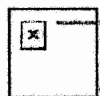

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 6:02 PM
To: CoM Meetings
Subject: Meeting submissions form [#288]

Name *

Email address *

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

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[submission_to_melbourne_city_council.pdf](#) 87.52 KB · PDF

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17 March 2017

Melbourne City Council
Melbourne Town Hall
Melbourne, Victoria 3000

Dear Lord Mayor and Councillors,

June 24th 2010 will be remembered for many different events including the change of Prime Minister from Kevin Rudd to Julia Gillard. It was also the day on which the Australia Federal Government adopted the Charter for Compassionate Communities. This Charter proclaims that "We will treat others as we wish to be treated" that we will be compassionate people, this may sound familiar, it is the basis of the three main religions of the world as well as expounded by many philosophers centuries past. As a signatory of this Charter we are bound to aim to form compassionate communities, to find what we find uncomfortable and to do everything in our power to find compassionate solutions to those problems.

Councillors, are these amendments compassionate? Do they fulfil the Charter's requirement of treating others the way you would like to be treated? The federal government signed this on behalf of a nation that has had a long history of acceptance and an ideal that everyone deserves a "Fair Go". Please do not be the first to show that these ideals are not important and that we value our homeless less than we value others.

For those who are struggling with homelessness the CBD offers a safe place in which they can find a few hours of respite from their current situation. There is security in the regular patrols of Police and opportunity in the services that are available both night and day. By amending the local activity laws you are reducing this capacity for safety and opportunity for engagement with services. By enacting these laws you are requiring those who lack housing to find somewhere to bed down and then travel further to access the services that are only available in and around the CBD. Services in the outer suburbs of greater Melbourne are already struggling, this means the care and services that people require will not be met.

Broadening the definition of camping and increasing powers for removing belongings hinders the work being done by services and council staff to empower and restore the spirits of people who through no fault of their own have ended up in this situation. By enacting these amendments it will create a situation where the most vulnerable and marginalised among us are marginalised further just for the fact that they are homeless. It also draws funds away from the important work that could happen with that money by agencies and council. By focussing on the issue of

homelessness there is a possibility of finding a solution rather than pushing homeless people into the outer of Melbourne and homelessness to the outer of our minds.

Melbourne, as the most liveable city could be leading the way in innovative solutions to not only homelessness but the housing crisis that we are facing. Melbourne City Council has not been one to shy away from hard decisions and do what is right, not what is popular. Let this be another chance to show that Melbourne City Council leads the way in what is right, just and compassionate. We implore you to consider the rights of the homeless individuals and our responsibility to them before voting on this amendment.

Yours faithfully

Anglicare Victoria Homeless Support Services

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 6:22 PM
To: CoM Meetings
Subject: Meeting submissions form [#290]

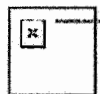
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Email address *

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

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[proposed_framework_for_responding_to_homelessness_17.03.2017.pdf](#)

340.08 KB • PDF

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VincentCare
Victoria



chp
council
to homeless
persons



PROPOSED FRAMEWORK FOR RESPONDING EFFECTIVELY TO HOMELESSNESS IN THE CITY OF MELBOURNE

Background

There is no question that the challenges the Melbourne City Council (**Council**) is facing in relation to homelessness are significant.

The figures are well-known: in Victoria on any given night 22,000 people are homeless; and Victoria has 33,000 people on the waiting list for public housing.¹ There has been a 74% increase in the City of Melbourne's rough sleeping population since 2014, with 247 people sleeping rough in 2016.² Agencies have observed the changing face of that population – in particular, the emergence of a younger cohort of rough sleepers under the age of 25.

We understand that the increased visibility of rough sleeping has corresponded with an increase in complaints to Council about the amenity of public places and the accessibility of city streets, including for people with a disability. These concerns have been reflected in media coverage over the past three to six months.

Like Council, the undersigned agencies and organisations have a long history of working with, and for, vulnerable citizens who seek shelter in the City of Melbourne. As agencies at the frontline, we have drawn on our collective expertise to jointly present the Council with a Proposed Framework for Responding Effectively to Homelessness in the City of Melbourne (**Framework**).

¹ See Australian Bureau of Statistics, *Census of Population and Housing: Estimating Homelessness* (November 2012) 19 (available at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/2049.0>); and Victorian State Government, *Public housing waiting and transfer list* (September 2016) (available at: <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/research,-data-and-statistics/public-housing-waiting-and-transfer-list>).

² See also City of Melbourne, *StreetCount highlights number of people sleeping rough* (9 June 2016) (available at: <http://www.melbourne.vic.gov.au/news-and-media/Pages/streetcount-highlights-number-of-people-sleeping-rough.aspx>).

The Framework:

- Is informed and endorsed by leading housing and homelessness organisations.
- Builds on much of the positive, collaborative, evidence-based work the City of Melbourne is already leading and recognises the significant commitments recently made by the Victorian State Government.
- Proposes practical measures to address the competing obligations and challenges of the City of Melbourne.
- Provides constructive viable alternatives to the proposed amendments to the Activities Local Law 2009 (**Local Law**) via the Activities (Public Amenity and Security) Local Law 2017 (**Proposed Laws**).
- Addresses the Council's challenges without going down a costly, punitive path that will be ineffective.
- Affirms the Melbourne City Council as a leader in effective, evidence-based responses to homelessness.

Framework

A suite of solutions is required to respond effectively to increasing homelessness in the City of Melbourne. We collectively call on Melbourne City Council to adopt, continue, or advocate for, these solutions.

1. Lockers and storage

Homeless service providers, including VincentCare, Living Room, cohealth and Melbourne City Mission's Frontyard Youth Services, already provide lockers or storage that can be used by people experiencing homelessness to store their belongings. There is a shortage of these options and the City of Melbourne could invest in this practical solution that gives people a way of storing their belongings. It will reduce the possessions that are stored on the streets, and will minimise the risk that people's important belongings will be disposed of. We note that Council has a track record of supporting such initiatives – for example, in 2015, Council provided funding for Frontyard to develop storage space onsite.

2. Guidance about belongings

It is important to communicate clearly and respectfully with homeless people about the Council's concerns regarding belongings. In the City of Sydney, for example, they use 'two bags and a swag' as an indication of the belongings that a person might need to get by, but also be able to transport reasonably easily and keep an eye on. It strikes a balance between recognising the hardship of having to have all your belongings (e.g. clothes, bedding, medication, documentation, hygiene products and sentimental items) with you, and acknowledging the need for streets to be accessible, including avoiding the accumulation of belongings that are no longer being used by a person sleeping rough. Asking people experiencing homelessness to put things they no longer need near bins or skips in the City will also help identify abandoned items, reduce the burden on Council of clearing these items and minimise the risk that people's important personal belongings will be disposed of.

3. Safe spaces

Council's Night-Time Safe Space Program, currently proposed to run for up to 250 evenings from May to 30 November 2017 (seven nights per week, 11pm – 7am) and to provide summer respite from 1 December – 30 April 2018 (i.e. when notified of extreme heat) can offer an alternative to sleeping rough. We note that the Salvation Army ran this program during winter in 2016 with the support of the Melbourne City Council. Appropriately-resourced management of the safe space will be crucial to its effectiveness. We also welcome

Council's intention that the safe space will provide 'integrated housing and support services on site to help participants find permanent pathways out of homelessness'.³

4. Daily support team

Council has recently engaged a team of specialist homeless assertive outreach workers who will work closely with Council's officers to connect with people sleeping rough and provide information and pathways to services. A direct partnership with an external agency that provides support to people who are experiencing homelessness will improve established service co-ordination mechanisms and allow Council to respond in a more targeted and timely way to the needs of highly vulnerable community members. Launch Housing in partnership with Melbourne City Mission's Frontyard Youth Services have been engaged to deliver this service, which will have the additional benefit of connecting to the wide service and housing offerings of both these agencies and their many partners. The team is due to commence operation on 3 April 2017. This is a new and promising initiative demonstrating Council's willingness to seek supportive solutions to the issue of rough sleeping in the city.

5. Project Connect Respect

We commend the Melbourne City Council for its development and continuation of this leading and effective project, working with businesses in the CBD to help understand homelessness and respond appropriately to people experiencing homelessness. The collaborative, educative approach, led by consumers, which equips businesses and their staff with referral pathways to homelessness services, is an innovative approach the Council should be proud of. It is a pioneering example of 'non-traditional allies' working together on shared solutions, and could be readily scaled up to address the issues identified by business owners in the city.

6. Homeless People in Public Places Protocol

As one of the signatories to the original 2006 Homeless People in Public Places Protocol, Council knows the value of the Protocol as a tool for helping authorised officers (and other Council staff and contractors) understand and respond appropriately to homelessness. Reviving the Protocol, in partnership with other frontline agencies, will facilitate a consistent, constructive approach to homelessness. The education that accompanies the Protocol is crucial.⁴ Importantly, it is not just a tool within agencies, but can be used to shape conversations and messaging to the public, as can Council's obligations as a public authority under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

7. Involve people experiencing homelessness in solutions

Council has facilitated engagement with approximately 100 people experiencing homelessness in relation to the Proposed Laws. A number of organisations, including Justice Connect Homeless Law, Inner Melbourne Community Legal, Flemington Kensington Legal Service, Fitzroy Legal Service and cohealth also hosted a community BBQ and information and consultation session attended by approximately 40 people sleeping rough. Facilitating similar events on a regular basis will capture the insights, views, ideas and experiences of people experiencing homelessness which can help inform solutions. An authentic commitment by all levels of government and the community is also needed to make sure the perspectives of those with a lived experience are central to the discussion of homelessness, including participation of individuals who are having or have had a lived experience of homelessness in the development, implementation and evaluation of programs.

8. Co-ordinated responses

Council has been a leader in facilitating better co-ordination between services working with people sleeping rough in the City of Melbourne. Services are working collaboratively to ensure that people sleeping rough are

³ City of Melbourne, 100147 – Night Time Safe Space Program (available at: <https://www.tenderlink.com/notification/index.html?&tenderer=2744.723&alltenders&asemin>).

