements is affordable housing and support to

recover from the trauma of homelessness. These laws are not going to eliminate the problem of homelessness; it is only going to enable heightened stigma; and justify discrimination against people that are vulnerable and create further trauma. I urge you to recognise that this behaviour presents itself as victim blaming. This is a dangerous culture to enable and encourage in our society. As the council of our city you are responsible for ensuring the safety of our community. This type of discrimination and victim blaming behaviour will only lead to further violence and negativity in our society. Please reconsider the impact you are having and the choices you are making. Please make decisions that will assist to eliminate homelessness rather than punish those that are experiencing this trauma.

Please indicate ☐ No
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy ☐ I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:
*

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 12:12 AM
To: CoM Meetings
Subject: Meeting submissions form [#201]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

I will refer to sections of Local Law 2009 for convenience.

1.10 This section needs to be used and is a better option than what is mostly proposed. An area(s) should be designated that is best suited to where people whom are homeless rough sleepers are allowed to camp. Areas allowed need to be clearly marked, areas where it is prohibited clearly marked. A person(s) found camping in a prohibited zone should be asked to move and directed to where they are allowed. Given adequate time to do so and assisted if requested or necessary. Facilities and safety of these 'legal' zones for those who are camping and members of the public are the responsibility and obligation of council and local law enforcement.

2.8 Dissagree strongly as it removes any limitation from its application.

2.12.1 – 2.12.5 Replace with equivalent wording of the following. Dangerous or suspicious items may be removed without question or compensation. Upon inspection and only if it is deemed safe to do so items may be returned to the owner. Other items may be removed if reasonable methods have been made to locate the owner(s) and or the owners refuse to either move items themselves or with assistance that are causing an obstruction. Reasonable efforts should be made to provide the owners of confiscated items that pose no threat to be able to be reclaim them. A time frame of between 14 – 30 days for items to be reclaimed as a general guideline. If item(s) are deemed valueable (including money) and or of a possible sentimental value or legal importance (Identification documents) should be held for a longer period. No specific fines should be applied under this law, many of those whom this law will affect have little or no financial ability to pay fines which may lead if they were to exist to unnessecary incaceration.

Please indicate Yes
whether you
would like to
address the
Submission
(Section 223)

**Committee in
support of your
submission ***

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 12:24 AM
To: CoM Meetings
Subject: Meeting submissions form [#202]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

Dear Melbourne City Council,

My name is ' ' and I am writing this submission to urge you not to proceed with introducing By-Laws that target Melbournes homeless community.

I oppose these changes as I believe they seek to sweep the issue of Melbournes housing crisis under the rug, they work to effectively criminalise homelessness in Melbourne CBD and punish human beings when they are at their most vulnerable.

In writing this I try to consider how I can enable you to look at this issue from a perspective that reflects the cruel consequences of such changes. I am confident that by this point you have heard from people who have had experiences being homeless, you have heard from the people that try to assist people facing homelessness, individuals with a deeper understanding of the issues then you will ever have. One anecdote does not make for a good argument. You have heard dozens, and I feel like there is very little that I could add to the voices which you continue to ignore from your positions of privilege.

I'd like to address the issue of so called "assertive outreach" a term you have used with little consideration to the ways in which people seek and benefit from support services.

Seeking support must be a self-directed action, you cannot force someone to access services that have frequently let them down.

If a person wants to witness change in their lives it will only come about through that own persons readiness, motivation and frame of mind.

When you frame community services as assertive you fail to grasp one of the core values, and that is self-

determination.

Forcing people to get help when they are not ready will most frequently push them away from seeking support, trusting support workers and grind away at the potential for personal hope.

Community service workers do not operate in the same manner as police. It is a process that crucially must be directed by the person seeking help or it simply does not work, in fact an assertive approach can drive people away from ever seeking long-term support again.

And I want you to take a second to think about that, not only are you taking away peoples belongings, sense of safety, pillows, blankets and other material possessions, you are also taking away their hope.

When I moved from Sydney two years ago I was happy to be back in Melbourne the most liveable city, even though I was homeless, I thought Melbourne had a more progressive approach to social issues, I thought that I'd be safe here. Shortly afterwards I found accommodation in a rooming house, a dismal, depressing environment which one struggles to fully articulate. You must have lived in these environments to understand. Even my support worker at the time would not approach the house and would wait outside in a locked car.

There were no common areas, there were cameras in the hallways, no sense of privacy, no sense of community, this was not a house. And that's why people who live in these dwellings are still considered homeless, yet they must pay above-average rates of rent. There were weeks when I could not afford to buy food or wash my clothes.

Someone was stabbed during this time and I came home to blood splattered across the hall and dripping down the walls as I passed the police tape.

I witnessed many instances of severe violence and often feared for my own safety. I became hyper-vigilant with symptoms mimicking PTSD.

This is the alternative that homeless people face currently. And it is no alternative.

I had a friend live in one of these places for over a decade and he discovered on several separate occasions that one of his housemates had died only through the smell of rotting flesh.

I had a friend who was stabbed with a heroin needle and contacted HIV. It was a living hell. I was always afraid, and I wouldn't wish this kind of environment on anyone.

You can imagine that many people chose to sleep on the street as an alternative.

There is a sense of community, people are out in the open, they don't die behind closed doors.

Some things are more important than basic shelter, a sense of safety for example. In the city people within the

homeless community can access services, services that aren't forced onto individuals as this has been found to be ineffective. They can sit on the grass or the pavement with people they trust and know that if a risk to their safety presents itself, someone will be there. This is not ideal, homelessness is not a choice, but you can't force people to live in fear. You must work toward creating real, long-term solutions, or I can guarantee that you will have blood on your hands.

Please indicate Yes
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:
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From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 12:56 AM
To: CoM Meetings
Subject: Meeting submissions form [#203]

Name *

Email address *

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

**Please write your submission in the space
provided below**

We need to put our effort into making sure these people are living in a home and have a steady and sustainable income. Punishing them for being poor is a human rights violation.

**Please indicate whether you would like to
address the Submission (Section 223)**

No

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 8:53 AM
To: CoM Meetings
Subject: Meeting submissions form [#206]

Name *

Email address *

Contact phone number (optional)

Agenda item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Please indicate whether you would like to address the Submission (Section 223) Yes

Committee in support of your submission *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 9:12 AM
To: CoM Meetings
Subject: Meeting submissions form [#208]

Name *

Email address *

Agenda item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below Compassion is always the better option ☐

Please indicate whether you would like to address the Submission (Section 223) No

Committee in support of your submission *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 9:57 AM
To: CoM Meetings
Subject: Meeting submissions form [#213]

Name *

Email address *

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

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Please write your submission in the space provided below

Sadly, it seems that not only is the number of homeless people is increasing, but attitudes towards them is hardening. I doubt that anyone chooses to be homeless, if they have a better option. As most of us know, there are many reasons for homelessness, including psychological problems, substance abuse, loss of work and financial problems, as well as a violent home environment. Amongst the homeless are also many young people including children.

Making homelessness a crime is inhumane, not to mention impractical and counter-productive. As a community, we need to provide better and more 'permanent' alternatives to living on the streets. No homeless person should be victimised and shamed, let alone turned into a criminal. We need to look for urgent and permanent solutions now.

Criminalisation is not the answer! Thank you,

Please indicate No

whether you

would like to

address the

Submission

(Section 223)

Committee in

support of your

submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

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From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 10:04 AM
To: CoM Meetings
Subject: Meeting submissions form [#211]

Name *

Email address *

**Contact phone
number (optional)**

Agenda Item title Proposed Activities (Public Amenity and Security) Local Law 2017

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Please write your submission in the space provided below

To the City of Melbourne,

I have been a resident and property owner in the City of Melbourne since 2008. I have observed the increasing number of rough campers and beggars in the city area since I initially began residing in the City of Melbourne in 2008, and note that there has been a steady increase in the number of visibly homeless people and beggars in the with a sharp spike in affected people in the past two years. These people have increasingly moved to central locations are are increasingly cluttering our footpaths with their shanty homes and increasingly becoming a aggressive in their begging practices, and generally making a nuisance of themselves. In December 2016 –January 2017 I avoided walking along Flinders street by the station where they were encamped due to fear of violence and abuse if i did not donate to them. Later in the day seemed to be more unsafe and higher in risk of danger, reflecting the greater propensity for the campers to have consumed alcohol and other drugs and be less polite an d considerate of behaviour and personal space of others. This is not a situation that can continue unchanged, and I welcome action to increase safety to all and provide a better accommodation for the homeless.

I am sympathetic to their homelessness and feel that the City and charitable organisations provide many excellent services to assist them homeless people. It would be wonderful if there were increased housing options like CommonGround in Elizabeth street. I have also found the rough campers are not always people from our community (ie are non-Australian citizens), but international visitors from elsewhere who have no income. They should go home. Perhaps a program of casual work for Australian citizens and cash payment could be implemented to alleviate their financial stress?

I have read the proposal and I am supportive of the proposed changes as described. Thank you for the opportunity to make a submission.

Yours sincerely,

Please indicate No
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

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From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 10:42 AM
To: CoM Meetings
Subject: Meeting submissions form [#212]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

To the Manager Governance and Legal
Melbourne City Council

I am writing to strongly oppose the changes to the Activities Local Law. I believe that these changes will be harmful to Melbourne's homeless citizens, and worsen the homelessness crisis overall.

In relation to 1.2 (d) I am unimpressed by the use of one disadvantaged group (disabled) as a scapegoat for persecution of another (homeless).

In relation to 2.8, the effective banning of homelessness is immoral and shows that the council is only willing to take care of citizens who have money (rate payers). The new law panders to the classist sentiments of those who find homelessness 'unsightly' and believe they have the right not to be 'offended' by the visible disadvantage of others.

In relation to 2.12.1 through 4, I am concerned about the financial and emotional strain placed on people who have no choice but to leave their belongings in public places. These people are homeless largely because of economic disadvantage, and the taking of their belongings and imposing of fines will only worsen this situation. I see this as unnecessary and ruthless revenue raising.

Yours Sincerely,

**Please indicate
whether you
would like to** No

address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

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From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 12:08 PM
To: CoM Meetings
Subject: Meeting submissions form [#215]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

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Please write your submission in the space provided below

I am deeply concerned about the number of people who are sleeping rough in Melbourne's CBD. I also acknowledge the complexity of homelessness and the challenges for government and services.

I do not believe the proposed amendment to the Public Amenity and Security Local Law will provide solutions. The increasing number of people sleeping rough is a result of governments not finding appropriate solutions and ignoring the issues (The City of Melbourne has been aware of the rising numbers of rough sleepers through its StreetCount. There were many fewer people a few years ago!)

Solutions involve adequate and long-term funding, affordable housing, multifaceted partnership approaches, addressing underlying issues and illnesses and conditions experienced by people as a result of homelessness. I believe the proposed change to the law further punishes people in vulnerable circumstances and does not assist in seriously addressing the growing population of rough sleepers and their needs.

Please indicate No
**whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission ***

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

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From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 12:09 PM
To: CoM Meetings
Subject: Meeting submissions form [#216]

Name *

Email address *

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below

We really need to stop these offensive and discriminatory laws before they make life for the most vulnerable members of our community even more unbearable.

Affordable housing is a necessity for the wellbeing of the nation.

Please indicate whether you would like to address the Submission (Section 223)

No

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 2:03 PM
To: CoM Meetings
Subject: Meeting submissions form [#221]

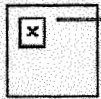
Name *

Email address *

**Contact phone
number (optional)**

Agenda item title * Proposed Activities (Public Amenity and Security) Local Law 2017

**Alternatively you
may attach your
written submission
by uploading your
file here**



[submission to com_proposed_amendments_to_activities_local_law_2009_kids_under_cover.pdf](#)

131.42 KB • PDF

**Please indicate
whether you would
like to address the
Submission
(Section 223)
Committee in
support of your
submission ***

No

**Privacy
acknowledgement:** I have read and acknowledge how Council will use and disclose my personal information.

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To whom it may concern

RE: Proposed amendments to Activities Local Law 2009

At Kids Under Cover we share the concerns and opinions put forward by other community organisations and homelessness experts; laws that ban sleeping rough simply don't work. Issuing fines to people with no income and moving people on who have no home to go to is ineffective.

We are also concerned about the proposed criminalisation of homelessness as it is described in the Activities Local Law 2009.

It is our belief that a ban on "camping" and leaving items unattended on the street see those currently sleeping on our city streets pushed on to the edge of the city, resulting in isolation from vital homelessness services. In fact, this will criminalise homelessness.

Homelessness is not a crime. As [redacted] of a not-for-profit organisation dedicated to preventing homelessness, I often feel the actual crime being committed is by our governments in not ensuring everyone in our community has a safe and secure place to call home.

The proposed ban on sleeping rough does not address the underlying causes of homelessness; such a ban will only further burden the justice system and it will impose additional unmanageable hardship on people already doing it tough.

As a community, we need to develop and fund effective preventative strategies and assist people in finding long-term housing. We have the capacity to look after our most vulnerable, not treat them as criminals.

The homelessness crisis visibly gripping our city will increase rapidly if more is not done to prevent people from becoming homeless - and it must begin with our young people. Early intervention strategies and long term housing solutions (like Kids Under Cover's successful Studio Program) are imperative in the fight.

The recent report released by the Australian Housing and Urban Research Institute; 'The funding and delivery of programs to reduce homelessness: the case study evidence' found that increased expenditure on homelessness services does not in itself address the issue of reducing homelessness. The case studies provided evidence for four policy implications that may have much broader systemic application. One being that of early intervention and postvention strategies, which have remained under-developed since the 2008 Australian Government's White Paper.

The report also states that; there is clear evidence that additional cost savings are associated with early intervention that reduces the flow of people into homelessness.¹

Housing affordability plays a significant role in homelessness. Australia's rising cost of housing, particularly in metropolitan areas, places increased pressure on many people - none more than the vulnerable.

The Organisation for Economic Co-operation and Development (OECD) housing affordability figures show that Australia is now the ninth most unaffordable country in the world, so if people cannot afford a place to live where are they to go?

The cycle of long-term homelessness can be broken with access to affordable housing. One of the greatest examples of this is the approach to homelessness taken by Canada.

A radical experiment to tackle the crisis saw the introduction of the At Home/Chez Soi project which was piloted in five Canadian cities between 2010-2013. The project followed more than 2,000 participants for two years, and was the world's largest trial of 'Housing First', with demonstration sites in Vancouver, Winnipeg, Toronto, Montréal, and Moncton.

'Housing First' is a recovery-oriented approach to ending homelessness that centers on quickly moving people experiencing homelessness into independent and permanent housing and then providing additional supports and services as needed².

This approach was thought to be radical as the orthodox thinking previously had been that people who have been homeless for a prolonged period and have mental health issues are not ready for housing. It was thought that the need to fix the underlying issue needed to come first.

The At Home/Chez Soi showed that this sort of approach could make a significant difference to the homelessness crisis. The major benefit of such a program is that of cost savings. The cost benefits of housing a person in independent and permanent housing far outweigh the cost to society in health care and justice services alone. In simple terms, it is more cost effective to give a homeless person a home than to keep them on the streets.

Before we go about criminalising homelessness I believe there is an incredible need for more conversation about providing a constructive solution. Kids Under Cover has been delivering a form of preventative 'Housing First' model for young people at-risk of homelessness for more than 25 years. I personally would welcome a conversation today on how we can help - a conversation that is well overdue.