⁴ See, eg, NSW Government Family and Community Services, *Keeping Homeless People Safe in Public Places*, Protocol Guidelines for Implementation, Protocol Facilitator Guide, Protocol Participant Guide (available at: <http://www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services/what-we-do/homelessness-initiatives/keeping-homeless-people-safe-public-places>).

identified, engaged and have a key service involved. The weekly 'hot spots' meeting brings together management level staff from key outreach services, Council and Victoria Police to provide a co-ordinated and consistent response to address concerns regarding safety and wellbeing for people experiencing homelessness and other members of the community. The 'hot spots' meeting is a relatively recent initiative, has been very positively received and is achieving results in relation to addressing safety concerns. The commencement of the Daily Support Team in early April with a strong role in service co-ordination will consolidate this work.

9. Rely on existing laws if needed

While they should only be relied on as a last resort in relation to people experiencing homelessness and mental illness, when necessary, the Council and Victoria Police have a range of existing powers that can be relied on to regulate the use of public space. Police can rely on laws regarding public drunkenness, begging, using offensive language and obstructing the pavement under the *Summary Offences Act 1966* (Vic).⁵ Existing move-on powers can also be used when someone is breaching the peace, endangering another person or presenting a risk to public safety.⁶ Under the existing Local Law, authorised officers have a range of powers to respond to conduct in public places under part 2.1, including nuisance, offensive language, defecation or urination, obstruction, adversely affecting amenity or using threatening, abusive or insulting words.⁷ There is also an existing provision in the Local Law that allows authorised officers to direct a person to remove items, goods or other property and to confiscate the items, goods or other property if it is not removed.⁸ Where necessary, as a last resort, these existing powers can be relied on to respond to behaviour or belongings in public places.

10. Consider the evidence

Evidence indicates these tougher laws will not effectively address homelessness. We refer you to successful examples of reducing homelessness: Street to Home in Melbourne (after two years, 70% of people in the Street to Home program were in independent secure accommodation);⁹ Brisbane's 500 Lives, 500 Homes (since 2014, Housing First principles have been applied to assist 410 households (142 families and 268 individuals) to end their homelessness);¹⁰ Housing First in Utah (reduced the number of chronically homeless people by 91% from nearly 2,000 people in 2005, to fewer than 200 in 2016); Finland (since 2008, long-term homelessness has decreased by 35% (1,345 persons));¹¹ and At Home/Chez Soi in Canada (in a randomised control trial where 1000 people participated in Housing First, and 1000 received 'treatment as usual', over 80% of those who received Housing First remaining housed after the first year).¹² These successful programs did not rely on law enforcement. Effective engagement and outreach, coupled with access to permanent supportive housing, were the crucial ingredients of these models. Conversely, cities such as Los Angeles that introduced laws to regulate people sleeping rough failed to reduce visible rough sleeping.¹³

⁵ *Summary Offences Act 1966* (Vic) ss 13, 49A, 17 and 5.

⁶ *Summary Offences Act 1966* (Vic) s 6.

⁷ Melbourne City Council, *Activities Local Law 2009* cl 2.1.

⁸ Melbourne City Council, *Activities Local Law 2009* cl 14.17.

⁹ See, eg, Guy Johnson and Chris Chamberlain, *Evaluation of the Melbourne Street to Home Program: Final Report*, HomeGround Services (2015).

¹⁰ Micah Projects, *Housing First: A roadmap to ending homelessness in Brisbane* (2016) 11 (available at: http://micahprojects.org.au/assets/docs/Publications/20161129_Housing-First-Roadmap-WEB.pdf).

¹¹ The Centre for Social Justice, *Housing First: Housing-led solutions to rough sleeping and homelessness* (March 2017) (available at: http://www.housingnet.co.uk/pdf/CSJJ5157_Homelessness_report_070317_WEB.pdf).

¹² Mental Health Commission of Canada, *National Final Report: Cross-Site At Home/Chez Soi Project* (available at: http://homelesshub.ca/sites/default/files/mhcc_at_home_report_national_cross-site_eng_2.pdf).

¹³ See, eg, Mollie Lowery, 'Housing first: What L.A. can learn from Utah on homelessness' in *Los Angeles Times* (3 June 2015) (available at: <http://www.latimes.com/nation/la-oe-0603-lowery-homeless-utah-la-20150603-story.html>); 'Los Angeles County's chronically homeless population rose from 7,475 in 2013 to 12,356 this year, according to the latest estimate ... The city of Los Angeles has increased the number of anti-homeless laws on the books by 59% since 1990. There are now 23 restrictions and 19 laws that criminalize homelessness in some way. Each year, the city spends \$80 million enforcing these rules — containing, moving and jailing people who have no choice but to sleep, stand and eat in public'.

11. Communicate effectively

Consistently communicating with the public about the causes of homelessness and the significant amount of work being done to effectively respond to homelessness in the City of Melbourne, as part of a well thought out strategy, will work to shape community understanding and lead to better-informed responses across the community. As Council has said many times, it is not a crime to be homeless and moving people on will not solve the problem. Media messages should be developed thoughtfully, avoiding stereotypes or stigma regarding homelessness, and consistently with the *Media Representation of Homelessness Communique*.¹⁴

12. Remember the importance of prevention

Through programs like the Social Housing Advocacy and Support Program and the Women's Homelessness Prevention Project, Council knows the significant benefit of stopping homelessness before it starts.¹⁵ We urge Council to continue to support and advocate for a legal, policy and services framework that prevents avoidable evictions into homelessness.

13. Access to health, mental health and drug and alcohol services

While housing is of course crucial to any effective response to homelessness, without prompt access to mental health, primary health and drug and alcohol services, it is more difficult for people with complex needs to exit homelessness and sustain housing. Data from the Rough Sleeping Initiative (RSI) shows that 56% of people who have engaged with the service self-reported having a diagnosis of a mental illness. Additional data recently collected shows that 42% of the RSI client group had been forced to leave housing due to the impact of their substance use. In addition, 52% of the group had received medical care through an emergency department, and exactly half had been admitted as an inpatient. The RSI and Street to Home teams include specialist nurses from RDNS to respond quickly and facilitate better access to tertiary health services. The figures demonstrate that there is a need for a streamlined health, mental health and AOD response specific to this cohort. Melbourne City Mission has recently received funding through the North West Primary Health Care Network to establish a new specialist mental health service for young people who are homeless – or at risk of homelessness – and experiencing first-episode psychosis. Clinicians based at Frontyard Youth Services in King Street will provide a mix of crisis response including clinical street outreach, short-term interventions through to longer-term case management. This new service – a first for Melbourne's CBD – will be integrated with other health, counselling, legal and housing supports located at Frontyard. Learnings from this new approach will be shared with all City of Melbourne stakeholders, to inform other work in this space.

14. A Housing First approach – Assertive outreach with permanent housing and support attached

Overcoming the challenge of access to enough housing and ongoing support remains the primary impediment to reducing rough sleeping in the City of Melbourne and the Council's response must recognise this.

There are a number of small but highly effective programs in inner Melbourne, such as Melbourne Street to Home, that use the internationally recognised Housing First approach to ending homelessness with chronically homeless rough sleepers. Where they have been able to access appropriate and affordable housing these programs have successfully sustained people in independent long-term housing (for example, 70% of Street to Home participants remained housed after two years in the program).¹⁶

Unfortunately, for the majority of people sleeping rough, appropriate housing opportunities have not been available. Current wait times for public housing for single people under 55, even with the highest priority, are three to four years. While some people have been successfully accommodated in shared housing or rooming houses, others have experienced, or fear experiencing, violence in these housing types.

¹⁴ See *Communique from housing and homelessness agencies in Melbourne* (July 2016) (available at: <http://chp.org.au/wp-content/uploads/2017/03/Communique-from-housing-and-homelessness-agencies-in-Melbourne-2.pdf>). See also Council to Homeless Persons, *Media Guide: Media Representations of Homelessness* (2016) (available at: <http://chp.org.au/wp-content/uploads/2015/05/150513-media-reporting-fact-sheet.pdf>).

¹⁵ See, eg, Council to Homeless Persons, *Pre-budget Submission 2017–18* (November 2016) 9 (available at: <http://chp.org.au/wp-content/uploads/2016/11/161026-State-Budget-Submission-2017.pdf>).

¹⁶ Johnson and Chamberlain, above n 9.

Melbourne City Mission's Frontyard service also notes that a youth-specialist response to rough sleeping is required because younger people in the CBD tend to have intermittent patterns of rough sleeping and are not accessing programs like Street to Home. An early intervention response that disrupts the trajectory of street-attached young people into entrenched rough sleeping is needed.

Across the board, access to housing continues to be the greatest barrier to effectively responding to homelessness. Some of the capacity needed, though not all, will be delivered over time as the initiatives recently announced in the Victorian Government's 'Homes for Victorians' plan are implemented.

Importantly, in addition to housing, there is a need for ongoing support to be provided for many of the target cohort. Current RSI data shows that up to 75% of those sleeping rough have a level of complexity of need that suggests that long term supportive housing is the most suitable outcome. Programs such as Melbourne Street to Home and Journey to Social Inclusion show the success that can be achieved in maintaining housing and improving overall well-being when long term support is also provided.

If access to affordable and appropriate housing was available and there was capacity to provide the flexible support people with more complex needs require to remain housed we could reduce the numbers of people sleeping rough to a very small group of people at any given time.

There has been a recent large boost in a range of housing specifically designated for rough sleepers by the Victorian Government: spot purchases and head leases announced in November 2016; the extension of Ozanam House that recently commenced; funding for 75 private rental brokerage packages for people with less intensive support needs; the reservation of 40 transitional housing properties for direct access; a boost to the case management capacity of the Street to Home program; the creation of flexible packages of support and brokerage; 40 units of trans-locatable housing; and further case management flexible funding packages through the mental health division of the Department of Health and Human Services. All of these measures are either in their very early stages of implementation or still being commissioned, but when they are in place, they will make a real difference.

These investments and innovations – and the leadership that underpins them – have not had time to take effect. The Proposed Laws are not needed. Not only will they fail to add to the above response, they will undermine it, by increasing people's distrust of workers, reducing people's willingness to engage with services, and pushing people to more hidden (and less safe) locations in the City.

We call on the Melbourne City Council to avoid taking a step backward, and instead to continue forward with your effective, collaborative, evidence-based leadership and with advocacy to address the gaps in housing, prevention and support. This would be an effective framework for preventing and addressing homelessness that we could all commend.