Yours sincerely

¹ Australian Housing and Urban Research Institute - 'The funding and delivery of programs to reduce homelessness: the case study evidence'

² <http://www.homelesshub.ca>

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 2:07 PM
To: CoM Meetings
Subject: Meeting submissions form [#222]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

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Please write your submission in the space provided below

Submission to Council

Homelessness and public amenity Agenda item 6.2

As a Chaplain for Outreach Ministries Australia, a resident of Melbourne Victoria I come into contact with a large number of individuals that have recently been the subject of much negative Media Publicity. I am aware that Homelessness is at a crisis level in Victoria and is not confined to the Melbourne CBD. It is obvious that there are members of what may be loosely described as the 'Homeless Community' that have at times behaved in inappropriate and anti-social behaviours. Such behaviours are not confined to the Homeless Community but given the visibility of individuals, their behaviours are more easily seen and are easily viewed out of context. Many of those with whom I have spoken personally choose to live in the CBD simply because it offers a degree of safety and the ability to find shelter and extant services.

The proposed legislation does not address the many causes of homelessness and the varied circumstances that cause this crisis. The lifestyle cannot be seen as a person's first option in terms of finding safe spaces. Squatting in abandoned buildings is at best a short term solution for those dealing with multiple problems, a history of abuse and adverse interactions with established service providers. (See Royal Commission into abuse of Children in care). Thus certain service providers are viewed with suspicion and although these providers do offer genuine support, the options offered are short term only. The fact that there are those that have for many reasons opted out of what are seen as acceptable life styles and become 'rough sleepers' must not dictate an approach that demonizes and creates the image of the less worthy. This approach will only make the most vulnerable in these Communities more vulnerable to physical and emotional abuse.

I understand that the Rate Payers and Business owners have an interest in ensuring that their city is seen as a safe space for visitors and those seeking to enjoy the amenities of Melbourne have a desire to have Melbourne seen in the best possible light. We all want to be proud of Melbourne; a City that could easily be a leading light in addressing the genuine needs of the homeless. With some insightful research and street work a model could be created that could be

world's best practice. It is a reality of homeless life that the individual is compelled to carry all their personal belongings with them, the uglier reality is that leaving anything valuable exposed and un-attended leaves that person vulnerable to theft. The proposed confiscation of un-attended items is at best a short term approach, at the other end of the spectrum of social justice it would compel those with few funds to pay penalties and fines which would in due course turn otherwise law abiding people into criminals.

The Lord Mayor bravely stated that homelessness is not a crime. I would ask the Lord Mayor to make those words his mission. The recent media created hype has done little to enhance the global image of the homeless plight. We should not allow any group to hijack the agenda and crisis for their own ends. Members of the homeless community have their own voice, their own stories and there are none that can claim with any legitimacy that they represent the many individual stories and narratives involved with this crisis. A heavy handed approach will simply shift people into other outlying suburbs that have no established links to service providers and lack the great number of service providers (secular and faith based) already operating in the Melbourne CBD. One must also consider that the very existence of such projects as 614 is a supportive environment for people facing extremes. The need for basics, blankets and shower facilities are slowly being addressed, mostly through the efforts of volunteer groups. Melbourne weather can be unforgiving and I am unable to find statistics that indicate the rate of admissions and the use of Medical Systems that meet the needs of those that are rough sleepers or other homeless. There should be thought given into the provision of lockable and secure spaces for the storage of personal belongings. The sad reality is that there is simply not enough in terms of affordable housing. Public Housing is stretched in meeting the demands of our Society. On the other hand, the fact that many non-Government and Volunteer groups formed to address the needs of people experiencing homelessness can be viewed in the light of serious Community Building. This is breaking down stereotypes and perceptions even between volunteer groups from varied multi-cultural backgrounds. This unplanned outcome highlights the beauty of Melbourne as a diverse and caring community and this should be encouraged. Police powers as currently in place are adequate to deal with those crimes that are reported or detected. To place a greater burden on Police in dealing with what is a social problem seems inappropriate to me. It might be better to give Police access to appropriate links and support services. Approaching this issue as a community welfare matter will enable police to communicate with rough sleepers in their duties to ensure public safety and address other security concerns. It is not difficult to assume that it is the very people on the street that will quickly notice something that may be suspect or present a security concern (if security is an issue). The claim that up to 150kg of material is being removed weekly (see Age 2nd February) seems a canard to me. It would not be impossible to collect such a quantity of what is deemed waste from any other Community, be it the urban street or the bins that deal with waste in the CBD. Homeless and Housing may go hand in hand and the Council I could easily appoint support officers that deal with those in Crisis in a caring and supportive way. The current approach of created conflict and perceptions of the less worthy will simply drive people into even less safe spaces and possibly expose them to criminal behaviours that exploit their vulnerable status at this time. Melbourne as a City will always attract those that see the bright lights as a beacon of hope i.e. employment and social interaction. From my own experiences I found that within some homeless communities there are supports for

individuals that are lacking elsewhere; a sense of community and belonging that has declined in many areas. Social isolation, fleeing from domestic violence or simply opting out of the perceived acceptable social forms of living should not allow Melbourne to become a place that is less caring and concerned for the welfare of those experiencing difficult times often through sets of circumstances that are well beyond them and would probably present problems to any of us where we find ourselves lacking a roof.

I cannot speak for the Homeless; I cannot speak for the rough sleepers. I can though convey my own personal observations. I am aware of many of the personal stories shared with me. Melbourne City Council, led by our Mayor, could easily become a city that is a global example. If the suggested figures of around 250 people are homeless in the CBD are accurate, this is not a great number given the overall population. If the 'Homeless' are forced to move on they will be denied access to the already established support services. To me it would be better to establish more safe spaces, reduce the impact of criminal behaviour on the Homeless (they too fall victim but often fail to report incidents for fear of repercussions). It should also be considered that whatever decision Council makes, that change or proposed legislation must comply with the Victorian Charter of Human Rights.

The recent events as reported by the media could be viewed as a golden opportunity to acknowledge a crisis and find positive and life enhancing ways to deal with individuals. Making individuals dependent will not work, but empowering and allowing them to be involved in the decision making process will change the dynamics that have been created.

Melbourne – the loveable City – a Vision

The national homelessness crisis cannot be solved by Council alone. The crisis that is faced today by the Lord Mayor and the Council cannot be attributed solely to the failings of Councils across the Nation. It would be naïve to suggest that any Council has the resources to address what is a National Crisis. On the other hand this is an opportunity for Council, especially Melbourne City Council to take human steps within the scope of local government, bearing in mind that good governance starts from the ground up. The very perception and interaction of Governance for many is based solely on the steps taken at the local level. Thus the role of local government in maintaining a stable community has historically been undermined and, sadly, allowed to diminish. Local Government is for many of us the face of Government that we see. The decisions regarding development and community growth arise from the community and groups within the community.

The reality is that housing, for many, will not be available for years to come. Increasing investment and development has driven the prices of the Australian Dream into the realm of the unaffordable financial nightmare. This is a national crisis and, although our Lord Mayor indicated that he had made contact with the federal government, this was to no avail. The National Homelessness Funding agreement is a non-binding agreement. The actual funding level is apparently around the \$230,000,000 mark and there at least 800 organisations that have been supported nationally. This leaves very little in terms of real cash that can be applied to long term housing projects. Although the State Government has released a plan, this will take time to implement. For those facing homelessness in the Melbourne CBD and the suburbs, the luxury of time does not exist. Each day is a struggle to circumnavigate the many service providers, volunteer groups and other well intentioned organisations with few funds to pay for the required travel, nowhere to safely deposit personal belongings and few places that can be reliably called upon to provide a safe roof at

night.

Of course there are those that choose to sleep rough. This is not a crime. There are many reasons why an individual may choose to sleep rough, not only as a response to a lack of affordable and secure housing. If we go down the path of further marginalising and disenfranchising these individuals, we do so at the risk of our own social wellbeing. One could well argue that such isolation and denial of basic services will lead to hot beds of untreated illness and disease. There is a risk to the community of people innocently transmitting diseases such as Golden Staph simply in the normal course of daily activities. Access to basic essential services which provide credible options is essential. I have worked and lived among the homeless since 2009. Prior to that I was a member of the Victoria Police from 1977 to 1989 and an Honorary Justice for 25 years and a member of the Royal Victorian Association of Honorary Justices. I was involved with the Office of the Public Advocate as a Community Visitor tasked with people living in institutional settings. Having studied Criminology, Psychology and Social Work, I had my own practice for a time providing Counseling and giving expert evidence at Magistrates Courts and the County Court Level. Having been heavily involved with community policing, I later moved into Criminal Intelligence both as an Analyst and Field Officer. I was attached and accountable to the chief commissioner's office for a number of operations. During the end of my time with the Victoria Police I was assigned to the old Melbourne Children's Court and given a specified task. After receiving a recommendation from the Victorian Legal Aid Office for my work with both young offenders and children in care, the Old Melbourne Children's Court in Batman Avenue was finally closed for good reasons. During the late 1970's and early 1980's I was a founding member of the St. Kilda Wellington Street Drug Rehabilitation Centre (operated by qualified medical practitioners and psychiatrists). I completed a thorough review of the criminal laws applying to illicit drugs, the failed model of policing in dealing with the drug crisis. During my time in general duties policing I became a member of the Nunawading Youth Adult Bureau (Management Committee) and continued there in my own time working with others to establish credible Outreach Programs for young adults. I have also served in other capacities, tasked to review and investigate various matters on the ground, national implications and others. These duties are not open for discussion. Since 2012 I became involved with a community kitchen, a group of like-minded and caring individuals that set up at the corner of Swanston Street and Collins Street freely supplying food, companionship and humanitarian outreach to members of the homeless community and others. My personal observations and conviction to a humanitarian effort in resolving and challenging perceptions of homelessness led me to be involved for a short period with the Homeless Persons Union of Victoria. Here, I performed the function of elected first President for a short period of time. The result of my personal involvement has made it possible for me to build up a working relationship with many agencies and, most importantly, gain the trust of many of the homeless community. I am also an Ordained Minister for Outreach Ministries Australia, Victoria Tasmania Region and serve the members of the homeless community of the Melbourne CBD to the best of my ability. I am unfortunately restricted by physical injuries sustained in the line of previous duty, but I remain steadfast in my conviction to fulfil the mission statement of Outreach Ministries: "Reaching out to all those in need". My personal faith in our Lord Jesus Christ, seeking guidance from God and the Holy Spirit, I perform unpaid service for the benefit of the Community, inclusive of all those that are part of the community. This involves coordinated outreach work on the streets of the Melbourne CBD, networking with

many other secular and faith based organisations. I have been tasked by my Bishop to assist and support in the building and supporting of Community in all ways. I have a good working relationship with members of our Muslim community and many others, where we treat one another with mutual respect. My role involves street work, which is as varied as personal counselling, and advocacy at VCAT and the Magistrates Court as well as assisting a secular and much respected group at Rebecca Walk by handing out food and assisting at whatever level or activity is required. To highlight that personal face-to-face interaction and trust building is so very essential I would like to relate one anecdote which I shared with Dr. Wilson, the CEO of Urban Seed.

During a very hot spell in Melbourne, a young woman known to me had collapsed in Elizabeth Street near the Flinders Street Station end. Members of the Public were milling around, taking photos and making hurtful remarks about another 'Junkie'. Those comments included and attached to Facebook and other such sites were not only callous, but speak to the very nature of the extant disconnect between human beings. Well-dressed happy snappers were remarking that this was just another "Junkie" dying and so forth. I observed her distress and offered basic assistance, and soon after the ambulance was called. This young woman was a methamphetamine addict. She suffered from Golden Staph and I had observed her decline for some period of time prior to that day. There was nothing outstanding about anything that I did, nor was it demanding. As she lay there trying to make contact with friends via her cell phone, she recognized me and my 'working dog'. She smiled and said to whoever was on the line, "It's going to be alright now; the Priest with the Black Dog is here!" You can take that to mean many things; to me it highlights the importance of having a presence on the streets with which all people are comfortable. I cannot provide medical aid, cure her golden staph or stop her from using drugs. I can stand there, as a visible presence, and provide a degree of personal comfort as I call on those that can offer more. My presence also brought the undignified and humiliating photo shoot and comments to an end. With a little mindfulness and education, acts of kindness can be shared and learned. To me that is a far better outcome than having a society where a person possibly dying of heat stress and other causes becomes a source of brief entertainment.

As a result of a long life, I have accumulated numerous certificates and awards for service, both state and federal. I have seen the changes first hand, have witnessed the impact of one broken promise after another. If we, as a community, cannot make the effort or find the will to be of quality assistance to those in need, the crisis that we are facing now does not portend well for the future.

The needs that have been indicated to me are simple but important.

- 1) The provision of Lockers that is adequate for the housing of personal and other belongings so that they are not stolen or lost. These possessions often include essential paperwork required by service providers and personal mementos of significance. To carry such items and others around is very physically difficult indeed. Leaving such items unattended makes them likely to be the subject of opportunistic theft or vandalism.
- 2) Safe Spaces (Buildings) that are available on a 24/7 basis and provide a safe haven for those in crisis. Statistics show that women experiencing homelessness often become victims of rape or other forms of assault. In my own experience I have met women, especially those most vulnerable with complex personal crisis histories that have found themselves exploited time and time again by those that superficially offer some form of friendship or support within the homeless

community. Much of this applies to single mothers and children experiencing homelessness. There is a fear regarding dealing with the Department of Human Services, and the complexities of the legal system are often beyond the skill of that not well versed in these very expert fields. A Safe Space building would provide a venue where individuals can meet specialized service providers (Centre Link, Legal Aid Services) on neutral ground. This would also address the needs of the most vulnerable that are going through drug and alcohol addiction. Currently the suppliers of drugs and other illicit substances simply follow the Community around to both market their products and create a demand. The implications of this for the long term are obvious.

Such Safe Spaces could operate to provide options and appropriate help and services on a 24 hour basis. Current organisations operating in Melbourne could be encouraged to work together and share relevant information without concern for loss of funding streams. The Lord Mayors Office could feasibly provide an 'umbrella group' that facilitates the networking and distribution of workloads and provisions required for such a humanitarian project. This may not have the same 'buzz' factor as dealing with an overseas crisis and sending aid, but given the reality of the situation here, some thought should be given into addressing the local crisis first.

The outer suburbs do not offer the level of substantive support currently offered in the Melbourne CBD. I would expect that a humanitarian, caring response would encourage many of the hidden homeless to possibly increase demand for services in the Melbourne CBD. Of course this may at first appear to be a costly exercise, but it will make it possible for governments at all levels to learn about the actual numbers and realities involved. The figure of 1 in 200 Australians being homeless every night is a terrible figure to contemplate when looking at the total population figure, the varied demographics and age groups.

3) Outdoor Safe Spaces for rough Sleepers. There are plenty of areas around the Melbourne CBD which are chosen by rough sleepers. Most are chosen because they are regarded as areas of safety because sleeping in dark areas with no CCTV is seen as a least desired choice. As the Lord Mayor has indicated, this is not a crime. Obviously there are areas that the public must be free to access and use, the use of public amenities for all and the enjoyment of public spaces. Behaviours which are seen as confronting, such as drunkenness, illicit or licit drug use and abuse occur at all levels of our society. When they occur in a public space they become visible, much like domestic arguments and violence which in 'normal' homes remain hidden. Australia has a terrible record regarding domestic violence, the deaths of partners (mostly women) being the result. I remember the death of Wayne Mouse Perry and the impact it had on the homeless community. Research indicates that the homeless tend to be victims rather than perpetrators of violence. Studies from the United States and other Countries support this and are readily available on the Internet. It does not look good when people have a domestic argument in any public space; it challenges perceptions and conventions about relationships.

Most rough sleepers (I have spoken to a number recently) are concerned for their safety and privacy whilst sleeping, knowing that wherever they sleep and rest, that they will be safe. There are some that sleep in alleys, Victoria Market and other places and I have been told that personal safety concerns are a primary factor. There are also many other overlapping concerns, be they mental health or substance abuse. Making rough sleeping a 'crime' (By-Laws Infringement) is not the answer. It will simply drive those most in need further underground and into places of greater

risk. Empty buildings and those considered for demolition simply provide what appears to be a temporary respite. These are not safe havens. By being driven into outer suburbs without service providers or into unsafe buildings, these individuals are driven into a twilight zone of uncertainty. In principle, and according to the Victorian Human Rights Charter and the Australian agreement to the United Nations Human Rights Charter, laws that impact adversely on the free movement of any individual would find themselves quickly challenged in Court and found wanting.

"The criminalisation of homelessness is deeply concerning and violates international human rights law," Ms Farha said via a statement from the Office of the United Nations High Commissioner for Human Rights in Geneva. Ms Farha has contacted the Australian federal government's Attorney-General's Department about her concerns. The statement follows a chorus of criticism from local law and homelessness experts, which has so far failed to deter City of Melbourne officials from pressing ahead with the changes. The City of Melbourne has insisted its reforms do not "ban" homelessness. MS Adam said it was "quite concerning and embarrassing" for Melbourne that the actions of the council had attracted international attention.... Former Commissioner for Children and Young People Bernie Geary has been appointed by the council to oversee weekly meetings with homelessness services and authorities. Mr Geary said the advice of the United Nations Special Rapporteur should be taken seriously. "I think we should be listening to people like her, because we don't want to be criminalising homelessness. We don't want to be moving down that track and I don't think the City of Melbourne is either," he said. "Violation of human rights: UN condemns Melbourne's homeless camping ban" "From what I can gather it seems to me they are desperately trying to seek solutions. But Homeless Law manager and principal lawyer Lucy Adams said the changes could effectively ban rough sleeping by preventing homeless people from sleeping on the streets with swags or blankets. "We should be doing better than this," she said. "The proposed law goes further and is discriminatory - stopping people from engaging in life-sustaining activities, and penalising them because they are poor and have no place to live. "The Age MARCH 14 2017 - 6:10PM Aisha Dow (quoted in part)

Do we need to rely on overseas experts and opinions to bring about a sea change that has been painfully obvious to many here for some time? Does the tyranny of global distance impose blinkers on common sense?

Free movement and even non movement i.e. sleeping or resting is not a crime, and enforcement of such By-Laws (as broad as the proposed changes stand) would be subject to the discretion of By-Laws Officers. Do we need to create friction between council officers, police and those sleeping rough? To my mind, the Melbourne CBD is big enough and has plenty of places that could be readily offered to rough sleepers. It has to be a win-win for both sides. The respect for individual liberty and dignity coming hand in hand with respect and dignity for all members of the community. There is also the reality that those living on the streets see that which occurs on the streets. We are reminded daily that terror is a real threat to this Nation and our Communities. By forcibly removing those that see the subtle changes, observe the placement of unusual objects and the movement of others, we are denying ourselves eyes on the street. I do not suggest that the homeless community be encouraged in any way to become an arm of law enforcement, as this would be both dangerous to the individuals concerned and a hindrance to those services fighting terror. But being a member of a community makes them feel included, just like in the suburban homes. It is those members that feel they have a stake in the community that will easily avail themselves of the emergency numbers that may need to be called.

By offering a safe and welcoming environment and possibly dedicated areas that 'rough sleepers' may use as an option, they become stake holders and contributors rather than being perceived as a liability and a cost.

I suggest the creation of 'sanctuary' like environments where people could discuss their needs without fear of adverse outcomes i.e. interactions with DHS. I am aware of several single parent families and two parent families that are doing the best they can given changed economic circumstances (i.e. sending children to schools, providing 'homes' from cars and tent structures). These parties are loath to approach any agency fearing that extant families will be broken up and children placed in care via DHS and the Children's Court System. There is a great amount of misinformation and bad feeling about. Building and restoring trust is a matter of grave concern.

A combination of the above ideas could possibly provide safe spaces where people of all genders know themselves safe! Where venues exist that prevent predation and victimization of those most in need and most vulnerable. Venues where women know themselves safe after fleeing domestic violence. Venues that cater for men dealing with the crisis of homelessness.

Financial Cost vs Outcomes

Melbourne CBD currently provides the space for many volunteer groups to assist and provide real on the ground assistance for those in need. It is farcical to close support services over holiday periods, long weekends and even Christmas. This may be cynically viewed as creating walking marketing boards for agencies collecting monies by charities that operate at a corporate level. Is this what we want as a Society? Is this the message that the City of Melbourne chooses as a global neon sign?

I think not. The Lord Mayor indicated a willingness to take advice and to consider options. I respectfully suggest that those claiming to have the most experience and resources start communicating with one another and deal with this crisis as a crisis. The Narrative has to change.

Melbourne is a desirable place to build; a possible greater Melbourne will build more. It may be time to consider looking at planning laws that encourage developers and investors to make a suitable contribution to the quality of life in the City of Melbourne. This could also apply to the real estate holdings currently extant in the name of faith based groups.

Safe Spaces buildings and quality emergency housing could be factored into the planning permission process, possibly as a percentage. Other costs could be offset by the Lord Mayors Office being able to rent suitable properties at peppercorn rates. Melbourne City Council has been prepared to make property available to promote tourism at such favourable rates and arrangements.

The creation of a sustainable model will require time. I would respectfully ask Council to delay passing any punitive laws. I have faith that there are both secular and faith based organisations in the City of Melbourne that are simply waiting to see the Lord Mayor take a lead. A humane and sustainable model for what will continue to be a long term crisis, if taken seriously and led by those who have shown merit and transparency, could easily become a model that

could be applied globally. The City of Melbourne and other stake holders could well market their crisis handling skills at ethical and affordable rates to those cities that see a sea change in dealing with homelessness as essential!

In summary I would humbly suggest that those claiming to speak for the homeless make an effort to actually talk with the many and varied people impacted by this national crisis. Melbourne City Council, The Victoria Police – Melbourne Command and other stake holders could reconsider the ways that they are adversely perceived by many of the homeless community. All it takes is to make an effort to speak with those impacted and to create a working relationship!

There will be conflicting opinions, demands and requests. That is the very nature of being human and living in a Society such as ours.

The first tentative steps could begin with lockers, the other steps are not impossible.

I dedicate this submission to the memory of those members of what is loosely referred to as the Homeless Community that helped me survive my own time as a homeless person (2009 to early 2012), the old man without teeth at Victoria Market who used many names but taught me how to sleep on cardboard, the guys that taught me how to dumpster dive and scavenge. There was a time when I was too ashamed to admit that I was 'homeless' because I quickly learned how the man I had been was now perceived, that no Honorifics, former social status or little else breaks down those barriers of perception. That terrible image of the failed human being, failed because of circumstances beyond the control of even a relatively well educated human being, no fault attached. I made that man a promise, that if my circumstances ever changed; I would not forget the kindness of strangers. Kindness that demanded no coin!

I can clearly state to the Lord Mayor and Counsellors that my own personal experience, as unpleasant as it was, pales into insignificance when compared to the experiences of others. The fear and uncertainties that go through your mind as you live day by day and all that which was taken for granted no longer exists. That the pyramid of the large service providers of all hues appear to be more concerned with branding and marketing their product and version of Charity than making time for what becomes painfully obvious in hindsight. The models of the deserving and underserving poor, the expectation of displayed humility and knowing one's place when dealing with decision makers. Had I the time, I could easily present a paper on the topic. There are plenty of those already and service providers that produce both academic papers and figures required satisfying the minds of some. I can also assure the Lord Mayor and Councillors that there are some living on the streets right now for whom there is no time left to waste. These are not failed human beings to be left to sexual predators, predatory landlords and purveyors of misery. Any one of us can fall from 'Grace', through the cracks and onto the very cold concrete of the modern city. Failed relationships, trusts broken, domestic violence, survivors of the very institutions set up to keep children safe (see recent Royal Commissions into the much respected and vaunted models of social assistance offered to those deemed the most vulnerable – now mature Adults – the Forgotten Australians). There are over half a million Australians whose lives were impacted by the deeds of a few! I digress, and I apologize to the Lord Mayor and the members of the Council. Much of this is beyond the scope and even well beyond the capacity of any Local Government Body.

But then, if no one will act to prevent the obvious, starting from the ground up then what hope, if any is left for those whose futures are in our hands?

Making Melbourne an inclusive and loveable city, a beacon of light in what has become a hard world where it need not be, given the acquired knowledge and resources of the 21st Century; The City of Melbourne, led by the Lord Mayor and a forward thinking Council could set the ball rolling in a positive direction!

Respectfully submitted for the consideration by the Lord Mayor and Melbourne City Council.

Outreach Ministries Victoria Tasmania www.outreachministriesvictas.com

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From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 2:16 PM
To: CoM Meetings
Subject: Meeting submissions form [#223]

Name *

Email address *

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Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

I am _____ at Australian law firm Clayton Utz.

Clayton Utz conducts the largest pro bono practice in Australia, and one of the key parts of our work has been through the Homeless Law Service organised by Justice Connect. As you would be aware, Homeless Law provides specialist legal services to people experiencing or at risk of homelessness. Clayton Utz was a founding firm of Homeless Law (previously the HPLC) in 2001, and practically every lawyer in our Melbourne office has been involved during that time.

Over the past 15½ years, Clayton Utz has opened 909 files for Homeless Law clients, involving fines, debts, housing issues, discrimination, guardianship and administration orders and much more. In FY2017 we have already opened 40 new matters.

Two hundred and fifty people work at our office in the heart of the City of Melbourne. Our deep engagement through Homeless Law has transformed the understanding of all of us about the realities of homelessness. We have seen up close the vulnerability and hardship of homeless Victorians.

We have also seen the impact of enforcement-based approaches to homelessness, including the resources required to support clients to deal with fines and infringements which have been incurred during periods of homelessness. It is clear that increased enforcement powers is not the solution to homelessness in Melbourne. Pushing people out to the edges of the City and away from services like our Homeless Law program at Central City Community Health Service will make things substantially worse.

We appreciate the challenges that the City of Melbourne faces in managing the competing needs of the diverse community of people who live and work in the City. However, our pro bono practice cannot support the proposed

changes to the Activities Local Law 2009, which we are concerned will be costly and ineffective for the City and impose further hardship on Victorians experiencing homelessness. We encourage the City of Melbourne to avoid these changes, and to instead continue its leadership shown in homelessness through support of Project Connect Respect, Homeless Service Coordination, funding for housing and the Women's Homelessness Prevention Project.

The Clayton Utz Pro Bono Team would be happy to discuss this submission further, if that will assist.

Yours sincerely

Clayton Utz

Level 18, 333 Collins Street, Melbourne VIC 3000

. | www.claytonutz.com

Please indicate **Yes**
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy **I have read and acknowledge how Council will use and disclose my personal information.**
acknowledgement:

*

From: CoM Meetings
Sent: Thursday, 16 March 2017 2:27 PM
To: *Gov & Leg - Council Business (Team)
Subject: FW: Meeting submissions form [#224]

From: Wufoo
Sent: Thursday, 16 March 2017 2:26:38 PM (UTC+10:00) Canberra, Melbourne, Sydney
To: CoM Meetings
Subject: Meeting submissions form [#224]

Name *

Email address *

Contact phone number (optional)

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Alternatively you may attach your written
submission by uploading your file here



[letter_robertdoyle_march_2017_final.pdf](#) 411.33 KB • PDF

Please indicate whether you would like to
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Yes

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my
personal information.

14th March 2017

Lord Mayor Robert Doyle
City of Melbourne
GPO Box 1603 Melbourne VIC 3001.
Melbourne VIC

Dear Mayor Doyle,

RE: Proposed amendments to the *Activities Local Law 2009*

On behalf of the St Mary's House of Welcome Board, our staff, volunteers and participants, I am writing to you in relation to the City of Melbourne's proposed amendments to the *Activities Local Law 2009*, which impacts people experiencing homelessness. Alongside many of our sector peers, we are concerned that the proposed amendments to by-laws will not only compound the vulnerability of those already at-risk, nor will it reduce the numbers of persons 'sleeping rough'.

Additionally, we are concerned that the ban will not help solve issue of homelessness. It simply and problematically shifts the problem from one area to another, namely from Flinders Street to Brunswick Street.

We are already seeing the consequences of people being shifted and 'moved on', with an increased demand for our services, which cater to people experiencing extreme poverty and disadvantage. With our limited resources and funding, we will not be able to meet the requests for services such as meal provision, shower and laundry facilities, counselling sessions, social inclusion programs and referrals to further support. These are services of basic human necessity and we believe it right to offer them to all who seek them; however these would be rendered unfeasible, should we become inundated with those shifted, in accordance with the proposed amendments.

We seek the financial support of the City of Melbourne to help us cope with the growing numbers of people experiencing homelessness and mental health that have been moved on from the CBD onto the city fringes, into services like ours.



A work auspiced by the Daughters of Charity of St Vincent de Paul
165-169 Brunswick Street Fitzroy 3065 Postal Address PO Box 60 Fitzroy 3065
Reception: 9417 6497 Fundraising: 9417 7985 Fax: 9416 3263
Web: www.smhow.org.au Email: admin@smhow.org.au

*St Mary's House of Welcome is a
quality accredited organization*

ABN 54 050 278 754

Should the proposed amendments to the *Activities Local Law 2009* be legislated, it will mark a significant strain on homelessness and mental health service providers in the City of Yarra. In this area the rate of homelessness is already five times greater than the state average. St Mary's House of Welcome is an Open Access Centre. We have an 'Open Door' policy, whereby any person is able to access available services, without a formal needs assessment and no obligation to undergo one. Our primary objective is to engage with the participants with a long-term scope, linking them with housing and health support services, so that they may achieve better well-being, and independent, social and community networks. Meal provision is the primary engagement tool which enables us to connect with participants, and provides opportunity to begin to address other life issues, such as accommodation and housing instabilities, addiction, family violence, mental health issues and financial distress.

On average we support 200 people daily. Since the removal of CBD homeless camps we have seen a 20% increase in the uptake of our daily meals since January 2017. In January 2017 we delivered an extra 436 meals compared to the same period in the previous year and an additional 222 meals in February 2017 compared to the same period in the previous year.

We welcome the Victorian Government's *Victorian Affordable Housing Strategy* and its commitment to building and redeveloping more appropriate social housing to support vulnerable Victorians. Our work and expertise in the Fitzroy area over the past 60 years indicates that there will continue to be marginalised people who will not be able to sustain housing if offered to them. People who have lived a life of trauma and distress rely on the safety net and services provided by agencies like ours.

As a significant provider of homelessness and mental health services, it concerns us greatly that businesses, the communities, local and state governments are yet to consider a commitment to supplement funding for Open Access Services to meet increased demand.

St Mary's believes that the positive impacts of Open Access Services evidently and compellingly justify immediate commitment to additional funding. [Click here to access](#) a recent evaluation, completed in partnership with Sacred Heart Mission, VincentCare Victoria's Ozanam House and the Prahran Mission's St Kilda 101 Centre. The project was funded by The Lord Mayor's Charitable Foundation with the research ethics oversighted by the University of Melbourne Human Research Ethics Committee.

There is strong evidence supporting the notion that continuity of access to services like ours is good for all. St Mary's House of Welcome provides a range of services and programs aimed at improving wellbeing; these include mental health and disability support, drug and alcohol

counselling, and sports and activities groups. The evaluation report exemplifies that one-third to three-quarters of participants rely on the centres to access these types of programs, clearly validating their importance. Fifty-five percent of survey respondents say that they are better able to manage their emotional and mental health as a result of attending the centres. This has a cumulative, positive impact on the demand for social, medical services and the criminal justice system, and a more thoughtful, holistic approach to tackling homelessness. Many businesses on Brunswick Street, social welfare agencies, local police, and the emergency department at St Vincent's hospital can attest to the value of St Mary's, and its positive outcomes relating to the stabilisation of behavioural issues of marginalised people within the community.

St Mary's urges all governments to immediately commit to supplementing funding of Open Access Services. In doing so, I invite you visit our service centre in Fitzroy to hear first-hand from the staff, volunteers and participants about their experience of service and the positive impact it is having on the lives of those coming through open doors.