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 6:25 PM
To: CoM Meetings
Subject: Meeting submissions form [#291]

Name *

Email address *

Agenda Item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

Please write your submission in the space provided below

this Act will only compound an already precarious situation in which people are suffering. pushing people further to the margins of society will make this worse. if any real change is to be made it is not through the penalisation of people who are already in difficult circumstances. i beg city council members to explore alternative approaches that will better address the issue of housing and inequality.

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

Yes

Committee in support of your submission *

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From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 6:27 PM
To: CoM Meetings
Subject: Meeting submissions form [#294]

Name *

Email address *

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

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



[youthlaw_letter_to_com_17.03.17.pdf](#) 105.97 KB · PDF

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No

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17 March 2017

By email: com.meetings@melbourne.vic.gov.au

City of Melbourne
GPO Box 1603
Melbourne VIC 3001

Youthlaw submission to proposed Activities (Public Amenity and Security) Local Law 2017

Youthlaw is a not-for-profit community legal centre that provides free legal services to young people under 25 and to adults seeking to assist young people. We target our services to vulnerable and marginalised young people.

We are co-located with Frontyard Youth Services who are an essential service supporting young Victorians aged from 12 to 25 years who are experiencing homelessness or are at risk of homelessness.

The proposed amendments to the local laws will have a direct impact on our vulnerable clients. Already it is creating an atmosphere of fear and uncertainty within this cohort.

We do not want these vulnerable young people to disengage from the essential support services required to exit them from homelessness.

We should not push the problem of homelessness out of a well-serviced and relatively safe area.

We are somewhat surprised by the proposed amendments to the local laws given the recent leadership by the City of Melbourne in dealing with the issue of homelessness. There has been a strong history of coordination between services to address the underlying causes of homelessness and to also address the concerns of members of the local community.

Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230

www.youthlaw.asn.au

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At Frontyard, 19 King Street, Melbourne VIC 3000



The City of Melbourne should continue to be a leader in dealing with homelessness. There is a real risk that other local councils will follow your lead and likewise effectively ban homelessness. This will potentially leave young people experiencing homelessness with nowhere to go.

1. Endorsement of submissions

Youthlaw broadly supports the submissions made by Justice Connect (Homeless Law), the Infringement Working Group (IWG) and the Justice Access Advisory Group (JAAG).

We also share the concerns highlighted by the United Nations Special Rapporteur, Leilani Farha, who in her statement of 13 March 2017 said:

The criminalization of homelessness is deeply concerning and violates international human rights law. It's bad enough that homeless people are being swept off the streets by city officials. The proposed law goes further and is discriminatory – stopping people from engaging in life sustaining activities, and penalizing them because they are poor and have no place to live.

In our view these proposed local laws may not be compatible with the City of Melbourne's obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

2. Youthlaw's position

We strongly oppose any law which specifically sets out to criminalise the inadvertent behaviour of homeless people.

You can not fine someone out of homelessness.

We urge the City of Melbourne to reconsider these proposed local laws and instead focus on the ongoing, cooperative, and coordinated responses already underway to target the causes of homelessness and address homelessness within the City of Melbourne.

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It is clear from the Report to the Future Melbourne (Finance and Governance) Committee on Homelessness and Public Amenity dated 7 February 2017 that these proposed local laws are specifically targeting homeless people.

The above report indicated the City of Melbourne had concerns from 'customer contacts' regarding:

- Amenity;
- Pedestrian flow;
- Open use of drug paraphernalia;
- Aggressive begging; and
- Disability access.

There was a suggestion that disability groups and individuals had raised concerns about restricted accessibility of footpaths. Obviously City of Melbourne should consider access issues in negotiating the complex competing use of a public space. However no documentation has been provided around this issue in relation to this review.

Youthlaw assumes that when addressing such a complex issue and dealing with a highly vulnerable group of individuals that a sophisticated local authority like the City of Melbourne would not make local laws based on 'customer contacts', but rather on a considered and evidence based approach.

The City of Melbourne and other enforcement agencies such as Victoria Police, already have adequate laws to deal with issues of amenity, pedestrian flow, drug use, and begging.

The City of Melbourne is also currently adequately able to remove waste.

2.1 Camping

Creating offences for camping without a permit will not moderate the behaviour of homeless people and will not deal with the underlying causes of homelessness.

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It also gives the City of Melbourne's frontline workers an ineffective tool to deal with homeless people and will have the effect of damaging much of the goodwill that has been built up through a coordinated response from services.

By not clearly defining what is meant by 'camping' these proposed local laws are already creating fear and uncertainty in the homeless community.

If camping is indeed the object of the City of Melbourne's proposed amendments and there is a motivation to pass these laws on that basis then we recommend:

- Camping be very clearly defined; and
- A statement be included that refers to rough sleepers and/or people experiencing homelessness being excluded from this definition.

By way of example, a helpful drafting of a definition can be found in the definition of the meaning of 'family violence' in section 5 of the *Family Violence Protection Act 2008* (Vic). This provision takes a number of steps including:

- A direct definition of family violence;
- A number of specific examples of family violence; and
- Clarity about the definition by removing doubt by positive drafting (ie: in section 5(3)).

Given the highly vulnerable cohort being directly affected by these proposed amendments we recommend that further care and consideration be given to defining 'camping'. A simple solution may be to include in the proposed amendments a provision such as:

To remove doubt, it is declared that people experiencing homelessness do not require a permit to camp in the City of Melbourne.

2.2 Unattended Items

We have serious concerns with the unattended items proposal.

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It is a perverse law that takes away the property from the most vulnerable and then fines them in order to recover this property. Vital identity documents, treasured personal objects, medications, and other essential objects could be confiscated and become unrecoverable due to the risk of that homeless person fearing a fine and/or their inability to pay a recovery fee.

There are also serious and problematic issues surrounding proof of ownership of unattended items and how these unattended items will be recovered.

There should also be concerns with the cost of operating a confiscation, storage and return of unattended items scheme.

Again, we stress that these proposed local laws are creating fear within a vulnerable community.

We appeal to the City of Melbourne to reconsider these proposed local laws and instead focus on the ongoing, cooperative, and coordinated responses already underway to target the causes of homelessness and address homelessness with the City of Melbourne.

We are happy to be contacted to discuss our submission.

Yours sincerely,

Youthlaw

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ABN 12 794 935 230

www.youthlaw.asn.au

Tel 9611 2412 Fax 9620 3622 Email info@youthlaw.asn.au
At Frontyard, 19 King Street, Melbourne VIC 3000

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 6:32 PM
To: CoM Meetings
Subject: Meeting submissions form [#292]

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 ammendment to council by-laws is a sad and disgusting example of how Town Hall is entirely out of touch with the realities – and lived experience – of people experiencing homelessness.

Confiscating the few possessions a person has and charging them \$388 to retrieve their belongings is blatantly authoritarian. It is a dehumanizing process, and totally ignorant. How exactly does a person who has nothing pay that much money?

Instead of pushing people out of the CBD – why don't we see any meaningful legislation coming from all levels government regarding this issue?

Do not pass this amendment. Put yourself in the shoes of the people who you are aiming this amendment at. If you had nothing, and were forced to live on the street how would you feel in the face of such inhumane treatment?

The UN has condemned this proposed ammendment – calling it a violation of Human Rights. It is.

And you will be held accountable should this ammendment pass through council.

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: Friday, 17 March 2017 6:36 PM
To: CoM Meetings
Subject: Meeting submissions form [#296]

Name *

Email address *

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

Please write your submission in the space provided below This proposed law is needlessly cruel to a population that already faces massive hardship and marginalisation. As well as being deeply unjust, it will fail to solve the issue of homelessness, which is a necessary consequence of the inequitable economic policies pursued by state and federal governments for decades. Show some compassion.

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: Friday, 17 March 2017 6:42 PM
To: CoM Meetings
Subject: Meeting submissions form [#297]

Name *

Email address *

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

*

Please write your submission in the space provided below

Submission to Melbourne City Council on Changes to the Activities Local Law 2009 proposed by the Activities (Public Amenity and Security) Local Law 2017

The Activities Local Law 2009 purports to regulate public spaces to create a safe space for all. The amendment proposed to this law introduces the concept of 'security' to this purpose. However, a close examination of the amendments does not reveal any increased 'security' for those that reside within the city, but indeed reduces it for the numerous homeless people that reside there.

The parts of the amendment that propose to do this are the ones that

a) broaden the definition of camping. This would allow for a wider range of activities to count as camping, at the discretion of authorities. There is a fine of 2.5 penalty units which is over \$388.65. This amount alone is a lot for a person without employment. However this may be coupled with a penalty for

b) leaving items unattended, which also incurs a fine of over \$388. The total of these two fines is \$770.30. As if this is not enough, if a person wants their items returned, it will cost them a further, unnamed fee.

Expecting homeless people to pay such high fines is unfeasible. The result of these penalties on some of the most vulnerable people in Melbourne will result in many ending up in court. From a purely economic rationalist perspective, wouldn't it be better to spend the money helping these people? Persons in jail place a great burden on the community. What is needed is affordable housing, close enough to the centre, for people without their own transport to be able to access services and friendship networks. This may take some time, but until it happens, a little more compassion should be shown.

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: Friday, 17 March 2017 7:24 PM
To: CoM Meetings
Subject: Meeting submissions form [#298]

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 don't agree with any laws that will make life harder for people experiencing homelessness. Melbourne City Council needs to invest more money in services for homeless people and especially public housing.

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: Friday, 17 March 2017 8:13 PM
To: CoM Meetings
Subject: Meeting submissions form [#301]

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 Committee,

I submitted a formal signed letter to you yesterday, the 16/03/17, before commencing work at the Southbank Boyd Library.

Just hours after I had submitted that application, an excellent case study to support my submission unfolded. I submitted an incident report via ESS for that incident today. You are welcome to look it up.

I wish to meet with you and speak about the incident, which involved a complex situation with two people in a housing crisis, who had been presumably moved on from somewhere and had landed at the library and community centre.

During the incident, I felt unsupported by the options of connecting services to offer them. I tried to call someone to come and assist them, like the St Vincents crisis services in St Kilda. They said that the people experiencing the crisis needed to call them to be assessed themselves, so I gave those people the crisis hotline number. It was all I could do. It's all we are equipped to do. I feel strongly that this was a situation that these proposed local laws would cause to occur much more frequently.