Kind regards


St Mary's House of Welcome

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 3:11 PM
To: CoM Meetings
Subject: Meeting submissions form [#226]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

Submission to Future of Melbourne Committee on proposed Amendments to Activities Local Law 2009

Yarra City Council (YCC) welcomes the opportunity to make a submission on the proposed amendments to Activities Local Law 2009. This submission is in response to Motion 12.1, carried unanimously at the 6 March 2017 Council meeting, for Yarra City Council to make a formal written submission to the Future of Melbourne Committee.

Firstly Yarra Council would like to acknowledge and applaud the leadership of Melbourne City Council (MCC) over an extended period in addressing homelessness, and the considerable benefit to neighbouring Councils including Yarra, from the learnings, experience and data from this work, so generously shared.

It is evident from MCC homelessness policy and processes that the work of MCC staff has been guided by a rights-based approach and characterised by a response to people experiencing homelessness that is constructive, compassionate, inclusive and respectful, and deeply informed by contributions from people with lived experience of homelessness.

MCC has set up a strong cultural norm for inner Melbourne which has assisted and encouraged neighbouring councils, including Yarra, to take a similar approach, and to take seriously our role as public authorities under the Victorian Charter of Rights and Responsibilities 2006. This role brings with it obligations to treat all our residents with dignity and respect.

Council is keenly aware of the increased numbers of people sleeping rough in inner Melbourne and, while not on the same scale of the CBD, has also experienced increasing numbers of more visible rough sleeping over recent years, with subsequent increased daily operational challenges and impacts on local amenity. Through the application of the principles embedded in our protocol for responding to people sleeping rough, Yarra Council officers at all times attempt to ensure that our response to this humanitarian crisis is compassionate, collaborative and constructive.

Yarra does not support the proposed amendments. We consider that these proposed changes will contradict and erode the good work of MCC in responding to homelessness. Moreover the changes will:

- disproportionately impact on already vulnerable people;
- not achieve any constructive long term solutions to rough sleeping;
- be challenging for authorised officers in their enforcement role; and
- undermine the capacity of other local governments to avoid similar punitive solutions.

The changes proposed cast homeless people themselves as the problem, while doing nothing to address the root causes of homelessness. This undermines the repeated statement from MCC that 'it is not illegal to be homeless'. It also implies that local governments have a role in solving homelessness, whereas in reality significant and long term investment from State and Federal Governments are essential to address our homelessness crisis.

It also belittles the work of the homelessness sector organisations with people caught up in complex situations and challenges that make their tenancies vulnerable. For example, high levels of financial difficulties including rent arrears and fines, mental health and other health issues, family and other forms of violence, can all lead to loss of housing without the timely and effective intervention of services.

Enforcement based approaches have proven to be ineffective, and reduce the ability of authorised offices to achieve constructive engagement with people sleeping rough. This places significant stressors on Council officers and creates increased tensions within already conflicted spaces.

Council is concerned that the fear generated by the proposal may drive people away from the public realm, and lead them to seek shelter in places that expose them to heightened levels of violence. The consequences are potentially life threatening and raise serious safety implications.

The response from homelessness service providers, peak bodies, and legal community centres has been overwhelmingly to oppose the changes. These organisations daily face the reality of high unmet levels of demand for housing and support, the numbers of people who are turned away from services, and the complexity and interconnectedness of drivers of homelessness – lack of housing, poverty, trauma, violence – that force individuals and families into crisis.

We note from the MCC media release on 16 February that the amendments are intended to support the MCC disability action plan, as well as to address community concerns around amenity, pedestrian access and aggressive begging. Existing relevant laws (The Activities Local Law 2009) already provide for authorised officers to address issues of disability access, amenity, and pedestrian access adequately.

For example, it is already an offence under the Local Law at part 2.1 to obstruct the footpath in a public place; as such the case for the amendments in relation to changing the definition of camping has not been made. In addition, the Summary Offences Act 1966 (Vic) provides Victoria Police with powers to respond to issues of behaviour in public space, including aggressive begging.

Council is of the opinion that these amendments will lead to increased systemic discrimination against people experiencing homelessness. This can be avoided by exploring viable alternatives to a compliance approach.

Council recommends the Future of Melbourne Committee withdraw the proposed amendments and commit to continue its current practice of coordinating responses by support agencies, authorised officers and Victoria Police until the State Government's investment through the \$1 billion housing growth fund starts to deliver new social housing in Melbourne.

In support of this recommendation, Council offers to work collaboratively with the City of Melbourne to: share best practice for more compassionate responses to people experiencing homelessness; and coordinate an advocacy campaign to State and Federal Governments to address the root causes of homelessness.

On behalf of Yarra City Council

Please indicate No
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

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*

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 3:34 PM
To: CoM Meetings
Subject: Meeting submissions form [#231]

Name *

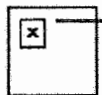
Email address *

Contact phone number (optional)

Agenda item title * Proposed Ammendments Activity Local Law 2009

Please write your submission in the space provided below We have attached a written submission

Alternatively you may attach your written submission by uploading your file here



[nw_homelessness_networks_submission_amendments_activity_local_law_2009.docx](#)

716.55 KB • DOCX

Please indicate whether you would like to address the Submission (Section 223) Committee in support of your submission *

Yes

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NORTHERN AND WESTERN HOMELESSNESS NETWORKS

17 March 2017

Submission: Proposed amendments to the Activity Local Law 2009

We are writing this submission on behalf of the Northern and Western Homelessness Networks. The North and West Homelessness Networks are made up of approximately 50 organisations, managing over 200 homelessness programs in Melbourne's north and west. They have been meeting in partnership with Department Health Human Services (DHHS) since 2008 to:

- develop and monitor coordinated homelessness system arrangements,
- ensure that homelessness resources are effectively utilised; and
- progress issues of shared concern.

The Networks have created clear access points to the homelessness and family violence service systems and a coordinated approach to prioritisation and referral to services within these networks. This has been particularly important work in an area that includes some of our most disadvantaged and fast growing Local Government Areas (LGAs).

The need for our services continues to significantly exceed the capacity of our service system to respond and the impact of not being able to provide safe housing and support to families and individuals in crisis is devastating for those concerned, and, in the long run, costly to the Community. The Networks experience tells us that the longer people have to wait for an appropriate housing response the more entrenched their homelessness becomes and the more likely they are to move from the outer suburbs to the Central Business District (CBD).

The 2006 Census shows that 28% of those who were homeless on Census night were in Melbourne's North and West. It is expected that the 2016 Census results will show a 50% increase in rough sleeping in the North and West.

In November 2016 there were 4,116 households awaiting homelessness assistance in Melbourne's North and West. These households include at least 5,526 adults and 1,712 children.

The Networks are extremely concerned at the impact the proposed amendments to clause 2.8 and 2.12 of the City of Melbourne (CoM) Activities Local Law 2009 will have on those sleeping rough, and are certain the changes won't have any impact on reducing homelessness or even moving it off the streets of the CBD.

The Networks are sympathetic to the dilemma faced by the City of Melbourne. We are aware that many members of the community find it distressing to be confronted by people sleeping on the streets of Melbourne. However, this distress is minimal against the distress experienced by people who have no option but to sleep on the streets.

The Networks are concerned that these by-laws would have a disproportionately negative impact on people who are already highly vulnerable; punishing them for being homeless and pulling them into the justice system. These laws risk pushing people to the edges of the city and isolating them further from services and supports. There is also a significant risk that people will get caught up in the justice system through fines (of \$388.65) or charges. Tougher enforcement will not deliver the solutions the City of Melbourne or the community is seeking. The law doesn't solve homelessness.

The Networks are concerned that the proposed changes to the by-laws focus on hiding 'the problem' or moving people into less public areas which means that they are more vulnerable and less likely to access the services they need.

Having participated in the 2016 Census Homelessness Enumeration we are aware of people sleeping rough in dangerous and isolated locations all over Melbourne. We understand that some people who are homeless congregate in the CBD because they feel slightly safer sleeping in high traffic areas and are able to experience some sense of community.

In an environment in which we are not able to offer these people safe housing in a locality that will provide some quality of life for them, it seems very cruel to deny them the modicum of safety and community that they have managed to establish.

The Networks are concerned that an enforcement-based approach to homelessness will reduce the ability of CoM authorised officers to effectively engage with people sleeping rough. The by-laws also imply that the Council is responsible for solving homelessness when, in reality, significant efforts are needed from State and Federal Governments to address our homelessness crisis

The networks are clear that the only solution to all forms of homelessness is for state and federal governments to tackle the housing crisis together. In the short term, that would mean the immediate spot purchase or head- leasing of new social housing.

It has been argued that one response to addressing rough sleeping in the CBD is to earmark housing from within the current homelessness service system and allocate people to this short term housing. We would caution the City of Melbourne against this response. Evidence has shown that good outcomes are only achieved when people are offered housing that is in a locality and of a type that is suitable to their needs.

The Networks urge Councillors who will vote on the by-laws at the April Council Meeting to not proceed with an option that will have a harmful impact on vulnerable people, creating practical challenges for those with nowhere else to sleep, as well as sending a damaging symbolic message that people are not welcome.

Please feel free to contact us if you would like any further information from the Northern and Western Homelessness Networks.

Yours sincerely,

On behalf of the Northern and Western Homelessness Networks

Ph:

Ph:

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 3:58 PM
To: CoM Meetings
Subject: Meeting submissions form [#225]

Name *

Email address *

Contact phone number (optional)

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Alternatively you may attach your written submission by uploading your file here



[melbournecitycouncil1.docx](#) 14.04 KB · DOCX

Please indicate whether you would like to address the Submission (Section 223)

Yes

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Attention: Manager, Governance and Legal, Melbourne City Council

Dear Councillors

Proposed Activities (Public Amenity and Security) Local Law 2017

I wish to make a submission in respect of your proposed changes to local laws concerning public amenity and security.

I currently work in the CBD on Flinders Lane. During the time when the Flinders Street camp was erected I felt very unsafe to be working in the city. I was constantly breaking the law myself, as my train is on platform one and I normally walk to the Degrares crossing lights to cross the road. However on multiple occasions I did not feel safe enough to do so.

During the time when the camp was set up, I experienced the following;

- A lady who was camped there threw a bottle at the public toilet block smashing and spraying glass at the people waiting to cross the lights, because someone driving along Flinders Street honked their horn.
- Early one morning when it was not yet fully light, a man in a mask jumped out at me and yelled boo spooking me which resulted in me stepping onto the road into oncoming traffic. The camp roared with laughter and the man did the same thing to the next person to walk past.
- A homeless man flashed me while clearly intoxicated on drugs or alcohol

We currently have people camped on our stairs. To open the doors at 7:30am on a weekday and have people sleeping across the door is not a good impression for our international students who attend our school. We often have vomit or pee where they are sleeping and they get angry if you wake them trying to open the door.

Our fire escape door is always blocked with makeshift homes which is an OH&S issue and if you do hit the occupant with the door they commonly go off in a rage.

It makes me sad to see people sleeping on the street, but it also makes it hard to go to work when they roam the city doing as they please commonly intoxicated.

Yours faithfully

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 4:06 PM
To: CoM Meetings
Subject: Meeting submissions form [#232]

Name *

Email address *

Contact phone number (optional)

Agenda item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below File attached.

Regards

Launch Housing

Alternatively you may attach your written submission by uploading your file here



[launch_housing_city_of_melbourne_submission_16march2017.pdf](#)

484.88 KB · PDF

Please indicate whether you would like to address the Submission (Section 223) Yes

Committee in support of your submission *

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IT'S TIME TO END
HOMELESSNESS

Launch Housing Submission

For the attention of:
Manager Governance and Legal
Melbourne City Council

Re: proposed Activities (Public Amenity and Security) Local Law 2017

March 2017

A merger between



Manager Governance and Legal
Melbourne City Council

Re: proposed Activities (Public Amenity and Security) Local Law 2017

16 March 2017

Launch Housing welcomes the opportunity to provide a written submission in response to the intention of the City of Melbourne (*Council*) to amend the Activities Local Law 2009 through the Activities (Public Amenity and Security) Local Law 2017.

Based on the experience in Australia and overseas of similar provisions¹, we express our concern about the amendment and strongly encourage Council to re-consider the amendment and pursue alternate options.

Launch Housing

Launch Housing is an independent Melbourne based community organisation formed from the merger of Hanover Welfare Services and HomeGround Services on 1 July 2015, which brings a combined 75 years' experience working with people at risk of or experiencing homelessness. We are one of Victoria's largest providers of housing and homelessness support services. We provide flexible, specialist services that directly assist thousands of individuals, couples and families every year.

Launch Housing is Victoria's strongest advocate for affordable housing and leaders of research into homelessness that produces better outcomes for our clients and lasting positive change for our community. We believe housing is a basic human right that affords people dignity, and this is reflected throughout every aspect of our work. Everyone has a right to a home and it is our job to make this happen. Our mission is to end homelessness.

We operate across 14 sites and 13 local government areas from Whittlesea in the north to greater Dandenong in the southeast of Melbourne. Last year we supported 18,000 people at risk of or experiencing homelessness across Melbourne.

Amending the Activities Local Law 2009

It is our understanding that Council is seeking to amend the Activities Local Law 2009 (*the Law*) to broaden the definition of camping and provide a process for responding to items left unattended in a public place². The proposed changes were presented in a Committee Report on homelessness and public amenity to the Future Melbourne (Finance and Governance) Committee. At a meeting on 7 February 2017, the Committee endorsed the proposed changes.

¹ It has been noted: "There has been a proliferation of laws, policies and practices internationally that seek to address homelessness through enforcement-based measures. These measures vary significantly in their form, intention and impact. They include laws expressly prohibiting the presence or activities of people experiencing homelessness (such as laws prohibiting sitting, sleeping or lying on the sidewalk and begging); differential or discriminatory enforcement of neutral laws (for example, laws prohibiting jaywalking or public drunkenness); and the collaborative use of enforcement measures, including police involvement and court orders, intended to prompt people experiencing homelessness to engage with services." See: Adams, L (2014) [In the Public Eye – Addressing the Negative Impact of laws regulating public space on people experiencing homelessness](#), The Winston Churchill Memorial Trust of Australia

² City of Melbourne, Report to the Future Melbourne (Finance and Governance) Committee, Agenda item 6.2, 7 February 2017

It is our understanding that under current laws (section 2.8 of the Law), camping is only illegal if people use a vehicle, tent, caravan or type of temporary or provisional form of accommodation. The scope of camping is now broadened without reference to structural parameters.

The proposed change will also result in a ban on people leaving any item in a public place without a permit, and gives Council officers the ability to confiscate the items. In particular, it is proposed that:

- 2.12.2 If any item is left unattended in contravention of this Local Law, an authorised officer may confiscate and impound the item in accordance with this clause.
- 2.12.3 Any item confiscated and impounded under clause 2.12.2 will be returned to its owner on payment of any fee or charge prescribed by the Council for its release.
- 2.12.4 If the owner of the item has not paid any fee or charge required for its release, the Council may sell, destroy or give away the item.

The amendment is not necessary

We understand the general need for local laws to protect the amenity and use of public places and control activities in or near such places. It is our view that the current provisions in the Law are sufficient in addressing any problem of nuisance, as it is already an offence "for a person in a public place to adversely affect the amenity of that public place, or to obstruct any other person in or on that public place"

The report presented to Council on 7 February 2017 noted that the Victoria Police had publicly requested Council to review its Activities Local Law 2009 in order to strengthen the response to a range of circumstances throughout Melbourne. However, we note that the Victorian Police already have powers under the Summary Offences Act and that these move-on powers, like those in most other Australian States, allow police to issue enforceable directions to persons (both individuals and groups) in public places to move away, or 'disperse' from a particular area.³ The research shows, drawing especially on the experience in Brisbane, that "...move-on powers are frequently used by police in tandem with other police powers; particularly their powers to conduct a personal search and to seize certain items of property. A move-on direction is often accompanied by an arrest for obstructing or assaulting police, public nuisance or failing to follow the direction."⁴

Unintended consequences

The amendment to the Law is likely to have a number of unintended consequences especially for people who are experiencing homelessness and sleeping rough.

One unintended outcome is to **make rough sleeping effectively unlawful**. Council has publicly stated that the proposed amendment is not intended to 'ban homelessness'.⁵ Indeed, as research on anti-camping provisions clearly highlight: "it is rare that laws, policies or practices regulating public space are developed and implemented with the intention of punishing people for their homelessness"⁶.

³ Taylor, M., & Walsh, T (2006) Nowhere to Go: The Impact of Police Move-On Powers on Homeless People in Queensland, Homeless Persons' Legal Clinic, Queensland Public Interest Law Clearing House and T.C. Beirne School of Law, University of Queensland); p24

⁴ Walsh, T, & Taylor, M (2007) 'You're Not Welcome Here:' Police Move-On Powers and Discrimination Law, *UNSW Law Journal*, Vol 30 (1); p154

⁵ As reported in the Guardian: <https://www.theguardian.com/australia-news/2017/feb/03/homelessness-wont-be-banned-in-city-of-melbourne-says-council>

⁶ See: Adams (2014); op.cit; p8

However, the change to the Law by banning all forms of camping will, like the introduction of anti-camping provisions in other countries (such as the USA, UK and Canada), effectively makes it an offence to sleep on the streets (noting that 'camp' is not defined). As noted in the USA context⁷ "one of the common forms of criminalization measure is to prohibit "camping" in public. These particular laws are often written broadly to encompass a wide range of living arrangements, prohibiting homeless people from using any resource that might be their only option for shelter."

By leaving no single place where homeless people can lawfully camp, these bans transform entire communities into "no homeless zones" where homeless people are left with the choice of facing constant threat of arrest or leaving town⁸. Indeed, courts in the USA have reasoned that if a homeless person is sleeping outside because they have no other shelter to retreat to, arresting them for such conduct is a serious violation of their civil rights⁹.

Similar moves by Council raises critical questions about the infringement of civil rights and, at the very least, keeping within the principles of the Victorian Charter of Human Rights and Responsibilities, which equally applies to Council.

The amendment to the Law will have the unintended consequence of **displacing rough sleepers, risks** isolating people from services and supports **and so placing people in more dangerous places**. Whilst the change to the law may initially see a reduced incidence of rough sleeping in the City of Melbourne, such a move will not reduce the level of homelessness but will see people re-emerging in neighbouring municipalities. A response to address the housing and associated support needs of people experiencing homelessness is still required.

It would also be expected that, over time, people are likely to gravitate back to the CBD. This was the experience in the UK¹⁰ with the use of ASBOs to move-on rough sleepers. The evidence suggest that this approach to rough sleeping only worked in the short-term and had a high breach rate (around 40%). It was concluded that the approach was expensive, did little to change people's behaviour, nor tackled the root causes of homelessness¹¹.

There is also a legitimate concern that the Law will expose people to greater risk of assault, and will make it more difficult for homeless services, such as Launch Housing, to locate and engage people to support them into housing. The practice evidence shows that criminalisation policies are ineffective and actually make homelessness harder to exit. People experiencing homelessness are not on the street by choice but because they lack choices, so criminal and civil punishment serves no constructive purpose. Instead, arrests, unaffordable tickets, and the collateral consequences of criminal convictions make it more difficult for people to exit homelessness and get back on their feet¹².

The amendment to the Law will have the unintended consequence of **increasing people's interactions with law enforcement and the justice system**. People experiencing homelessness are already more likely to come into contact with the criminal justice system, particularly for committing 'public order' offences. It has been well established that rough sleepers, who are highly visible,

⁷ National Law Center on Homelessness & Poverty (2017) Housing Not Handcuffs - Ending the Criminalization of Homelessness in U.S. Cities, p22

⁸ Ibid, p23

⁹ Walsh, T, & Taylor, M (2007), op.cit; p156

¹⁰ Taylor, M., & Walsh, T (2006) op.cit p32

¹¹ Ibid p32

¹² National Law Center on Homelessness & Poverty (2017), op.cit ; p13

socially disruptive or who have complex needs, are frequently subject to systems of regulation and control that drag them into the criminal justice system.¹³

In particular, the amendment includes a provision to ban people leaving any item in a public place without a permit, and gives Council officers the ability to confiscate the items. As observed by Justice Connect Homeless Law¹⁴ these provisions regarding unattended items have the potential to affect harshly on rough sleepers, including because of the inevitability that goods may be temporarily left and the requirement to pay a fee to get belongings back¹⁵.

We note that financial penalties will most likely be incurred through the amendment to the Law, namely that a person would be failing to comply by 'camping' in or on any public place or leaving items unattended without a permit. These are offences and a person can be given an infringement notice for \$388.65 (2.5 penalty units) or charged and brought before the Magistrates' Court. An authorised officer can also direct a person to leave a public place (i.e. can move someone on) and, if the person fails to do this, they can be fined or charged.

There is a significant risk that people will get caught up in the justice system through such fines (of \$388.65) or charges. It is inappropriate to risk the imposition of financial penalties through the Law for people who are already struggling, only further increasing the strain they are already under.

Infringements are the single biggest issue affecting clients of agencies such as Justice Connect Homeless Law¹⁶. People experiencing homelessness are more likely to get fines and infringements because they are forced to carry out their private lives in public places; and are less likely to be able to address the fines and infringements through payment or navigating the complex legal system.

The amendment also has the unintended consequence of **wasting limited public resources** due to the cost of enforcement of the local law by Council Officers, as well as the additional burden and associated costs on legal and community services that assist clients to deal with their fines and charges, and the congestion in the courts.¹⁷ A review of move-on powers in Brisbane effecting people experiencing homelessness found that the by-laws were expensive to enforce and that the level of enforcement fluctuated over time due to the reluctance of Council staff¹⁸. Research in the US has also shown that the cost to taxpayers is significant¹⁹. It has been noted that rather than addressing the causes of homelessness and helping people escape life on the streets, criminalisation "creates a costly revolving door that circulates individuals experiencing homelessness from the street to the criminal justice system and back."²⁰

¹³ Petty, J (2017) Homeless: Why making it a crime won't fix the problem - Punitive action will be more expensive in the long term; see: <https://pursuit.unimelb.edu.au/articles/homeless-why-making-it-a-crime-won-t-fix-the-problem>

¹⁴ Justice Connect Homeless Law is a legal service for people who are homeless or at risk of homelessness

¹⁵ As reported in the Guardian, <https://www.theguardian.com/australia-news/2017/feb/03/homelessness-wont-be-banned-in-city-of-melbourne-says-council>

¹⁶ Homeless Law assists approximately 100 clients every year dealing with overwhelming fines and charges for 'public space offences'. See: <http://www.justiceconnect.org.au/dontcriminalisehomelessness>

¹⁷ Adams, L (2014) op.cit

¹⁸ Taylor, M., & Walsh, T (2006) op.cit

¹⁹ National Law Center on Homelessness & Poverty (2017), op.cit; p30

²⁰ Ibid; p38

Not only is it wrong to effectively punish a homeless person for conduct inextricably linked to their homeless status²¹, trying to address homelessness through punitive means is actually far more expensive than strategies that supply affordable housing and supported accommodation²².

Create an alternative to changing the Local Law 2009

There is a pressing need to create an alternative to changing the Local Law 2009 along the lines proposed by Council, and the consequent outcome of enforcement. As Adams²³ observes in her exhaustive account of enforcement measures used in other countries, there is no one place that has a perfect model for regulating public space, but there are better ways of addressing homelessness beyond law enforcement and the justice system.

For example, Indianapolis²⁴ became the first city in the country to enact a law that requires the local government to provide adequate housing alternatives before evicting homeless people from encampments. In addition, the law requires that camp residents be given a minimum of 15 days' notice before closing a camp, and that the city must offer to store their personal belongings for up to 60 days before they can be disposed of or destroyed.

Launch Housing acknowledges the current policy commitment by Council and its significant financial investment (estimated at \$3.5m each year) in addressing rough sleeping in the CBD and surrounds. Council's *Pathways Homelessness Strategy 2014-17* provides a valuable framework for achieving a reduction in the number of rough sleepers, implemented in collaboration with service providers and the State Government. Launch Housing notes and supports the intentions of the City of Melbourne to continue weekly Hotspots meetings and notes the appointment of Bernie Geary, to convene the weekly Hotspots meeting as well as attending the Service Coordination Project meetings and liaising with stakeholders and service providers.

Summary

Launch Housing opposes the planned amendment to the Local Law 2009. The change, if enacted, will have a number of unintended consequences for the most marginalised people in the Victorian community. A response is clearly needed to the ongoing problem of rough sleeping but a focus on the anti-camping provision by Council is not the best way forward. We concur with Justice Connect Homeless Law²⁵ and other agencies that tougher enforcement will not deliver the solutions Council or the community is seeking.

We look forward to working with the City of Melbourne in responding in a positive and proactive manner to homelessness.

²¹ This is the conclusion of the report by the National Law Center on Homelessness & Poverty (2017), op.cit; p23

²² Petty, J (2017) Homeless: Why making it a crime won't fix the problem - Punitive action will be more expensive in the long term; see: <https://pursuit.unimelb.edu.au/articles/homeless-why-making-it-a-crime-won-t-fix-the-problem>

²³ Adams, L (2014); op.cit; p7

²⁴ National Law Center on Homelessness & Poverty (2017, op.cit; p40

²⁵ See: <http://www.justiceconnect.org.au/dontcriminalisehomelessness>

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 5:09 PM
To: CoM Meetings
Subject: Meeting submissions form [#233]

Name *

Email address *

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

It should not be illegal to find a place for safe rest in our city for people who have no other recourse. I am sure they would rather not be sleeping out in the elements and exposed to violence and abuse by some with short sightedness and lack of empathy. As a community we must face up to the fact that some of us have a more difficult road to travel than others and give respect and care where it is needed.

Prison is not the place for people already marginalised and fighting to overcome enormous difficulties. Fines and prison will not only be more costly but will exacerbate the problem by increasing the barriers these members of our community already face.

I am sure council is aware of the sources of the problem of homeless and can take cues from a number of successful projects overseas to bring about change.

I would like to see Melbourne a leading example of an interactive respectful action to overcome these difficulties.

Please indicate **No**
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

*

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 6:24 PM
To: CoM Meetings
Subject: Meeting submissions form [#235]

Name *

Email address *

**Contact phone
number (optional)**

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

I am concerned about unintended consequences of the proposed by-law. I would like to make the council aware of a dozen people who regularly sleep rough in Melbourne's CBD and are also accomplished street artists and who regularly maintain Hosier Lane. I have been painting with these artists since June last year and wrote an article about them for The Conversation.

<https://theconversation.com/some-rough-sleepers-are-attracting-tourists-with-their-street-art-71983>

Their capacity to paint would be significantly diminished if they were relocated outside of the CBD. Further this may affect a broader community of non-homeless artists who regularly paint with those sleeping in the CBD.

Please indicate No
**whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission ***

Privacy I have read and acknowledge how Council will use and disclose my personal information.
acknowledgement:

*

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 6:55 PM
To: CoM Meetings
Subject: Meeting submissions form [#236]

Name *

Email address *

Agenda Item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below

You can NOT criminalise homelessness. People can't help being homeless. The council should provide homeless people with permanent accommodation and living skills and other necessary services. Being poor is NOT a crime. Why don't you just send them to the work house! What is this Victorian England? Have some compassion!!!

Please indicate whether you would like to address the Submission (Section 223)

Yes

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 7:34 PM
To: CoM Meetings
Subject: Meeting submissions form [#237]

Name *

Email address *

Agenda item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Please indicate whether you would like to address the Submission (Section 223) No

Committee in support of your submission *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 8:56 PM
To: CoM Meetings
Subject: Meeting submissions form [#238]

Name *

Email address *

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

**Please write your submission in the space
provided below**

"The criminalisation of homelessness is deeply concerning and violates international human rights law...The proposed law goes further and is discriminatory – stopping people from engaging in life-sustaining activities, and penalising them because they are poor and have no place to live."

**Please indicate whether you would like to
address the Submission (Section 223)**

No

Committee in support of your submission *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 10:24 PM
To: CoM Meetings
Subject: Meeting submissions form [#240]

Name *

Email address *

Contact phone number (optional)

Agenda item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below No one is homeless by choice. Don't make it illegal, give the people support.

Please indicate whether you would like to address the Submission (Section 223) No

Committee in support of your submission *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 10:44 PM
To: CoM Meetings
Subject: Meeting submissions form [#241]

Name *

Email address *

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

I strongly oppose the proposed amendments to the Activities (Public Amenity and Security) Local Law 2017. These amendments would effectively enable the criminalisation of homeless people in Melbourne – people who are some of the most vulnerable members of our society. This would place undue stress on social services that are already struggling to support people who are homeless in Melbourne, as well as pushing homeless people into the criminal justice system.

I fail to see how the proposed amendments serve any positive purpose. They will not reduce homelessness in Melbourne, they will only cause additional distress to people that are already struggling and sap support organisations of resources. Please do not make these harmful amendments into law.

Please indicate whether you would like to address the Submission (Section 223) Committee in support of your submission *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, 16 March 2017 11:41 PM
To: CoM Meetings
Subject: Meeting submissions form [#242]

Name *

Email address *

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Alternatively you may attach
your written submission by
uploading your file here



[submission to council proposed amendments to the activities local law 2009 .pdf](#)

131.46 KB • PDF

**Please indicate whether you
would like to address the
Submission (Section 223)
Committee in support of your
submission ***

No

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

16 March 2017

Manager of Governance and Legal
Melbourne City Council
GPO Box 1603
Melbourne, 3001

Dear Manager of Governance and Legal,

RE: Proposed Activities (Public Amenity and Security) Local Law 2017 Submission

I am a remote Melbourne based PhD Candidate in Political Science writing my dissertation on the lived experiences of homelessness. Please accept the below submission regarding the proposed amendments to the Activities Local Law 2009 (Local Law) in the Activities (Public Amenity and Security) Local Law 2017 (Amending Law).

Firstly, I would like to thank the Committee for the opportunity to make a submission. In this context, I would like to raise my concerns regarding the proposed Amending Law and the social, physical, mental, legal, and financial impact it will have on those experiencing, or at risk of, homelessness, its ineffectiveness as a solution to the increased presence of homelessness in the Melbourne CBD, and the economic burden this Law imparts onto Melbourne tax payers due to the increased resources and responsibility it requires for authorised officers and the Council to enact. With regards to the latter, I raise my concerns with the unchecked power these Laws will grant to authorised officers in the regulation of public space and the regressive message the Amending Law sends to the community on the criminalisation of homelessness.

Lastly, I urge that you reconsider your position on the Amending Law which will not achieve the outcomes the Council or community seek, and avoid taking the Local Law further. Instead, I recommend continued and extensive collaboration and advocacy with Melbourne's Specialist Homelessness Sector (SHS) that is premised on a Housing First model. Most importantly, I ask that you take the time in good faith to genuinely *listen to the experiences* of the people this Amending Law ultimately discriminates against.

Summary and consequences of proposed changes to the Amending Law:

Broadening the definition of camping in public places

Key amendments: Removing any reference to the words 'vehicle, tent, caravan or any type of temporary or provisional form of accommodation' under clause 2.8.

Consequences:

- The amendment of clause 2.8 opens the possibility of targeting rough sleepers by making it an offence to sleep on the streets.
- Given the term 'camp' is not defined, this clause makes it difficult to contest the offense of unlawful camping in public spaces, while simultaneously allowing the terms of reference malleable enough to be liberally enforced.

Ability to confiscate, dispose, and sell unattended items

Key amendments: The addition of clauses 2.12.1 to 2.12.15 prevent a person from leaving an item/s unattended in public spaces. If an item/s is unattended, authorized officers may confiscate, dispose, destroy, give away, or sell the item if a fee is not paid within 14 days.