It puts library staff in a bind. We can't, as library staff, give people experiencing homelessness the support they require. But libraries are a refuge during their opening hours, and so they should be. What happens when people don't get the assistance and housing they need, and are constantly displaced?

The proposed laws will catalyse an endless cycle of displacement, if there aren't services that connect people with

support.

Thank you for reading my submission, and I look forward to speaking with you on the matter face to face.

Kind Regards,

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: Friday, 17 March 2017 8:21 PM
To: CoM Meetings
Subject: Meeting submissions form [#306]

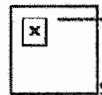
Name *

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_activities_local_law_2009.docx 43.59 KB · DOCX

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.

To: The City of Melbourne Council Submission Committee

From:
University of Melbourne Student Union

Re: Proposed amendments to the Activities Local Law 2009

Date: 17/03/2017



Union House
University of Melbourne
Victoria 3010

P 03 8344 8010
W www.union.unimelb.edu.au

The following submission is made on behalf of the University of Melbourne Student Union (UMSU), the peak representative body of students at the University of Melbourne. UMSU's constituents include over 40,000 students from a variety of differing backgrounds, ranging from undergraduate, graduate, local, international, etc. This submission is specifically in regards to two proposed amendments. The first is that to clause 2.8, which seeks to amend the current law which bans individuals from camping in public places in specific circumstances – in a vehicle, tent, caravan or type of temporary accommodation – to a blanket ban of camping in public, unless in accordance with a permit. The second is the addition of the clauses 2.12.1 to 2.12.15, which permits allow authorized officers to confiscate any items left unattended in a public place, and which the owner would be required to pay a fine to be returned.

UMSU unilaterally opposes this proposed amendment. While this proposed amendment does not specifically name homeless people, it effectively targets them by preventing them from sleeping on the streets in swags or blankets. It is an unnecessary and ineffectual solution which would punish some of the most vulnerable people in society and stop people engaging in life sustaining activities.

According to Homelessness Australia, using statistics from the Australia Bureau of Statistic, in 2013 the age group of 19-24 year olds had the second highest rate of homelessness out of all age groups, at 16.1% of the total homeless population. With this age group being most representative of university students, it's fair to say that students will be significantly impacted by these proposed amendments. For many students, their time at university will be the first time in their lives when they live independently and self-sufficiently. As such, they are at high risk of facing financial hardship and situations which may lead to homelessness.

The proposed amendment drives the homeless out of the city streets, but provides no alternative sources of shelter. The issue of homelessness in Melbourne has been an increasingly pertinent problem for the last few years. In 2016, an estimated 250 people were homeless in the Melbourne CBD, representing an increase of 74 per cent in two years. Support services are at capacity, with many often being only able to offer short term crisis accommodation rather than permanent accommodation.

The proposed amendments could also expose homeless people to greater risks. Homeless people choose to sleep in public places because there is a better chance of CCTV or lighting. The proposed amendments could result in pushing homeless people to seek alternative and more dangerous alternatives, like sleeping in unlit and hidden away places such as under bridges, thus creating more

problems in the long term. It would simply shift the problem out of the public vision, while doing nothing to actually address the issue of homelessness and the lack of access to affordable, permanent housing.

International law states that individuals have the right to adequate housing. Governments are required to take immediate action to ensure that the right to housing is upheld, and discrimination against and social exclusion of people who are homeless is prohibited. While the law is supposed to act as a deterrent to homelessness, the consequences to being found to be in breach of the law – an infringement fine of \$250 or a court fine of up to \$2,000 – are already beyond the means of those it seeks to target, and hence are ineffective as a deterrent. The proposed amendment fails to acknowledge that those it aims to target have the least capacity to change their behaviour, purely because they have no alternative. Furthermore, it legitimizes discriminatory stereotypes of an already marginalized population, criminalising those who already may have experienced significant trauma or tragedy.

UMSU is also concerned about the wider consequences of these changes. Giving police the power to fine or move on those 'camping' in the City of Melbourne will lead to more altercations between police and members of the public. As a result, students who live or pass through the area, or those who are experiencing homelessness themselves will face increased risks to their safety.

In conclusion, UMSU wishes to express its very profound concern about the proposed amendments to the Activities Local Law 2009. These amendments will not address the underlying issues around homelessness, and instead criminalise homelessness, put the onus on the most disadvantaged to change their own situation, and jeopardise the safety of homeless people.

Yours faithfully,

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 8:45 PM
To: CoM Meetings
Subject: Meeting submissions form [#300]

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

As a resident of the code post 3000. I declare my full support to the council in this battle to install some standards and control with the homeless crises that is occurring in the CBD.

I strongly support the new enforcements, to take place as urgent safety matter.

I no longer feel safe to live in the CBD and also I feel distress by the enormous occasions that I felt unsafe and frustrated by the homeless behaviour in the CBD.

The respect for our city has been lost, I think the new measures will impose more respect and enforcement to target part of the problem created in the CBD. I strongly agree that the council proposal is an important step to reinstate that people should be respecting public space and private property, the city is not a free zone where people can just do whatever they want. I live here, my neighbours, family and friends and we all are frustrated and distressed by the number of drunkenness, drug abuse and other issues that the homeless crises is causing. I also been witness of people selling drugs in the streets and use those abandoned bags to be doing this.

The reputation of Melbourne is declining, I already have friends avoiding going out in the CBD for safety, my nephews and nieces when are in Melbourne feel some kind of distress by the drunkenness of homeless people in the streets. I saw many times a lot of women been verbally assaulted by homeless people.

Some of the homeless have mental issues, so I also strongly believe that those cases should be urgently targeted.

We need urgently a homeless centre to have a early intervation and help those people to get back to their on feet and been respect again.

The answe for the problem,to target the increased number of homeless is the creation of a Homeless Centre :

1) Council would be responsible to indentify and collect the homeless people from the streets and take those to the Homeless Centre to be assessed by proffissionals to trial those can have mental illness, those that are able to be back to work, those that need to be contact by their families. Target the problem ASAP – early intervention in the streets of Melbourne. Council should also provide a 24/7 hotline for people to report a homeless case and in the early stage send this person to the homeless centre.

2) State government should use government land to build this centre and fund it, but I think should also open for donation from the public and companies to accelerate the process.

NDIS – could possibly fund the health proffissionals to assessed and target early intervention on mental illness.

The centre should be open on fishmans bend, Kensington or western suburbs.

The centre should be open for volunteers.

The police should provide 24/7 permanent staff at the homeless centre – to prevent possible assaults or any type of violence and protect all staff members.

House should only be provided after all the process and assessments done by the homeless centre.

We are the best City in the world I think we can manage it. I congratulate the council to be finally targeting this problem.

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: Friday, 17 March 2017 9:13 PM
To: CoM Meetings
Subject: Meeting submissions form [#307]

Name *

Email address *

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

*

Alternatively you

**may attach your
written**



submission by [l_melbourne_city_council_re_proposed_activities_public_amenity_and_security_local_law_2017.pdf](#)
uploading your 65.65 KB · PDF
file here

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:

*

Allens
101 Collins Street
Melbourne VIC 3000 Australia

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Melbourne VIC 3001 Australia

T +61 3 9614 1011
F +61 3 9614 4661
www.allens.com.au

ABN 47 702 595 758

Allens > < Linklaters

17 March 2017

Manager Governance and Legal
Melbourne City Council

By email: com.meetings@melbourne.vic.gov.au

Dear

Proposed Activities (Public Amenity and Security) Local Law 2017

Allens is grateful for this opportunity to comment in response to Melbourne City Council's proposed *Activities (Public Amenity and Security) Local Law 2017*.

Allens has approximately 470 staff and partners who work in the City of Melbourne. In 2016, Allens' Melbourne office undertook more than 6300 hours towards 134 matters working for Victorians who are homeless or at risk of homelessness.

In addition to working with clients in collaboration with Justice Connect Homeless Law, Allens' lawyers have assisted Justice Connect with its evidence-based law reform work. Allens has proudly contributed to Justice Connect's advocacy and law reform work in relation to fines and infringements and welcomed the recent positive changes to the *Infringements Act 2006* (Vic), including adding family violence to the definition of 'special circumstances'. In contributing to Justice Connect's submissions to the Fairer Safer Housing - Review of the *Residential Tenancies Act 1997* (Vic), Allens has sought to reduce the burden of homelessness in Melbourne by preventing people becoming homeless.

Through our work, we see the impact of enforcement-based approaches to homelessness, including the resources required to support clients to deal with fines and infringements incurred during periods of homelessness. As members of the City of Melbourne community and as lawyers representing its citizens, we see the vulnerability and hardship of homeless Victorians.

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, we do not support the proposed changes to the *Activities Local Law 2009* and encourage the Melbourne City Council to avoid these changes, which we are concerned will be costly and ineffective for the City and impose further hardship on Victorians experiencing homelessness.

Yours sincerely

Allens

Our Ref 150000:305134002
pzem A0138831185v1 305134002 17.3.2017

Allens is an independent partnership operating in alliance with Linklaters LLP.

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 9:25 PM
To: CoM Meetings
Subject: Meeting submissions form [#305]

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 have a number of concerns in regards to the proposed local law;

I do not have the ability or resources to electronically deal with this submission process in a timely nor complete manner through this portal;

I would like the opportunity to verbally make my submission, but this submission process does not appear allow me to do so;

My concerns are related to the scope of the changes;

The intended and unintended impacts of the local law;

That other existing powers and/or processes available to council, are more than sufficient to deal with the issues identified in the council explanatory papers and media points;

The costs of fines/penalty imposed would be disproportionate with the alledged harm caused by the homeless persons;

That there appears to be no sunset clause or other review mechanisms once the local law is implemented.

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: Friday, 17 March 2017 9:53 PM
To: CoM Meetings
Subject: Meeting submissions form [#243]

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 couldn't care less if I'm judged by you or by any human court; I don't even judge myself. Up to this very moment we are hungry, thirsty, wearing rags, abused, and homeless. We work hard with our own hands. When we are insulted, we respond with a blessing; when we are harassed, we put up with it; when our reputation is attacked, we are encouraging. We have become the scum of the earth, the waste that runs off everything, up to the present time.

1 Corinthians 4:3, 11-13 CEB

<http://bible.com/37/1co.4.3-13.CEB>

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: Friday, 17 March 2017 10:51 PM
To: CoM Meetings
Subject: Meeting submissions form [#308]

Name *

Email address *

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

*

Please write your submission in the space provided below

Unfortunately the deadline for submissions is closing fast, and articulation is not my strong point on a Friday evening...so forgive me for not speaking Government-ese.

I don't have a strong personal stake in this issue. I'm comfortably middle-class, enjoy great privilege on a variety of levels, and pay both rates and taxes (so a cynic would say that perhaps my two cents is worth a dollar, although I hope not). I don't live directly in the City of Melbourne, but do live nearby, in an area which is also characterized by widespread visible homelessness. I have both worked and played extensively in the CBD though, if you need a connection of some sort.

I'll start this off by saying I hate being on the receiving end of begging, especially the aggressive kind. On reflection, that's mostly because it makes me feel uncomfortable about my level of privilege, about the fact that all the empathy in the world won't make me give up everything I have to help a multitude who sorely need it.

I suspect these are the motivations driving many of the complaints about the increase of rough sleepers in Melbourne.

The issue makes us uncomfortable. It's a reminder of all our failings as a supposedly wealthy, equitable society. It makes our 'liveable city' epithet laughable. It makes us 'look bad' to a couple of international visitors with a twitter account, oh dear.

But do you know what? We have NO RIGHT to make that the problem of marginalized, vulnerable people whose situation apparently has the audacity to make some of us feel awkward. The city is a wholeheartedly inclusive OURS; it doesn't belong more to middle class people mildly inconvenienced by something they don't consider 'pretty', than to the people who are so much a part of the city that they sleep on its streets. If anything, the people who make Melbourne's streets their home are far more valid citizens of Melbourne than someone like me who only works and plays there; these are people who live and breathe it every day, who rely on it for safety, community networks and

services. We're all in this together and we need to look after each other if we're going to deserve any sort of accolades, from whichever audience we're keen to impress.

So the cries of 'do something, do something' are not a mandate to change the laws to make already difficult lives impossible. Addressing only the visibility of the issue is a cowardly...I'm not even going to say 'solution'. It's not. I don't have a practical solution for you, because I'm not an expert. But there ARE experts - ASK THEM. Don't just change laws behind the scenes that affect people's lives. TALK TO THE PEOPLE WHO'S LIVES WILL BE AFFECTED. Talk to their service providers. Talk to their advocacy groups. More importantly, LISTEN. Let their words actually affect the policy and decisions you make, don't just say consultation was carried out and leave the rest to implication.

I EXPECT my taxes and rates to be spent on an effective social safety net - this is a collective investment as very few of us will go through life without faltering, and there needs to be a workable solution for all of us when we do. Please create a solution that you would want use yourself.

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:

*

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 11:24 PM
To: CoM Meetings
Subject: Meeting submissions form [#312]

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



[to the melbourne city council bylaws review.docx](#) 17.63 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.

The Melbourne City Council,

In response to your request for Public Feedback on your Amendment to the following:

The proposed Amendment to:-

Under the provisions of Part 5 of the *Local Government Act 1989*.

"*Activities (Public Amenity and Security) Local Law 2017*"

Unattended item in a *Public Place*.....

Change the wording to read:

2.12.1 Unless in accordance with a *permit*, a *person* must not leave any *item* unattended in a *public place*. (Plus More...)

I submit the following:

1. As you rightly point out in the following graph that is found in your explanatory notes – the **State Government changes Legislature in the Local Government Act 1989, and the Council collects Rates**. This means that no so-called By-Law created by this council is not contained in Legislature unless approved by the State Legislative process. This process of Legislative Amendment means that no By-Law can be in conflict with any other By-Law of any other council - as this would create a conflict with the State's Local Government Act 1989. If the State Government gives it approval to ratify this By-Law then all people in all councils would then be bound by this By-Law, which is clearly unintended, and therefore fails and is an invalid By-Law and Un-Constitutional. (I would also suggest a huge number of other By-Laws created by Councils across the State are also invalid and Un-Constitutional).

**Australian Federal
Government**

- Leadership housing and homelessness policy and funding
- **Income** support and rental subsidies
- Immigration and settlement policy and programs
- Financial sector regulations **taxation** settings

Victorian State Government

- Leadership and housing and homelessness funding
- **Services, administration and delivery**
- **Land use**, supply and urban planning and development
- Financial support and services for renters and

City of Melbourne

- Building approval processes
- Local urban planning and development approval processes
- **Rates** and charges that influence housing affordability

- Competition policy relating to housing and buildings
- Provision of national infrastructure
- Housing-related & homelessness data
- buyers
- State and Territory taxes and charges
- **Infrastructure** policy
- Tenancy and not-for-profit housing sector **legislation** and regulation

2. As an interpretation of why you as a Council, believe this Amendment is Constitutional, I would guess that all Councils now appear to be under the belief that the **Federal Government** has created a superior and overriding Federal Legislature that enables the Council autonomy in making Local By-Laws that do not require the State Constitutional approval to Act? Again your Council Graph is correct in your explanatory graph that in this Amendment, the **Federal Government collects Income Taxes.**

3. **Therefore the only way that the Federal Government can be involved is by way of a Corporatization of the Council that removes the Dividend received from Council Rates** that would under the State Constitution fund State Administration and Services delivery and for this to be replaced by Federal Legislature that "gives" this Dividend to a Business model through a Business Model that distributes this money to businesses so that the Federal Government collects the Income Taxes, via **Corporations Tax Law** (which is a Federal Income Tax stream). If this has been happening it would be Privatization by stealth as the Public is completely unaware that Councils are now using a Business Model that is outsourcing labour of a monopoly Public Department into a non-existent competitive tendering business environment and removing this money from the Victorian Treasury by stealth?

So is there such an all-encompassing Federal Law that is constitutionally proven, to allow The Melbourne City Council to By-Pass the State Constitution to create this By-Law? This Law would also have to allow the State Government to similarly privatize public assets, as this has occurred, and therefore remove State Public Department jobs, and the Federal Government to also privatize its Department functions and therefore privatize Federal Public Service jobs?

Answer: **No.**

Some would say the "The Public Service Act 1999" but it is Federal and not State.

Some would say "The Workplace Relations Act", but this about working conditions and this By-Law is not employing the Homeless. Etc, etc

In Conclusion : (In Brief) This and other By-Laws are proof that The Melbourne City Council is creating a Privatised use of Public Assets and the monopoly funds secured from the Rates of benefit the of Melbourne City Council use of land as if it is its own Government , rather than a Government

Department that it is working for the good of all Victorians; it is competing with surrounding councils to remove a social issue from its business district and attempting to force the unfortunates to another Council so that MCC can remove an economic and social problem onto other Councils who cannot move the Rough sleepers on because they cannot use the same State "Local Government Act" Legislature and "City of Melbourne Act" as MCC – this is an example why all Councils including in this specific case; The MCC, must be sacked by the State Government as it is part of a rogue Public Service Department that is creating more problems in Society than its worth to this Society. Etc,etc.

The removal of all Councils, in this absolutely failed ideology of privatizing the Public Service through privatizing Local Councils, will create a proper Governing State Public Service with more secure jobs and more useful jobs that will concentrate on the social problem, and, believe it or not, this will actually lead to a better "Business Environment" by using an economic model that works for all of society. (This is not Socialism but Democracy).

Sincerely,

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 11:04 PM
To: CoM Meetings
Subject: Meeting submissions form [#313]

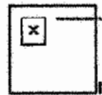
Name *

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



[mental_health_legal_centre_submission.pdf](#) 246.46 KB · PDF

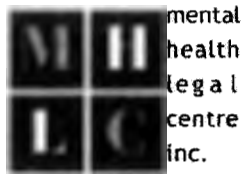
Please indicate whether you would like to
address the Submission (Section 223)

Yes

Committee in support of your submission *

Privacy acknowledgement: *

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



17 March 2017

Manager
Governance and Legal
Melbourne City Council
GPO Box 1603
Melbourne VIC 3000

By email: com.meetings@melbourne.vic.gov.au

Dear Mr

Proposed Activities (Public Amenity and Security) Local Law 2017

The Mental Health Legal Centre (MHLC) welcomes the opportunity to make this submission in response to Melbourne City Council's proposed changes to the local law.

About us

The MHLC was established in 1987 to provide specialist legal assistance services for Victorians with mental health challenges. The MHLC is uniquely placed to provide expert, responsive and flexible services that enable vulnerable Victorians with co-occurring mental health and legal issues to access equitable social justice outcomes.

The Mental Health Legal Centre (MHLC) works in partnership with a number of homelessness specific services that operate within the City of Melbourne. We have developed referral pathways and outreach models that enable people experiencing homelessness to access high quality, comprehensive legal assistance.

We have had the opportunity to discuss the changes with individuals who are currently experiencing homelessness within the City of Melbourne. Their views have informed this submission.

MHLC • POSTAL ADDRESS: P O BOX 12365 A'BECKETT STREET, MELBOURNE VIC 8006

TEL: (03) 9629 4422 • FAX: (03) 9347 4992 • EMAIL:

WEB: www.communitylaw.org.au/mental health

The MHLC submits that Melbourne City Council must demonstrate that they have comprehensively sought the views of the people who will be directly impacted by the proposed changes.

General comments

We submit that the proposed changes represent an increasingly punitive approach to homelessness. The changes ignore the underlying reasons that people are living on the streets of Melbourne city, primarily a lack of affordable and accessible housing options. We submit that the focus for Melbourne City Council should be on targeting homelessness not homeless people. The proposed solution is a very limited one.

People experiencing homelessness need better access to low-cost, community-based housing options. Public housing is often inaccessible, the private rental market is not an option for most of our clients experiencing homelessness and rooming houses are expensive and often unsafe. One of our clients stated that private rooming or boarding houses need to be closed or their needs to be a complete overhaul of them because "people don't feel safe living in them because they are violent and people have access to your belongings as there are no locks on the doors". For many living on the streets of Melbourne is the safest option available to them. Forcing them into unsafe housing options or into parks and other more hidden areas will increase the risks they face.

Our clients have indicated their support for more housing like that provided by Common Ground which provides permanent, safe and affordable housing together with comprehensive support services. Providing supported pathways into permanent housing is the only viable solution to the issues that the changes to the local law purport to address. As one of our clients said, "if we're not allowed to stay in squats and can't afford housing and aren't permitted to sleep on the street, where else can we go!".