Consequences:

- These additional clauses effectively prevent rough sleepers from owning any possessions due to the inevitability of items being temporarily unattended when a person is sleeping rough. For example, while using public amenities, getting food, attending meetings and appointments with practitioners, Centrelink, and SHS workers etc., accessing service delivery from homelessness organisations, or socializing with friends in nearby areas.
- The additional clauses effectively prevent people who are homeless or at risk of homelessness from accessing public amenities that should be available to all members of the public.
- The requirement to pay a fee to retrieve confiscated belongings under clause 2.12.3 is unnecessarily harsh and punitive and presents an additional financial burden that individuals experiencing homelessness cannot afford. This is especially so given the Amended Law under Schedule 1 sets the penalty for infringements of clause 2.12 at a fixed fee of \$388.65 (2.5 penalty units).

Concerns about the Amending Law

1. Social, physical, mental, legal, and financial impact on people experiencing homelessness

- The proposed amendments risk further marginalising people experiencing homelessness. It acts as form of social cleansing by pushing those experiencing homelessness to the outskirts of the Melbourne CBD where they will remain 'out of sight and out of mind'. This will only isolate people experiencing homelessness from accessing valuable services (most of which are intentionally located in the city for ease of access) and risk severing the already-tenuous relationships homeless individuals have with service providers and law enforcement.
- It also presents the risk of severing meaningful relationships, ties and networks individuals experiencing homelessness have with one another by preventing people from socialising, congregating, and sleeping next to one another in public. This is especially so for individuals experiencing homelessness that identify as Aboriginal or Torres Strait Islander due to the connection to land, culture, and community certain areas in the CBD have.
- The Amending Law places greater physical and mental burden upon individuals experiencing homelessness by effectively placing an ultimatum, at the risk of facing a fine, between attending items and attending to life-essential daily tasks (such as appointments, services, accessing food and utilising public amenities).
- The Amending Law will further entrench homelessness and recidivism by keeping individuals in the criminal justice system through fines and charges they cannot afford to pay.

2. Ineffectiveness as a solution to homelessness

- The Amending Law does not address the core factors contributing to homelessness, nor does it offer long term solutions or strategies for preventing and ending homelessness. Instead, the Amending Law acts as a thinly veiled and

disingenuous attempt to address the increased presence of homelessness through punitive and litigious measures. This approach to criminalising the experience of homelessness has been proven to be ineffective and only serves to entrench the violence and social exclusion already experienced by individuals who are homeless.¹

- The Amending Law places greater responsibility onto authorised officers to address homelessness. These officers are not trained, equipped or adequately educated on how to do this effectively in the same way the SHS are. The Amending Law will therefore be using tax payer's money to ineffectively address an issue that could otherwise be diverted to the SHS, especially given the cuts the SHS in Victoria have recently faced.

3. Economic burden on Melbourne tax payers

- The additional resources and costs required to implement and uphold the Amending Law places an unnecessary economic burden onto Melbourne tax payers that could otherwise be spent on more effective solutions elsewhere (see Recommendations below). This is in spite of the revenue raising the Amending Law may or may not bring given most infringement penalties will likely not be paid (see section 1 above, bullet point four). Amongst these tax payers are individuals experiencing homelessness who pay G.S.T every time they purchase food, water, clothing, tobacco etc. from the shops.
- The cost of incarceration is another undue economic burden that will be pushed onto the tax payer as a result of the Amending Law.

4. Greater 'move on' powers for authorised officers

- The existing powers under the Local Law, specifically Part 14, already provides detailed provisions on the regulation of public space by authorised officers including:
 - the confiscation of items under clause 14.17;
 - the authorisation of an officer to direct a person to leave a public space when they fail to comply with the Local Law under clause 14.8;
 - the authorisation of officers to charge and prosecute a person for failing to comply with clause 14.8;
 - the powers of authorised officers to act in certain circumstances without needing to provide a Notice to Comply under clause 14.5.
- In addition to this, the *Summary Offences Act 1966* (Vic) grants various powers to Victorian Police to regulate behaviour in public spaces (see s13, s17, s49A, s6).
- Given these existing move-on powers and their questionable regulation, it is unnecessary and punitive to additionally enact the Amending Law which will only serve to provide increased enforcement power to authorised officers at the expense of vulnerable individuals and the wider community.
- The use of an enforcement based approach will only exacerbate non-compliance and make it more challenging for authorised officers to engage with those in breach of the Amending Law.

5. Regressive public messaging on the criminalisation of homelessness

¹ See the National Law Centre on Homelessness & Poverty (NLCHP) report. (2016), 'Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S Cities'. Available at: <https://www.nlchp.org/documents/Housing-Not-Handcuffs>

- The public message the Amending Law sends to the community is regressive and counter-productive to Council's responsibility towards reducing homelessness and the stigma attached to it.
- The Amending Law legitimises community perceptions that homelessness is a crime. Public spaces are available for every member of the community to enjoy and it is Council's responsibility to uphold this fundamental human and civil right- not discriminate against it.
- The Amending Law sends a message to the public that homelessness can be addressed through tougher laws and criminalisation. This is not correct.
- The Amending Law places blame onto the individual and sends a message to the public that homelessness is a choice that can be discouraged. This is not correct either.

Recommendations:

I urge that you reconsider your position on the Amending Law which will not achieve the outcomes the Council or community seek, and avoid taking the Local Law any further.

Instead, I recommend continued and extensive collaboration and advocacy with Melbourne's Specialist Homelessness Sector (SHS) that is premised on a Housing First model. It has been proven, both domestically and internationally, that a Housing First approach reduces chronic homelessness.² Providing long-term affordable housing, alongside holistic support, also costs less to provide per year than the economic costs sleeping rough places on public resources.³ However, the financial costs should not over-shadow the social and moral benefits a Housing First approach provides. These include, amongst other things, the dignity, safety, empowerment and sense of community having a place to call home – one that is free from the public gaze and outdoor elements – brings to a person.

Most importantly, I ask that you take the time to listen to the views and opinions of those with a lived experience of homelessness, most of whom lack access to the required resources and skills needed to make this Submission. Or worse, have lost faith that their elected representatives will listen to them. On the other hand, there are active groups out there comprised of people currently experiencing or who have previously experienced homelessness who are working hard to have their views heard. Please do not continue to ignore them. Without insight into these experiences, it will be impossible for Council to effectively address and answer to their needs.

In recognition of the increased homelessness statistics in Melbourne's population, and the negative media coverage this has brought, I understand Council is facing pressure to act. However, the solution to this is not reactionary legislation, criminalisation, increased enforcement powers, or dehumanising those experiencing homelessness. The enforcement of the Amending Law beyond the Local Law will continue to fail to address homelessness. It

² For International examples see Frederick Kunkle. (2015). "'Housing first' approach works for homeless, study says" in *Washington Post* (March 4 2015). Available at: <https://www.washingtonpost.com/news/local/wp/2015/03/04/housing-first-approach-works-for-homeless-study-says/> and Tom Dart. (2016). "'Housing first': Dallas's new strategy for the city's most costly homeless people" in *The Guardian* (March 20 2016). Available at: <https://www.theguardian.com/us-news/2016/mar/20/tiny-home-dallas-homeless-housing-first-strategy>. On domestic examples see Mission Australia, "Report finds housing-first support model for the homeless makes social & economic sense". Available at: <https://www.missionaustralia.com.au/content/item/525-report-finds-housing-first-support-for-the-homeless-makes-social-economic-sense>.

³ For example. See Cameron Parsell. (2016). "Supportive housing is cheaper than chronic homelessness" in *The Conversation* (October 27 2016). Available at: <http://theconversation.com/supportive-housing-is-cheaper-than-chronic-homelessness-67539> ; Cameron Parsell, Marce Petersen, Dennis Culhane. (2016). 'Cost Offsets of Supportive Housing: Evidence for Social Work' in *The British Journal of Social Work*.

will, however, assist in taking Australia's current violations of human rights to another well-deserved level in the eyes of the International Community.⁴

Sincerely,

⁴ See Leilani Farha. (2017). "Proposed 'Homeless Ban' in Australia a cause for Concern- UN Expert"
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21357&LangID=E>

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 7:00 AM
To: CoM Meetings
Subject: Meeting submissions form [#244]

Name *

Email address *

Agenda item title Proposed Activities (Public Amenity and Security) Local Law 2017

*

Please write your submission in the space provided below

As a citizen of Melbourne I am both heartbroken and appalled that the Melbourne City Council would not only ignore the very clear needs of homeless people sleeping in the Melbourne CBD, but would seek to take punitive measures against situations many people have no control over.

The Council has ample information with which to understand the complex issues that lead to homelessness. Council members can surely feel with for themselves how cold the streets of Melbourne are at night in winter – Council members can surely imagine that no one would sleep there, without shelter, without amenity, by choice.

Council also surely understands that people who cannot afford shelter cannot afford fines. This is a ridiculous measure aimed to improve the appearance of the city for people whose visual comfort is more important than the very real and significant needs of the people who have resorted to sleeping there.

I have worked in the Melbourne CBD for a number of years and I watched as the number of people on the streets grew, especially throughout 2016; I watched as the number of makeshift camps, blankets and other precious assembled items grew. Left there precariously, probably the sum total of their owner's worldly goods.

I thought it was ugly. It made me uncomfortable. I didn't want to see it. I didn't want to think about how enormous the gap is between the life situation I enjoy and the life situation of people not so different to me, who haven't been as fortunate as I have.

It's awful to think of how much people suffer in our city. But making them work even harder to hide it isn't going to solve the problem.

Council says it's working on housing solutions, but it knows well that this won't end the problem – certainly not quickly enough. Given that no one can remember a time when people weren't sleeping rough, Council has an

exceptionally weak record on 'housing issues'. Council should absolutely work to improve housing accessibility for people on low or no incomes. But until there is a bed for every resident of Melbourne every night, it should also engage practically with the fact that people sleep rough.

Council would do better to invest its time, energy and considerable funds in identifying ways to help these people, not marginalise them further. Plenty of suggestions have been submitted – lockers, storage facilities, shelters.

Fines don't work as a punishment against people who have no money, and Council isn't so hard up that it needs to scrounge money out of the poor for revenue.

The educated, fortunate and comfortable members of Council should sit a little longer and think a little harder about how they may best serve these most vulnerable of their constituents.

Please indicate ☐ No
whether you
would like to
address the
Submission
(Section 223)
Committee in
support of your
submission *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 9:15 AM
To: CoM Meetings
Subject: Meeting submissions form [#246]

Name *

Email address *

Contact phone number (optional)

Agenda item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Alternatively you may attach your written submission by uploading your file here



[youth_projects_submission_local_law.pdf](#) 235.03 KB · PDF

Please indicate whether you would like to address the Submission (Section 223)

Yes

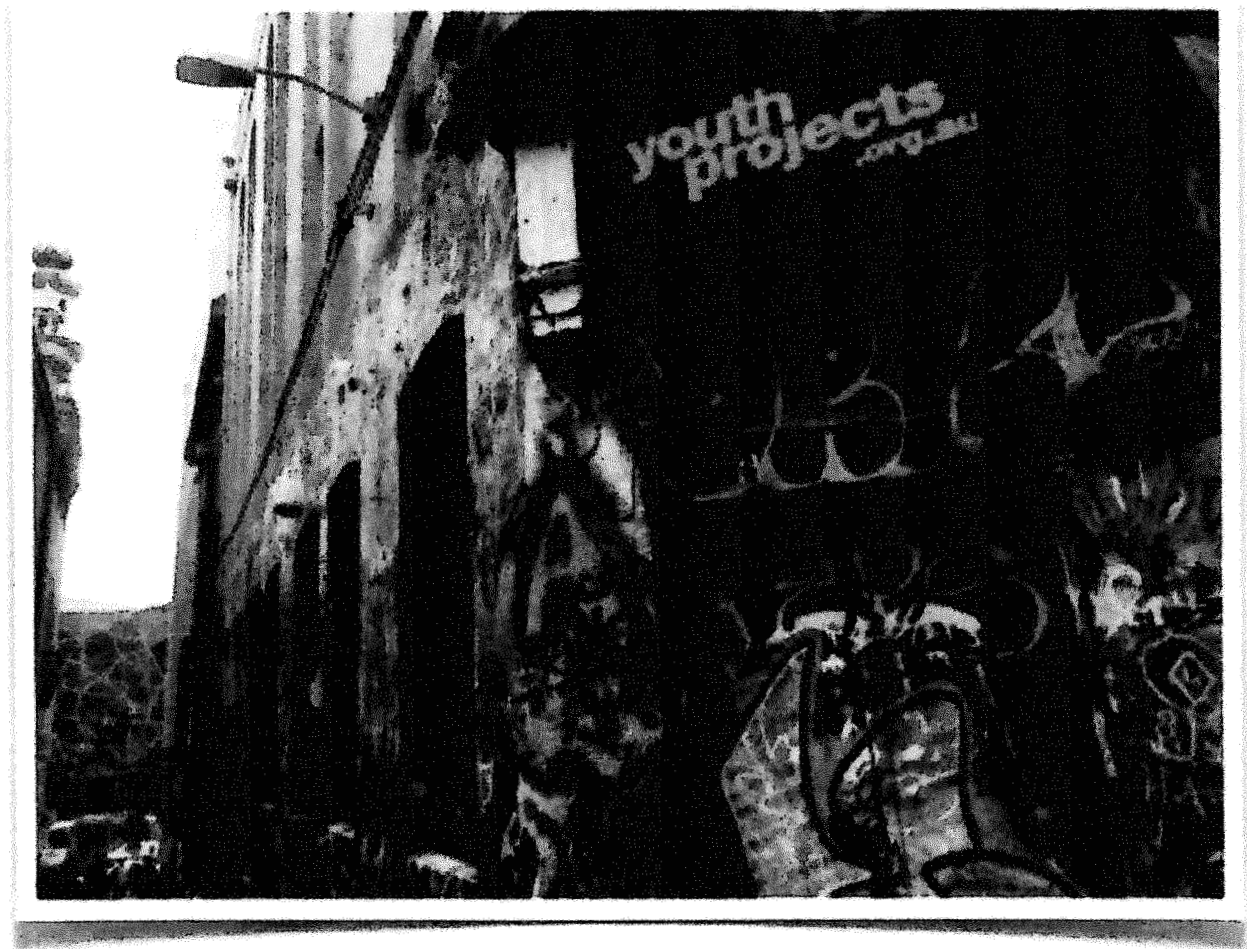
Committee in support of your submission *

Privacy acknowledgement: *

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Submission to City of Melbourne by
Youth Projects Ltd
Proposed Activities (Public Amenity and
Security) Local Law 2017



7-9 Hosier Lane Melbourne 99452100
6 Hartington St Glenroy 93049100
www.youthprojects.org.au

March 2017

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Fines and Enforcement	13
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Introduction: About Youth Projects

Youth Projects, founded in 1984, is an independent, not for profit organisation that provides health, outreach, employment, education and training services to individuals experiencing disadvantage, unemployment, homelessness and alcohol and other drug issues. Youth Projects is a collaborative, interdisciplinary, multi-service organisation with significant expertise working with marginalised community members with complex needs. Youth Projects delivers high quality and person-centred health, training, employment and community services throughout Melbourne

Within the CBD, Youth Projects operates a suite of services to intervene in the cycle of homelessness, Monday to Saturday. Outreach teams work until 1130 pm weekdays and on weekends.

- The Living Room Primary Health Service,
- The Life Skills Centre
- The Foot Patrol outreach NSP After Hours Primary Care nursing team
- Good 2 Go social enterprise training cafe
- Substance Misuse Program
- Mental Health Counselling
- Youth Projects training and job search

Demand for assistance is increasing rapidly:

Episodes of Care, The Living Room, Hosier Lane, Melbourne

2013/14	6098
2014/15	8203
2015/16	9245
2016/17	12,480*
(*projected on current data)	

In the last 12 months Youth Projects has also provided 6,864 loads of laundry, 9,360 showers and 11,440 free phone calls.