Changes to the definition of camping

We are opposed to the amendment of the camping provisions of the local law. These changes could potentially criminalise anyone sleeping on the streets of Melbourne.

The changes put people living on the streets in an even more precarious and marginalised position than they are at present. It will not stop people from sleeping rough but will instead move them elsewhere into environments that are more unsafe without access to vital social services. We are also concerned that the proposed changes will increase the friction between people experiencing homelessness and the police and other law enforcement agencies.

The proposed definition of camping is not limited in any way and it is unclear how broadly it could be applied. We are very concerned that it could be interpreted as applying to anybody sleeping on the streets of Melbourne with even the most basic bedding.

Removal of unattended items

We are also strongly opposed to the proposed amendment that would allow for items left unattended to be confiscated and impounded requiring possible payment of a fee to be released.

While goods left behind are frequently characterised as “rubbish” or “waste”, for our client group they may represent their only possessions. They are belongings and they are vital to a person’s humanity and sense of self. People experiencing homelessness leave their belongings unattended simply because they have nowhere else to put them.

People leave their belongings for a range of reasons. They may leave for a short period to go to the bathroom or meet other basic needs. They may be accessing support agencies or health care. Some will have left unexpectedly due to serious health or mental health issues. One of our clients, for example, was taken to hospital urgently and while he was there a clean-up occurred at Flinders Street. He lost his wallet, identification documents and all his other belongings.

Having belongings confiscated, or living in the constant fear of this happening, is highly distressing for people. Worry about leaving belongings unattended may also stop people from accessing medical and social services that they need. Many of our clients are particularly concerned because they are under administration orders and have very limited access to money. Even for those not on orders, it will be difficult to replace belongings, pay fees for their return or a fine.

If there is to be a fee imposed for having goods released this will have an extremely negative impact on individuals who are on very low incomes. There is also a built-in disincentive for people to engage to have their property released given that they face a fine for leaving their items unattended in the first place.

The solution that was proposed by every one of the people that we spoke to was for them to have easy access to free, secure lockers for the storage of their belongings. We support this proposal. It is a low-cost option for the Melbourne City Council that will give increased security to people experiencing homelessness while addressing concerns about unattended goods. It could be coupled with the provision of other basic services for people experiencing homelessness including toilets and showers or clothes washing facilities. This approach

would increase engagement with people experiencing homelessness instead of marginalising them further as the current proposals would.

Fines

The imposition of fines for activities that are inextricably connected with being homeless is ineffective and unfair. A high proportion of our clients who experience homelessness already have outstanding infringements, some totalling many thousands of dollars.

The law recognises that people who are homeless when they are fined for breaking the law, may have special circumstances and have their fines dismissed (and their enforcement orders or infringement warrants revoked). A person must show that because of their homelessness they were unable to control the conduct that lead to them breaking the law. Camping on the streets and leaving goods unattended result directly from being homeless and is consequently something people experiencing homelessness are unable to control. It seems particularly unjust and counterproductive for infringement notices to be issued that will, almost by definition, be covered by special circumstances.

The creation (or expansion) of offence provisions targeting homelessness will impose a harsh financial burden on people experiencing homelessness. If they are unable to pay at the infringement notice stage, the costs will escalate further.

Thank you for the opportunity to provide comments in relation to the proposed changes. We look forward to Council's robust consideration of these amendments and to your continued commitment to providing effective and sustainable solutions to homelessness.

We request to be heard in support of this written submission.

Should you need any further information please do not hesitate to contact _____ on 9629 4422.

Yours faithfully

-

Mental Health Legal Centre Inc.

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 11:28 PM
To: CoM Meetings
Subject: Meeting submissions form [#310]

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 have twenty five years experience working alongside people who are homeless or at risk of homelessness. Much of this work also overlaps with advocating alongside families who are enduring the coronial inquest process because of family violence homicides, deaths in care and deaths connected to homelessness and insecure and unsafe housing conditions.

My principal and overriding concern is that the Proposed Local Law will intensify homeless peoples' vulnerability to policies and conditions that expose them to premature and preventable near death or actual death.

Such policies and conditions include:

Being exposed to extremes of weather – extreme cold, heat through having basic shelter and clothing and other essentials of life removed repeatedly in and by the City of Melbourne;

Being moved on from places of relative safety and company in the City of Melbourne and thus being more exposed and vulnerable to targeted and random violence;

Being further displaced and marginalised from street based health services and NSPs in the City of Melbourne leading to critical deterioration and health conditions that may be lethal or critical in nature.

Being moved on from the City of Melbourne as the Council has deprived homeless persons of the necessities of life and being forced to live in even more precarious, isolated and dangerous sites of homelessness such as unsafe squats and unsafe and exploitative boarding houses.

The above are but a few examples of conditions and policies that will be given effect intentionally and otherwise that will result in preventable loss of lives and the widespread compounding of conditions that threaten or shorten lives.

The Council has Charter of Human Rights obligations in relation to the right to life and the prohibition of cruel, inhuman and degrading treatment. The proposed local law creates the legal instrument under which these two critical, threshold rights will be violated.

I have witnessed the foreseeability and pre-conditions for preventable loss of life through my work in over 100 coronial inquests in Victoria and interstate coronial jurisdictions.

The proposed local law will render homelessness in the City of Melbourne even more lethal than it is now and will displace and compound all the harms of homelessness.

I urge the Councillors to reject the proposed law and focus on a framework founded on the provision of safe, affordable housing, the protection of human dignity and the prevention of homelessness.

Please indicate 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: Friday, 17 March 2017 11:30 PM
To: CoM Meetings
Subject: Meeting submissions form [#309]

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

Please accept my submission to the proposed Activities (Public Amenity and Security) Local Law 2017, as
Melbourne/Narrm general membership branch of the Industrial Workers of the World.

The IWW recognises that homelessness is a crisis which effects a large and growing proportion of our community. We welcome opening debate on complex societal and demographic issues, but unreservedly condemn the ammendments as proposed.

Firstly, The IWW is deeply committed to democratic processes. We hope that the Melbourne City Council is also. A fundamental tenet of democracy is and should be that those who make a decision are those who make it. In this regard we believe that - while all Melbournians deserve a voice in this matter - homeless people and their representative bodies (eg the Homeless Persons Union Victoria) should take precedence in these proceedings, and no decision should be made without their approval.

Second, The IWW considers the proposed ammendments to be incompatible with the intent of the Victorian charter of human rights. Specifically, the proposed ammendments contravene section 10 of the charter, as these ammendments would clearly treat homeless people in a demeaning and disrespectful manner.

Furthermore, there are a great many options available to council which do not involve penalising people for homelessness - but rather, prioritise giving homes to peoplw who need them. The IWW encourages council to pursue those options.

Finally, the ammendments as they stand will not only not alleviate the concerns raised by councillors but exacerbate them. Removing the security and possessions of those who live on a razor's edge with the stated intention of improving the city and the lives of its occupants is deluded at best and an intentional falsehood at worst. This raises an important question: is the Council interested in helping homeless people, or is it seeking to make homeless people invisible? Is homelessness the problem – or homeless people?

The IWW suspects that the Melbourne City Council, in proposing these ammendments to the Activities (Public Amenity and Security) Local Law, is more interested in preserving the image of Melbourne as a prosperous and welcoming city than it is in engaging in the harder work of ensuring that all are welcome in Melbourne and all Melbournians prosper.

Sincerely,

Industrial Workers of the World

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:

*

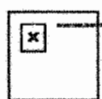
From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 11:34 PM
To: CoM Meetings
Subject: Meeting submissions form [#315]

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



[letter_on_local_activities_law_homelessness_and_sleeping_rough_lord_mayor_dft.docx](#)

65.34 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.

17th March 2017

Melbourne City Councillors
Melbourne City Council
GPO Box 1603
Melbourne VIC 3001

Subject: Response to the proposed amendments to the Activities Local Law 2009

Dear Councillors,

The CoM's has long taken a progressive approach to addressing homelessness. The City provides funding to agencies to deal with homelessness and emergency service response, including accommodation.

However, from the fact that the number of homeless are not decreasing across the city, including in Carlton, it's clear that the current strategies are not adequate to the crisis we're facing.

I write to urge Council to take an alternative approach than the proposed amendments to the Activities Local Law 2009. The proposed amendments take a punitive approach to those who are homeless. The amendments would allow items to be confiscated and impounded, only released on payment of a fee or charge or otherwise sold, destroyed or given away. This approach addresses the symptoms of homelessness rather than the cause - the lack of housing.

I write to oppose the proposed amendments and urge Council to instead:

- invest more in affordable housing; including requiring all major developments within the city to contribute to affordable housing
- call on the Victorian Government to invest more in public housing
- consider instituting a 'vacancy tax' which would encourage investors to rent out properties or reinvest money gained from the tax back into public and social housing

Your sincerely,

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 11:53 PM
To: CoM Meetings
Subject: Meeting submissions form [#316]

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 am opposed to this law as I do not see how it helps the people who are effected by homelessness. I do not feel homelessness is an option anyone will willingly choose. Rather than making life harder for people faced in situations in which they have no homes we should be investing time and effort into creating solutions and tackling this problems to close the disparity gap. I love melbourne and do not wish to live in a city that is not compassionate to those most disadvantaged.

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: Friday, 17 March 2017 1:24 PM
To: CoM Meetings
Subject: Meeting submissions form [#254]

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**

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



submission_proposed_amendments.docx 168.50 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.

Dear Submission Committee

Thank you for the opportunity to make a submission regarding the proposed amendments to by-laws affecting camping and unattended goods in the city.

It is a disappointing surprise that the 'issue' of rough sleeping in the city now has a public face around the changing of these amendments. It seems these proposed amendments have come about through media and public pressure, not the wellbeing of some of the most vulnerable and marginalised people in our community. Whilst there have been some very negative and disturbing incidents for individual councillors and the council as a whole, carried out by so called 'advocates,' I sincerely believe that if these amendments proceed a marginalised community will be further ostracized.

Reasons for my belief are outlined below;

- **Prohibited Activities in Public Places** - The removal of the words *in a vehicle, tent, caravan or any type of temporary or provisional form of accommodation* in my view leaves homeless people (rough sleepers) vulnerable to being requested to move on for nothing more than sleeping in the city. It is my understanding that fines could also be issued if compliance is not forthcoming. Fines are not generally paid by this demographic, which could lead to escalation and unnecessary court appearances, causing more emotional stress and trauma.
- Whilst I agree that large amounts of unattended gear can cause a hazard in the city, I think we underestimate the importance of that gear to someone who is homeless. To the casual observer, it may look like garbage but it's quite likely someone's only possessions, a mix of what they need to survive physically and emotionally. Just the other day I was walking to the tram along Swanston St and heard a distressed person experiencing homelessness beginning to move towards panic because their gear had been removed, including medicine they needed to prevent further hospitalisation.
- The proposed amendments include a charge for people to redeem their possessions. It is unlikely that someone experiencing homelessness will have the resources to spend on such things. This could mean that council will be storing items for a long time that have no chance of being redeemed.
- As mentioned above, both amendments are opening up the possibility of adding to the trauma of people who are experiencing homelessness, thus potentially increasing their time on the streets. It also leaves them vulnerable to becoming part of the legal system.
- Because of the Lord Mayor's previous support of individuals experiencing homelessness and the City of Melbourne's compassionate track record in this area it feels the proposed amendments are reactive to pressure from the media and others. The responses are mechanistic focusing on cause and effect and are not addressing the longer term systemic issues of poverty and homelessness and in fact potentially work against a longer-term solution.
- The opposed changes are also out of line with City of Melbourne's own Homeless Protocol which features such concepts such as; *right to be in public places – respecting the rights of others; right to participate in public activities or events.*

- It is also out of step with the Charter of human rights – (10) *A person must not be treated or punished in a cruel, inhuman or degrading way...* One of the core issues for people sleeping rough is disturbed sleep, if they are constantly being asked to move on and sleep is constantly being interrupted then this has longer term effects on physical and mental wellbeing.
- Last year I had the honour of being in Quito for the ratification of the New Urban Agenda. The proposed amendments are also out of step with the spirit of this document. *We share a vision of cities for all, referring to the equal use and enjoyment of cities and human settlements, seeking to promote inclusivity and ensure that all inhabitants, of present and future generations, without discrimination of any kind, are able to inhabit and produce just, safe, healthy, accessible, affordable, resilient, and sustainable cities and human settlements, to foster prosperity and quality of life for all. We note the efforts of some national and local governments to enshrine this vision, referred to as right to the city, in their legislations, political declarations and charters. (Pnt 11 of The New Urban Agenda)*

Solution Focused

My submission has made it clear that I firmly oppose both amendments. One of the key challenges for me throughout this current conversation has been the apparent lack of interest in looking at the issue systemically. Complex systems theory tells us in the face of a 'wicked' problem such as homelessness a solution is not in mechanistic cause and effect thinking which takes one component and seeks to remedy that in isolation to the rest of the system. Rather we need to understand the relationships between the different components of the system and indeed look beyond to how we would like the system to operate.

I appreciate there have been numerous conversations at State and Local level around this issue however, my concern is that there appears to be a lack of imagination or innovation, that could lead to more sustainable solutions.

I believe a way to remedy this is to hold a City of Melbourne led Symposium on homelessness that takes a complex systems and participatory design approach to the issues in front of us. This would allow a variety of voices, including those on the margins to come to the planning table and be heard in the process of collaboration towards sustainable solutions. I am currently a researcher with Swinburne University's Centre for Design Innovation, as a team we would be more than capable to facilitate such a process.

The process would allow for creative pathways to emerge, examples include;

- In a previous submission Dr David Wilson, former COM Councillor and current CEO of Urban Seed suggested that lockers coupled with drop in centres that could become communities of learning and empowerment would form part of a medium term to longer term pathway.
- Another one of my hats is the Facilitator of Community Change Alliance in the South East (CCASE). Each year we hold a forum around poverty alleviation focused on the City of Greater Dandenong. Last year as part of this forum I interviewed the Mayor of Albuquerque, Cr Richard Berry. He is a self-disclosed fiscal conservative, who has promoted both a housing first model and a work program for 'pan handlers' (street beggars) which has seen them working alongside council workers in, amongst other things street and park clean up. This has seen those living on the streets receive income, dignity and skills.

- The Toll Logistics Group employ several chaplains, one of those is Ruth Oakden who runs an integrated work program called Second Step, which employs people recovering from various addictions or coming out of prison. These people are integrated, with support into real work teams. An adaption of this thinking could be employed to work with Melbourne's homeless population.

My strong encouragement is for councillors to vote no to the amendments and to work positively towards a complex systems focused symposium, that would allow for the above creativity and more to be employed towards a more sustainable, longer term solution.

Consultant

Member COM Advisory Committee on Homelessness

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 17 March 2017 1:28 PM
To: CoM Meetings
Subject: Meeting submissions form [#270]

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 don't believe this will be good for Melbourne. Homeless people need to congregate in the city because it is safe, provides shelter, amenities and opportunities to receive money from passers by.

The City of Melbourne should be consulting with the community around this proposed amendment not rushing to push it through. This is a serious issue and demands serious attention.

Homeless people deserve to be protected by the city not shunned. The proposed ban on 'camping' is unfair to a small minority who can't afford to have other options.

There should be more affordable housing for people in this vulnerable position.

I hope this does not happen.

Regards,

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: Friday, 17 March 2017 1:29 PM
To: CoM Meetings
Subject: Meeting submissions form [#269]

Name *

Email address *

Agenda Item title *

Proposed Activities (Public Amenity and Security) Local Law 2017

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

Please don't make it illegal for homeless people to sleep on the streets.

If homelessness is becoming an increasingly visible issue in this city of ours, the solution should not be to simply banish them, or hide them away from the view of everyone else.

If it was everyone's personal choice, no person would consciously choose to live on the streets. These people more than anyone need help and acceptance, not to be treated like law breakers.

**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: Friday, 17 March 2017 1:40 PM
To: CoM Meetings
Subject: Meeting submissions form [#271]

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 do not believe that the proposed Public Amenity and Security Local Law will benefit those in need, furthermore I believe it will continue to marginalise and isolate these people.

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: Friday, 17 March 2017 1:48 PM
To: CoM Meetings
Subject: Meeting submissions form [#272]

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 see attached written submission

Alternatively you
may attach your
written



submission by [170314_proposed_amendments_to_the_activities_local_law_2009_city_of_melbourne_homelessness_byla](#)
uploading your 552.20 KB • PDF
file here

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

Yes

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

*



Council to Homeless Persons – Submission to City of Melbourne – Proposed amendments to the
Activities Local Law 2009



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Introduction

The Council to Homeless Persons

The Council to Homeless Persons (CHP) is the peak Victorian body representing organisations and individuals with a commitment to ending homelessness. CHP works to end homelessness through leadership in policy development, advocacy, capacity building and consumer participation.

The Council to Homeless Persons (CHP) welcomes the opportunity to respond to the City of Melbourne's proposed amendments to the Activities Local Law 2009. The proposed amendments will have a significant impact on those who are experiencing homelessness in the City of Melbourne and beyond, on specialist homelessness services working to assist people to gain and sustain housing, as well as on police, the courts and the municipal government itself.

What we mean by 'ending homelessness'

Homelessness occurs at the intersection of personal vulnerabilities and structural forces, such as poverty, housing affordability and security of tenure. People who become homeless are often financially disadvantaged and some will have spent a lifetime in insecure housing.

Ending homelessness doesn't mean that people will never find themselves without shelter. It means that homelessness will be rare, the experience brief, and it will not recur in a cycle of repeated homelessness.

To achieve this vision, Victoria requires the services to help people manage the vulnerabilities that can lead to homelessness. Pathways into homelessness include eviction, job loss, family violence, mental ill health, relationship breakdown, or indeed a combination of these factors. There is neither a single cause, nor a single solution. Some people may need relatively little assistance for a short period of time, while others may need support over a lifetime.

Ending homelessness also requires action to reduce poverty, increase access to employment and critically, to improve the supply of housing that is affordable to people on low incomes, and the security of people's tenure within that housing.

The proposed changes

The proposed amendments to the City of Melbourne's activities local law (2009) will have two substantive effects:

- Broadening the applicability of the term 'camping' so as to effectively prohibit rough sleeping (throughout this document we will call this measure the camping prohibition), and

- To increase Council officers' power to confiscate unattended belongings, and to charge those owners seeking their return (which we call the unattended goods provision).

While not explicitly stated in the bylaw, such changes are clearly designed to be primarily applied against those who are experiencing homelessness in the City of Melbourne. A broad ban on camping that fails to specify the defining traits of camping leaves Council officers with significant discretion over its application. It is extremely likely that it will be applied in such a manner as to prohibit those people who have no access to private space from sleeping in public space. Not only is this an indirect ban on homelessness, but it creates a bylaw which is impossible for people experiencing homelessness to comply with, and as such will not be effective.

The provision for powers to confiscate and dispose of unattended items also has extremely broad application, and is primarily directed once again at those experiencing homelessness. This will ultimately lead to the destruction of the property of those experiencing homelessness, and significant, regular, and compounding fines on individuals who do not have the choice to comply with directions not to leave belongings unattended. Its application will see significant cruelty rendered by the City of Melbourne on those experiencing homelessness as the City of Melbourne inadvertently destroys cherished belongings, critical medications and important documents.

Homelessness in Melbourne; the current state of affairs

Homelessness in Victoria, and its effect on the City of Melbourne

'If we had enough power we would say (to the City of Melbourne) "you can't put this ban in place unless you've got a place for people to go"... (If) you put a ban on their only form of accommodation, then that is neglecting their human rights'

Jody Letts, Consumer / Advocate

A large and growing number of Victorians are without homes. In 2015-16 Victoria's specialist homelessness services assisted 105,287 unique clients experiencing or at risk of homelessness – 22 per cent more than just four years prior. The Australian Bureau of Statistics estimates that only one in three people experiencing homelessness seeks assistance from services. As such, the true extent of homelessness may be much greater.

People experience homelessness for a range of reasons. The major causes of homelessness in Victoria are a lack of available housing (39 per cent of homelessness) and family violence (34 per cent). Of particular importance to this submission 7,600 Victorians presented to a homelessness service in 2015-16 while sleeping rough – approximately the population of Flemington. With its access to jobs, relative safety,

and relative availability of services, many people sleeping rough across Victoria move to the Melbourne CBD.