As a daily drop in service, medical centre, outreach provider and employment and training specialist, Youth Projects works in the very front line of the homelessness crisis in the heart of the Melbourne CBD. Below Youth Projects has analysed the impact of the proposals alongside the endorsed Council positions on homelessness.

Executive Summary:

This proposed amendment is in effect a ban on homelessness in the CBD but Council has framed this as an one of security and public amenity, rather placing the focus on the crux of the issue: homelessness.

The amendments will criminalise homelessness, drive those most need help away from the support they need, waste the resources of both support services and Council as a result of Increased enforcement powers that will fail to reduce homelessness in Melbourne's CBD.

The importance of good health, well being, social connection and engagement, alongside affordable and secure housing are proven to be the best means to eliminate homelessness.

The Victorian government is making a significant investment in new housing options for rough sleepers recognising the important of "Housing First" as the content for the most effective support. Equally the City of Melbourne has shown leadership on this issue and developed evidence-based, appropriate policy responses for addressing homelessness in the past. But these proposals do not support a unified, co-ordinated approach between governments. Council should abandon the proposed amendments and focus on implementing existing sound policy and strategy that is already in place.

Bypassing established process for policy and strategy

The haste in proposing these amendments and lack of thought shown is the result of the Council working outside the processes it has established for good policy and evaluation.

The City of Melbourne established a Homelessness Advisory Committee in 2011 to assist the city in its response to homelessness and achievement of strategy.

The City of Melbourne Homelessness Advisory Committee is an advisory forum that provides strategic advice on policy and practice issues to the administration and Council. This advice is designed to assist Council in continuing to implement actions arising from the Pathways Homelessness Strategy 2014-17 and responding to homelessness issues.

Specifically the objectives of the Committee are to :

- Provide advice on issues relevant to the ongoing implementation of Pathways Homelessness Strategy 2014–17
- Contribute to the ongoing implementation of the homelessness strategy 2014–17
- Provide comment on relevant Council policies and strategies
- Advocate community views on homelessness issues

- Provide recommendations on methods and techniques to better inform and engage the community on homelessness issues
- On an as needs basis, undertake a consultative role on homelessness related issues across City of Melbourne's functions and services.

See <http://www.melbourne.vic.gov.au/about-council/committees-meetings/future-melbourne-committee-meetings/meetingagendaitemattachments/713/83/dec15-fmc2-agenda-item-6-4.pdf>

However in this instance, as the most significant change in approach yet seen, the City did not refer the question of whether amendments should be made nor how they would impact on the issue of homelessness to its own advisory committee.

In doing so the City has missed the opportunity to obtain better informed, evidence based advice and lived experience of homelessness. The outcome is now reflected in poorly constructed and ineffective proposed amendments.

The Committee should be used proactively, according to its charter, rather than as a body to which council can present a report back on initiatives already in motion.

Conflict with Council endorsed policies and strategies

The proposed amendments heavily conflict with the intent of several strategies endorsed by council and various research report findings.

For example the **Melbourne for All People Strategy 2014-17**, states that it

"rests on six key principles:

- connection
- access and inclusion
- safety
- health and wellbeing
- lifelong learning
- having a voice."

It states "it is our vision to build upon our expertise and improve how we plan and provide services, programs and activities to meet the needs of people throughout their entire lives".

<http://www.melbourne.vic.gov.au/community/health-support-services/Pages/melbourne-for-all-people-strategy-2014-17.aspx>

None of the above six principles are reflected in the proposed amendments.

Furthermore the Council's overall guiding strategy The Pathways: Homelessness Strategy 2014–17 commits that Council will show leadership across five themes:

1. **Know our City** –research, consult, refresh and share our knowledge of homelessness in Melbourne.
2. **Be inclusive** - respect, hear, welcome and include those who are homeless in our services, activities and events.
3. **Develop skills** - provide opportunities to enhance personal resilience, develop skills and strengthen social inclusion in order to avoid long term hardship.
4. **Create pathways** - work with our partners to courageously advocate for change and create sustainable pathways out of homelessness.
5. **Health and Wellbeing** – foster partnerships with health and wellbeing services to ensure improved health outcomes for people experiencing homelessness.

<http://www.melbourne.vic.gov.au/community/health-support-services/social-support/Pages/homelessness-strategy.aspx>

Furthermore, in this document Council expressly committed to “a strategy that is underpinned and informed by a human rights based approach which:

- Is inclusive and respectful of people's rights and treats all people with dignity
- Encourages participation and listens to the voices of those experiencing homelessness
- Empowers and builds on people's strengths and knowledge of their own lives
- Reduces discrimination against people experiencing homelessness in the municipality
- Views access to safe affordable housing as a fundamental human right.

The Pathways: Homelessness Strategy 2014–17 is also meant to relate to the City of Melbourne Council Plan 2013–17 and more specifically the first goal – ‘A city for people’ and the objective to ‘Contribute to developing sustainable pathways out of homelessness.’

It also has links to a number of other Council strategies including Homes for People Housing Strategy 2014–18; Strategy for a Safer City 2011–13; A Great Place to Study International Student Strategy 2013–17; We Need to Talk Preventing Violence against Women Strategy 2013–16; Open Space Strategy 2013–28; A Creative City Through the Arts 2014–17; draft Knowledge City Strategy 2014–18

Below Youth Projects has analysed the alignment between the intent of Council's publicly endorsed positions on homelessness and the intent of the proposed by-laws amendment.

1 Know our city – research, consult, refresh and share our knowledge of homelessness in Melbourne.

Homelessness has been defined by the ABS as a lack of one or more of the elements that represent 'home'. These elements may include a sense of security, stability, privacy, safety and the ability to control living space.

"When a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

- Is in a dwelling that is inadequate; or
- Has no tenure, or if their initial tenure is short and not extendable; or
- Does not allow them to have control of, and access to space for social relations'.

Council has not drawn upon its extensive research and expertise in this area in proposing these amendments. It did not consult and did not advocate nor seek advice in pursuit of these amendments.

2 Be inclusive – respect, hear, welcome and include those who are homeless in our services, activities and events.

Specifically item 2 further states the City will

- *Respect, hear, welcome and include those who are homeless in our services, activities and events to ensure these are easily accessible for homeless and vulnerable people. This will help us lead by example and encourage businesses, community organisations and other levels of government to do the same."*

The proposed amendment conflicts with the above aims and undermines the city's reputation for leadership on this issue. Leading by example would require the city to avoid short term, reactive and harsh policy responses in favour of considered, evidence based initiatives in consultation with those most affected.

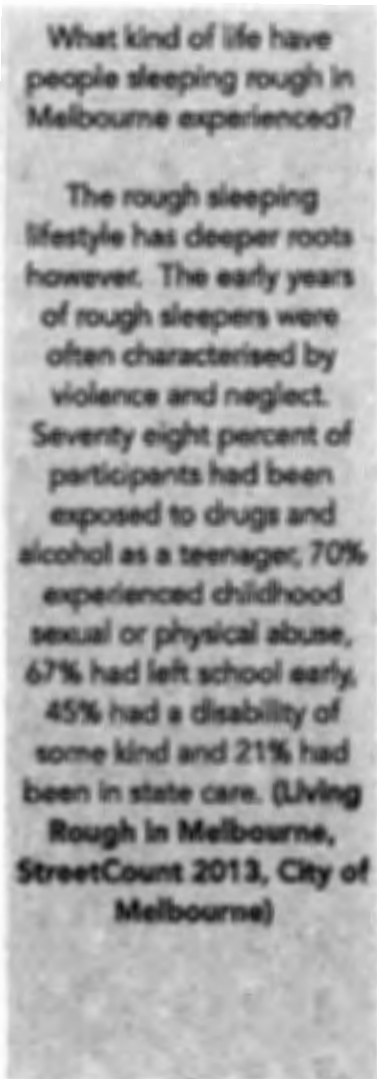
- *Work with our partners to develop an education campaign and online information to assist the general public to make informed choices about how they can volunteer, donate or assist those who are homeless.*
- *Based on City of Melbourne research and feasibility studies work with our partners to develop appropriate 'safe day and night time spaces' for people experiencing homelessness.*

The amendment does not further the aims of this statement. Council had in some previous years, made available contingency funding to Youth Projects for extreme weather to allow people experiencing homelessness respite from expose to prolonged

harsh conditions. This funding did not continue in the winter of 2016 and summer of 2016/17.

- *Continue with inclusive and participatory decision-making processes by including people who have experienced homelessness in the City of Melbourne Homelessness Advisory Committee and in the planning and delivery of relevant strategies, policies and programs.*

The City made no attempt to consult with the Homelessness Advisory Committee prior to proposing the amendment and was well aware the Committee had not met since about October 2016 when no indication was given that this approach was being considered.



- *Work with partner agencies to develop an education campaign about homelessness and its particular impacts on young people, older people and women and promote through Homeless Persons Week.*

Media statements by representatives of Victoria Police, at least one charity and by Council, in relation to rough sleeping, have not assisted in improving community awareness of homelessness and its impacts. Conflicting media statements were made that misrepresented Council's own research findings on who is homeless, why they are homeless, length of homelessness, begging and drug use. Council did not refute highly public claims that the homeless in the CBD are "fake" nor correct the perception that the homeless are undeserving mendicants.

<http://www.theage.com.au/victoria/melbourne-lord-mayor-robert-doyle-to-propose-ban-on-sleeping-rough-in-city-20170119-gtv0fk.html>

<http://www.theage.com.au/victoria/melbourne-cbd-rough-sleepers-are-pretending-to-be-homeless-victorias-top-cop-graham-ashton-20170119-gtune7.html>

<http://www.heraldsun.com.au/news/victoria/melbourne-homeless-half-of-people-sleeping-on-streets-not-genuine-homeless-says-salvation-army/news-story/b1476840569ae9c221ce20446ef71e36>

Advocates of this more punitive approach appear to be ignorant of the definition of homelessness, in their belief that people on the street have homes they can return to; that they should go back to where they came from. They do not have anywhere to go, or any

ongoing connection to any place, as shown in Street Count research. For many, living in improvised, insecure dwellings, these places do not provide a home nor the opportunity for social connection, leisure, or activity. Not surprisingly some will find the company and opportunities for friendship and connection in the CBD a more attractive alternative, certainly by day. For many their incomes are so low that the opportunity to see a doctor, shower, do laundry, watch a film, eat a meal or read a book is possible only by use of services provided by charities within the CBD. Their opportunities to find shelter away from the streets are short term, and can change at short notice, a pattern observed by Youth Projects.

Furthermore the recent negative media focus on homelessness was assisted by the provision of information by the Council to the media about numbers of needles and syringes allegedly found, which did not tally with our Clean Up team's record. The continued association between rough sleeping and injecting drug use serves no purpose other than creating stigma, and inciting rejection and intolerance while fuelling a belief that these amendments are urgently needed.

Council's policy on harm reduction is best supported by resisting attempts to stigmatise those engaging in substance misuse and encouraging people to seek help, regardless of housing status. There was no useful purpose served in encouraging the media to make claims about injecting drug use and the anger, stigma and fear created undermines harm reduction principles.

- *Evaluate and ensure resources such as the 'Helping Out' booklet are readily available and presented in an accessible electronic and hard copy format.*

Up to date information is critical but with bylaws that allow confiscation of belongings, individuals will need to know how to replace their items. Despite the wastefulness of repeated provision of clothing and blankets, Council will need to take responsibility for causing the upsurge in need for material aid, and provide accurate information, noting that research (Street Count 2016) shows that around 60% of rough sleepers do not own a smart phone for online access. This leaves a large number of people facing digital exclusion and unable to access information in times of crisis, exacerbated by punitive laws.

- *Work with our recreation facilities, community hubs and libraries to ensure that people experiencing homelessness are welcomed, included and supported.*

The sense of alienation and persecution felt by people experiencing homelessness will be reinforced by the amendments. They will not feel welcomed, included or supported but will instead live with the risk of confiscation and disposal of belongings and fines. This will only reduce their freedom, sense of belonging and inclusion and their actual capacity to utilise city facilities.

- *Explore options for the provision of further storage lockers in the City of Melbourne so that those who are homeless can store their possessions in an affordable and secure manner.*

Owing to the stigmatising and logistical difficulties of carrying all of one's belonging all of the time, locker storage was clearly identified as a high priority need for rough sleepers in Council's own research ("Increased number of lockers and access to lockers 24/7", StreetCount 2015). This issue was also discussed at meetings of the Homelessness Advisory Committee in 2016.

The city's response should therefore be backed by a proactive stance that provides an alternative to fines, confiscation and disposal. It is well known by Council that locker provision is in high demand, and there are insufficient lockers. However it is far from impossible to do, as Youth Projects has been providing free lockers for over 15 years. We are not funded by Council to do so, our lockers are all full despite expanded provision in 2016, and we have no additional space left. Therefore the issue of locker provision remains unresolved and further clarity on why Council is unable to facilitate further public provision should be given, or new locker space provided.

This could be done by supporting a social enterprise run for and by people experiencing homelessness as a pathway to inclusion and job skills.

3 Develop skills – provide opportunities to enhance personal resilience, develop skills and strengthen social inclusion in order to avoid long term hardship.

With the risk of confiscation, disposal and fines, individuals experiencing homelessness will have greater difficulty attending initiatives designed to strengthen social inclusion, resilience and avoid hardship. Lack of mobility and stigma will be ever present for a person seeking to engage in job training, job interviews, counselling, health or recreation if they must carry all their belongings with them, all of the time. **Nobody takes a sleeping bag and pillow with them to a job interview.**

Council has not created new opportunities to include the homeless in formal employment, training or apprenticeships within its own workforce, nor sought to partner with organisations who provide scale, impact and brokerage.

Youth Projects as youth specialist service has successfully assisted over 140 homeless and at risk youth to transition back into education, training and employment in the last 10 months, through a model of deep engagement, experiential learning and employer engagement. <http://www.youthprojects.org.au/employment/programs/transition-work>) Our relationships of trust, and diversity of support services boost the impact and outcomes of employment transition for early school leavers and those with complex needs.

Last year the Living Room doctors and nurses provided 3,578 health care appointments for people who are experiencing homelessness.

The proposed amendment does not enhance resilience, inclusion or skills. On the contrary it will reinforce long term hardship, stigma, lack of mobility and help seeking behaviours otherwise promoted by Council.

4 Create pathways – work with our partners to courageously advocate for change and create sustainable pathways out of homelessness.

No new pathways out of homelessness are created by this proposed amendment. The impact of fear, fines and penalties and greater enforcement action will only hinder attempts to break out of poverty.

There is no courageous advocacy represented by this proposal.

5 Health and wellbeing – foster partnerships with health and wellbeing services to ensure improved health outcomes for people experiencing homelessness."

People who are homeless will need continued access to health care and continuity of care, just like the rest of the community. The proposed amendments will make the CBD precinct an unsafe place where they will risk punitive measures and penalties in order to attend medical care.

The Living Room Primary Health service operated by Youth Projects is the only medical service supporting the homeless within the CBD. A fully accredited general practice, with three GPs, general and mental health nurses and mental health practitioners, drug counsellors, optometry and podiatry, and pharmacotherapy, the clinic is a critically important service offering free health care tailored to their specific needs and circumstances, without stigma or judgment.

Youth Projects also operates the outreach After Hours Primary Care program involving registered nurses on foot late at night delivering health care from back packs. This program, in its third year, has seen a 141 per cent increase in demand for help. The team now deliver over 2,353 episodes of care on the street up from 969 in 2014.

The Living Room and after hours nurses link people who are homeless to ongoing care and co-ordinates with other providers and outreach initiatives to deliver on Council's own objective "to foster partnerships with health and wellbeing services to ensure improved health outcomes for people experiencing homelessness."

This service saves pressure on the public hospital system, emergency departments, ambulance and police as people who are acutely unwell are frequently attended to and stabilised by our team.

Research shows that people experiencing homelessness do not fare well in the mainstream health system as health professionals report lack of knowledge and training in homelessness. High rates of hospital admissions for avoidable conditions are avoided by increased access to primary healthcare, skills and resources, and connection with specialist services providing earlier intervention.

Conditions include those which are common presentations at the Living Room such as dehydration/gastroenteritis, kidney infection, perforated ulcer, cellulitis pelvic inflammatory disease, dental conditions, and ear, nose and throat infections. Acute problems might not be preventable but need not result in hospitalisation if adequate and timely primary care is received.

Continued access to health care and continuity of care is vital but this important contribution to the health and well being of people experiencing homelessness is threatened should the city become unsafe for such people.

See: The use of Exploring Primary Health Care Needs. Welfare Requirements and Service Use of People Experiencing Homelessness within Melbourne's CBD and Inner Suburbs Melbourne General Practice Network National Homelessness Research Agenda 2009-2013, Natalie E. and Julie Borninkhof

Health, nutrition and hunger

On the question of health and wellbeing, Council's report on food security also acknowledges the growing problem of hunger in the city and the need to respond to the needs of vulnerable groups including the homeless. as the problem is expected to worsen:

"In central Melbourne, the unemployed homelessness and those living with mental health issues struggle get enough to eat each week. Worst still up to 7 percent of the adult population in the City of Melbourne now face coping strategies such as cutting the size of meals or skipping meals to make the food they have last, or in some cases, running out of food altogether, and not being able to afford more"

Many people within the City of Melbourne also face daily challenges in accessing enough healthy food for a healthy life. The people who are typically more vulnerable to poor food access or food insecurity include:

- low income households (including single parents, sole person households, students, people who are unemployed)
- older adults, particularly those who are frail or socially isolated
- people with a disability or a mental illness

- people with poor access to transport
- people with a low proficiency in English, particularly new migrants and refugees
- people in housing stress or who are homeless.

The challenges faced by these vulnerable groups in accessing sufficient food may worsen over time as natural resource constraints and climate stresses affect our food supply, leading to increases in the cost of food along with other essential household costs such as petrol and utility costs. "

<http://www.melbourne.vic.gov.au/community/health-support-services/health-services/Pages/food-policy.aspx>

The impact of the proposed amendments will make it harder for people experiencing homelessness to safely access food without risk of confiscation of belongings and fines if they leave belongings unattended while seeking food. The proposals show little understanding of the depth of hunger in the city nor of the important role played by voluntary and charitable groups in food provision, nutrition wellbeing and inclusion.

<http://www.melbourne.vic.gov.au/community/health-support-services/health-services/>

Fines and Enforcement



Under the proposed amendments, a person would be failing to comply with the Local Law by 'camping' in or on any public place or leaving items unattended without a permit. These are offences and a person can be given an infringement notice for \$388.65 (2.5 penalty units) or charged and brought before the Magistrates' Court. An authorised officer can also direct a person to leave a public place (i.e. can move someone on) and, if the person fails to do this, they can be fined or charged.

In addition to giving someone an infringement notice for \$388.65 for leaving items unattended, authorised officers can confiscate the belongings

and dispose of them if a fee or charge isn't paid within 14 days.

As stated by Justice Connect in response to this issue:

"These laws risk pushing people to the edges of the city and isolating them further from services and supports. There is also a significant risk that people will get caught up in the justice system through fines (of \$388.65) or charges".

[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)

Clients of Youth Projects already face significant barriers through the accumulation of fines for minor matters. People who are homeless will be further burdened by risk of fines they cannot pay because they cannot carry all of their belongings all of the time. Doctors at the Living Room fear even more medical time will be spent writing letters in support of clients for court appointments and fine waivers.

More people will seek the help of support services for the payment of fines, court appearances and paperwork which will only divert resources from more important activities and outcomes. The courts may choose to recognise the homeless status of individuals and dismiss sanctions brought against an individual, rendering the exercise entirely pointless.

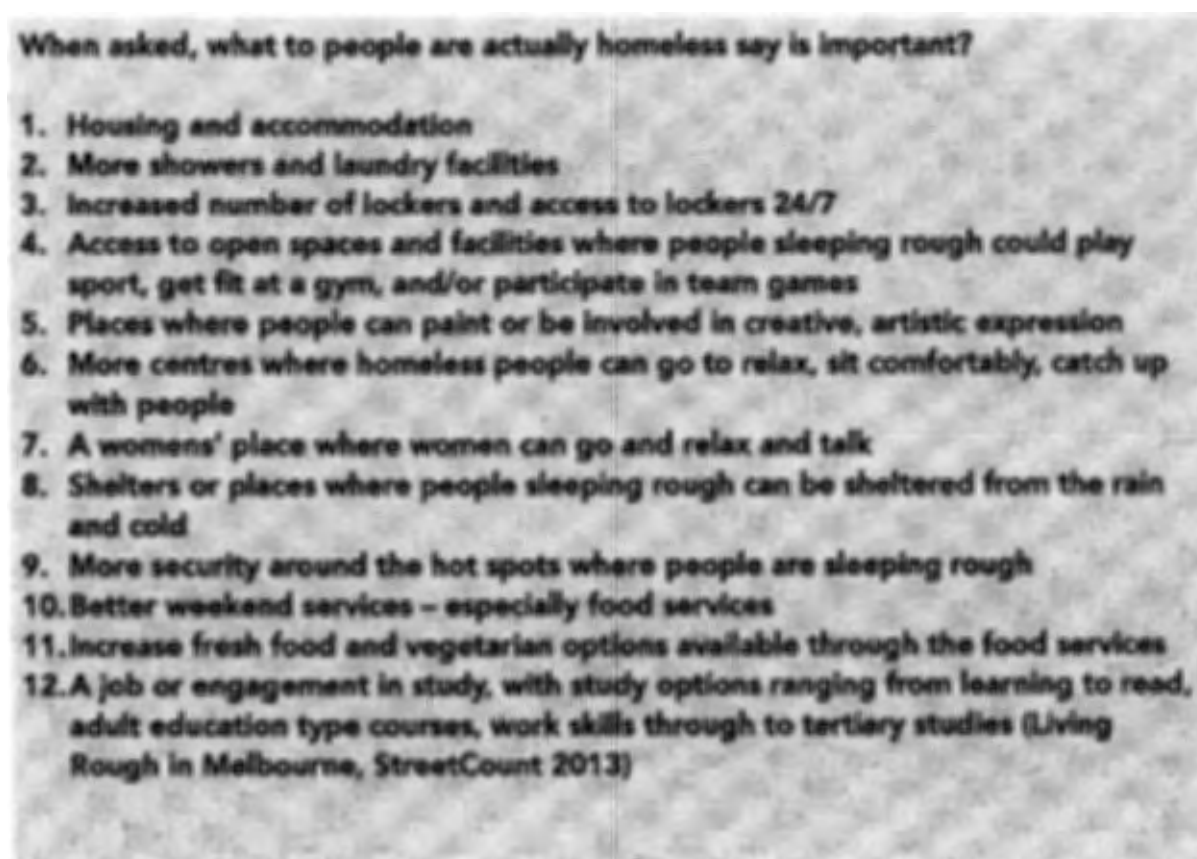
Newly homeless

The City of Melbourne's Street Count surveys show that the rough sleepers surveyed are different individuals, not the same people, due to the ongoing nature of transient, newly homeless individuals arriving within the CBD. Of those who were surveyed in StreetCount 2016, 51% had been staying in their current location for under one month, including 30% who had been staying in their current location for less than a week. The elimination of an individual's belongings will not of itself, prevent the ongoing presence of people who are homeless and their belongings within the CBD because the reasons for homelessness are multifaceted. Many are pre-contemplative about their transition to housing or have had a bad experience in previous housing options to which they were referred. Disposal of belongings does not fit within any best practice or innovative response to chronic homelessness.

The work provided by Youth Projects in building life skills, addressing mental health, chronic illness, substance misuse and employment and skills pathways remains a critical contribution to assisting people to recover from homelessness.

The services provided by Youth Projects directly address the needs identified by rough sleepers in Council's own research as the support they believe is most important to them.

Having moved rough sleepers from the Enterprize Park area the effect was to displace people from that site who then moved to the more central Flinders Street location. The



Council has a history of moving the homeless from locations around the city rather than tackling genuine solutions offering immediate and longer term help.

The ongoing removal of property of the homeless will also be likely unsuccessful due to the growing number of activist groups in the CBD via social media who provide informal outreach support by means of material aid. The number of such groups seems to be growing daily. None of these groups are part of any co-ordinated support and are outside the service co-ordination aims of government. However both charities and activist groups will be called upon to replace belongings deemed abandoned and confiscated and disposed of by the City of Melbourne.

The requirement that an individual experiencing homeless must carry all their belongings, all of the time, is stigmatising, and presents a barrier to help seeking behaviours such as attendance at health care, job search and hygiene.

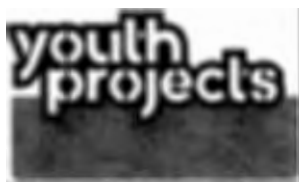
It therefore seems heartless and without purpose to remove belongings while more meaningful responses remain unaddressed. We do not believe that danger to the vision impaired is sufficient cause to carry out this initiative in light of the multiple hazards on CBD streets that present a more significant daily challenge. Council has referenced the needs of disabled persons as a primary justification in seeking his amendment. However little information has been provided showing support for penalising homelessness from

disability groups. And within the homeless community in the CBD are people who themselves have disabilities.

The response of the City of Melbourne has been to treat the rise in CBD homelessness as an issue of increasing visibility, rather than one of genuine substance. The proposed amendments do not address any of the key strategies of the Council nor propose new or alternative solutions that can help people to exit homelessness.

Recommendations:

1. Council should abandon the proposed amendments and focus on existing sound policy and strategy already in place.
2. Council should value the time and expertise of its Homelessness Advisory Committee by referral of relevant items to the Committee in a timely fashion and in good faith.
3. Councillors should familiarise themselves with the standard accepted definition of homelessness and seek to reflect that understanding when discussing homelessness, showing awareness of the different experiences of homelessness.
4. Council should provide additional information to the enforcement teams to help them better understand the causes of homelessness and challenges for those currently sleeping rough.
5. Council could more sensibly address the issue of accumulation of belongings in public places by providing additional locker storage for people who are experiencing homelessness to store belongings while also reducing stigma, increasing mobility and engagement into support services.
6. Council should improve its awareness of employment and training options for those who are sleeping rough and create opportunities for support services to boost job readiness, motivation and skill formation among clients as an more appropriate intervention on this issue.



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6 Hartington St Glenroy 93049100
www.youthprojects.org.au

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 9:21 AM
To: CoM Meetings
Subject: Meeting submissions form [#247]

Name *

Email address *

Agenda Item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Alternatively you may
attach your written
submission by
uploading your file
here



[submission_regarding_proposed_activities_public_amenity_and_security_local_law_20171.docx](#)

153.39 KB • DOCX

**Please indicate
whether you would
like to address the
Submission (Section
223) Committee in
support of your
submission ***

No

**Privacy
acknowledgement: ***

I have read and acknowledge how Council will use and disclose my personal information.

Dear the Lord Mayor, Deputy Lord Mayor and city Councillors of Melbourne,

On behalf of the students of the Charities Committee of Ivanhoe Grammar School I present to you our submission to the Melbourne City Council in relation to the proposed changes to the Activities Local Law 2009 via the Activities (Public Amenity and Security) Local Law 2017. We are a student-led action group who do not speak on behalf of our school nor all its students but instead aim to support and fight for those disadvantaged persons in all sectors of society.

Summary: As a group of students, we believe that the proposed change to clause 2.8 and introduction of clause 2.12 to the Activities Local Law Act effectually criminalise homelessness. Our view is that the proposed alterations would create fear and prove degrading to those sleeping rough in Melbourne. Homelessness is not a choice and in order to support your previous claim that 'it is not illegal to be homeless' it is imperative that these punitive, expensive and ineffective proposals are not passed. We believe a far more effective solution is instead to strike the roots of homelessness and prevent the loss of permanent housing while also combatting the current raised level of people sleeping rough through providing continued support and access to affordable housing.

Submission: The proposed alteration of clause 2.8 stipulating that 'unless in accordance with a permit, a person must not camp in or on any public space' would push those sleeping rough to the edges of the city and despite the physical removal of these people from the streets of Melbourne would in no way better their nor the city's situation. The problem would merely be compounded due to the fact that the large majority of support networks available to the homeless are situated in and around the CBD. Further isolation from community services and the dispersion of this group would lead to increased difficulties faced by organisations such as 300 Blankets and The Big Umbrella in their endeavours to interact with and provide vital services to these people. Having actively participated in endeavours run by 300 blankets, we as students know many of the people sleeping rough in Melbourne and how they would be negatively affected by the by-laws.

Further, through the imposition of the \$388 fines proposed in the introduction of clause 2.12 a large group of homeless people in Melbourne would face an irreconcilable crisis. Through providing for the confiscation and possible disposal of unattended items the council would render the opportunities for homeless people to access amenities and food sources to be scarce. This clause would promote a fear of authority, lead to those in need of the most assistance losing vital items and draw many people who would have no choice but to break the law into the justice system. Imposing unpayable fines almost exclusively on a group of largely unemployed, homeless people will only compound the issue. It may draw them into the justice system through interaction with authorised officers and the Magistrate's court but it is inherently unjust.

The nature of the proposed changes to regulation would largely undermine the previous work of the city council in combatting homelessness. These alterations change the face of your support network in that by criminalising homelessness you decrease the effectiveness of engagement between officials and those sleeping rough and further marginalise them.

What we propose you consider instead is a shift in approach to homelessness. By instigating harsh regulation and policy the issue is dehumanised and few practical solutions are implemented. What we propose are small initiatives such as the introduction of accessible lockers for people to store their belongings and drop in centres to access amenities and have increased face-to-face interaction. Increased prevalence of measures to prevent homelessness at its roots could include support teams and systems to provide guidance to those upon their release from hospitals or justice systems with limited prospects. Above all, we believe this issue requires State or even federal parliamentary action to instigate affordable housing reforms to provide safe, permanent housing solutions with easy access to support. It is imperative that the negative media coverage of January does not dictate the formation of rash policies not in the spirit of brotherhood and compassion.

With this submission we present to you the comments, pleas and suggestions of students who wish to better the lives of those sleeping-rough in Melbourne. In making your decision we implore that you consider our statements as the view of a rising generation of compassionate Victorians.

- : Ivanhoe
Grammar School

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 10:22 AM
To: CoM Meetings
Subject: Meeting submissions form [#245]

Name * VPTA VPTA

Email address * admin@vpta.org.au

Agenda Item title * Proposed Activities (Public Amenity and Security) Local Law 2017

Alternatively you may attach your written submission by uploading your file here



[mcc_submission.pdf](#) 223.16 KB • PDF

Please indicate whether you would like to address the Submission (Section 223) Yes

Committee in support of your submission *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

Victorian Public Tenants Association

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The Mayor and Council
City Of Melbourne
Swanston Street
MELBOURNE VIC 3000

17 March 2017

Dear Mayor

Re: Future Melbourne Committee: Homelessness in Melbourne and the Activities(Public Amenity and Security) Local Law 2017

The Victorian Public Tenants Association (VPTA) is an incorporated not for profit organisation, and is the peak body representing 127,000 public housing tenants in Victoria.

We provide counselling, advice, referral, representation and advocacy for public housing tenants and those in need of housing. More broadly, we advocate for the provision of a sustainable and appropriate public housing system.

In broad terms, we advocate for growth in the provision of public housing to prevent homelessness and to ensure that all Victorians have access to secure, appropriate and affordable housing.

We oppose the proposals to broaden the definition of camping in the Principal Local Law and to provide that a person must not without a permit leave items unattended in a public place, and to allow for such unattended items can be confiscated and impounded.

We attach to submission made by Justice Connect, which we adopt and endorse.

Thank you for considering our submission.

Yours Sincerely