'Coming to the city meant I might get opportunities like work. And I did get work'

- John Kenney, Consumer / Advocate

As such, the CHP encourages the City of Melbourne to continue its history of considering homelessness within its broader context, including a housing market in need of more opportunities for those on low incomes, the scourge of family violence, which is only beginning to be addressed, and the lack of access to support for people with complex mental health problems.

CHP opposes the proposed amendments because they will not achieve their intended objective of reducing street present homelessness. Conversely they will have direct negative impacts on those experiencing homelessness who are already extremely vulnerable, and because they will make the work of specialist homelessness agencies more difficult when assisting in rehousing and recovery.

The Central Business District, surveillance and safety

'The only thing that put me to sleep at night was knowing that there was light. It's the only way I felt safe'

- Jason Russell, Consumer / Advocate

Those experiencing homelessness are frequently subject to violent crime. A UK study found that those experiencing homelessness "... were 13 times more likely to have experienced violence and 47 times more likely to have been victims of theft. Almost one-tenth of those interviewed had experienced sexual assault in the last year... Almost two-thirds of homeless people reported having been insulted publicly and one-tenth had been urinated on whilst sleeping."

In order to address the inherent unsafeness of homelessness, those experiencing homelessness tell us that they seek out the 'safety of numbers', lighting and the passive surveillance of pedestrians.

'If you're in an environment where there's lots of people up and about, you feel safer'

- Jody Letts, Consumer / Advocate

As such, major cities across the world, including the City of Melbourne, with the abundance of light and passive surveillance provide a greater degree of safety than suburban areas or rural towns. Congregating in a CBD such as Melbourne's, those experiencing homelessness are less likely to experience violent crime.

¹ Newburn & Rock 2005, cited in *Australian Institute of Criminology*, 'Homeless people: their risk of victimization', 2008

The Council to Homeless Persons is concerned that this bylaw will cause some people to move to more hidden and less safe corners of inner Melbourne, where they are more likely to live in fear of, and to experience random violence and degradation.

"They've been offered housing"; Housing options for those experiencing homelessness

'Offering a homeless guy a hotel, and then saying three days later you've got to go back to the street is ridiculous.... It's not permanent'

- John Kenney, Consumer / Advocate

It has been reported through the media that those who are experiencing homelessness in the Melbourne CBD have been offered housing. CHP believes that such a statement may have obscured the nature of the housing offered and the complexities of these options.

Metropolitan Melbourne has a drastic shortage of independent housing that is affordable to a person on a low income. The Victorian Department of Human Services found that in the December quarter 2016, metropolitan Melbourne had 26 rental availabilities that were sustainably affordable for a single person on a Newstart income (with Commonwealth Rent Assistance)². Plainly, this is insufficient to house those rough sleepers in the City of Melbourne, let alone all of those across metropolitan Melbourne. As the peak body for Victoria's specialist homelessness services, CHP can advise that it is often impossible to offer those experiencing homelessness secure and sustainable tenancies through the private rental market.

Access to public housing is similarly challenging, particularly for singles. In 2012 the Victorian Auditor General confirmed that 20,000 single people are on the public housing waiting list waiting to access around 18,000 single bedroom properties that are currently tenanted. Many of these are allocated only to single people over 55. As a consequence, the wait time for singles under 55 to get into public housing, even for those with the highest priority (the priority given to people experiencing long-term or chronic homelessness) is three to four years. People who have only recently begun sleeping rough, and who are therefore not eligible for the highest priority would wait many years longer.

Over the past year, significant media attention in relation to rough sleeping resulted in some additional resources being directed to housing rough sleepers. These have sped up processes for some people sleeping rough, enabling long-term housing outcomes to be achieved for a small number of rough sleepers.

Outside these additional housing opportunities, housing outcomes are generally achieved by amendments to prioritisation processes, such as the recent re-allocation of 40 transitional (temporary) housing vacancies to rough sleepers, or the protocol in place for Street to Home of back-dating a person's public housing application to when

² Victorian Department of Health and Human Services, 'Rental Report tables December quarter 2016', 2017

they first experienced homelessness. While these processes enable an individual who is targeted to move into housing, those who would otherwise have 'got to the top of the list' and been housed remain homeless. They are effective individually, and can facilitate more rapid housing of person with very heightened vulnerability, but by their very nature can't be applied universally. The effect achieved in the overall number of people who are homeless from reallocation is the same effect you have on the volume of an inflated balloon by dinting one side with your finger.

In this context of constrained access to housing, most people sleeping rough are only able to be offered short stays of one to three days' duration in a motel, or accommodation in a rooming house, or other form of shared housing. This remains true for rough sleepers in Melbourne's CBD.

There is great variance in motels, rooming houses, or shared housing options with some providing security and stability to those in crisis, while others perpetuate homelessness through dangerous health and safety standards, and failing to protect people from criminal and violent behaviours of other residents.

Jody experienced homelessness after a prolonged health crisis caused her to lose her job in the public service. When she sought help they were offered a few nights in a motel.

'It was horrendous. We had no hot water in the bathroom, the microwave had this electrical current beaming out of the wall, so we couldn't get near it, let alone use it. When we reported it they didn't care. So we had a kettle to boil water and prepare food. The people next to us the first night were a family, and the second night was a young girl injecting drugs in the doorway – I was there with my 13 year old daughter.'

– Jody Letts, Consumer / Advocate

Kevin had a professional job when he assumed caring responsibilities for his terminally ill mother. But a history of family difficulties meant the move into his parents' house proved very unhealthy. Kevin's situation deteriorated to such a point that he moved into a rooming house. Kevin's story was reported in *The Saturday Paper*:

'Late one night, about two or three in the morning, Kevin was kept awake by another occupant's radio. For hours he had waited for the noise to subside, but it continued. Irritated, Kevin left his room and knocked on the man's door. "He erupted," Kevin tells me. "With the first couple of hits I knew I was out-powered. I was also outweighed by 20 or 30 kilograms. He beat me, He was relentless. I thought he was on something that gave him this incredible strength. I remember thinking 'Jesus, I think I'm going to die' and then I thought, 'I hope he finishes me soon' because the pain was the worst I've ever experienced. When I was lying prostrate on the ground, he began beating me with a chair... After the beating, Kevin moved out. He thought it safer to sleep rough and found a place under a bridge''

3 McKenzie-Murray, *The Saturday Paper*, *Inside Australia's growing homeless crisis*, 6 August 2016

The vast majority of those sleeping rough in Melbourne have not been offered safe, affordable homes.

'It's temporary, and it's not safe.'

- Christine Thirkell, Consumer / Advocate

Will this change reduce homelessness and its visibility?

Camping prohibitions overseas

'There are cities around the world where they simply bundle homeless people up and ship them out... I'd hate to think that we were ever that sort of city'.

- The Right Honourable Robert Doyle, Lord Mayor of Melbourne

A major objection to the proposed amendment is that it will do nothing to decrease homelessness in Melbourne, and little to decrease the visibility of homelessness. Here CHP provides information in relation to a city that has experienced increased homelessness (in large part due to housing affordability issues, much like in Melbourne) and that applied a similar punitive approach to its homeless population – the city of Los Angeles. This did not achieve the intended outcome of reducing visible street present homelessness.

Los Angeles (LA) in the United States had for a time one of the most punitive responses to rough sleeping in the world. LA's Safer Cities Initiative provided 71 police officers to proactively enforce all laws over a section of the city approximately five blocks large – a patch of the city which had previously been the focus of the municipal government's 'containment' strategy, and included a high concentration of people experiencing homelessness. From 2006 the Safer Cities Initiative had police issue citations at a rate 48 – 69 times higher than the municipal average. A police officer involved in the initiative, was reported in the news as having said: "he frequently arrests the same people over and over because of the revolving door for mentally ill people and others between the jails and prisons and (the area)"⁴. Following arrest, those experiencing homelessness typically return to the street, doing little to address the visibility of homelessness in the city – the LA homeless count identified approximately 5,000 people sleeping rough within a 50 block area.

The Los Angeles experience demonstrates that unless people are able to be housed, they have no option but to continue rough sleeping even in the face of a regime of fines and arrests.

Los Angeles experiences high levels of homelessness born of housing unaffordability, much like in Melbourne. Adopting a policy akin to that proposed under this amendment which saw those experiencing homelessness fined did not reduce visible homelessness – indeed, street present rough sleeping continued to grow. CHP urges the City of Melbourne to recognise that punitive and coercive approaches to homelessness fail to address the causes of homelessness, and fail to provide those

⁴ Holland, L.A Times, *Why most of the \$100 million L.A. spends on homelessness goes to police*, 17 April 2015

experiencing homelessness with choices that meet their needs and with which they can comply. Because of this, these approaches fail.

Fines as a motivator of behaviour change for those in crisis

'They sent someone out every day to put a parking fine on my car'

- John Kenney, Consumer / Advocate

Under regular circumstances, fines act as a deterrent to unlawful behaviour. For those experiencing crises including homelessness, this is not the case. Those who are experiencing homelessness face such enormous levels of danger and instability, that while they are in crisis, and while they have practically zero capacity to pay the fine, fines and orders for compliance hold very little significance. Even proactive enforcement strategies, such as that experienced by John Kenney (see above) do nothing to motivate behaviour change.

'I used to just keep racking up parking fines when I was living in the car. I just didn't care about the fines - there was no point in my worrying about it, because there was no way around them. You would get a fine for having the car anywhere for more than 4 hours, and you didn't have any other choice, so you didn't move the car much'.

- Christine Thirkell, Consumer / Advocate

Nor do those experiencing homelessness always have compliance available to them as an option, as the example of Christine Thirkell (immediately above) demonstrates. This is particularly true in the case of the proposed amendment, whereby in order to comply with these bylaws a person experiencing homelessness must have no belongings, nor require sleep.

Whether the capacity to comply with the bylaw is possible or not, the City of Melbourne will not effectively motivate compliance by those experiencing crisis and homelessness through fines.

What effect will the fines have in practice?

When interactions are adversarial

When asked whether the proposed bylaws will make interacting with those experiencing homelessness more difficult for specialist homelessness services and the police, homelessness service consumer and homelessness advocate John Kenney replied, as if to prove the point:

'I heard that they ARE pushing for the new rules, because they're sick of homeless people!'

- John Kenney, Consumer / Advocate

Many of those experiencing homelessness have widely varied relationships with different services and agencies, ranging from mutually respectful cooperation to hostility. This is highly influenced by the individual's perception of the service, the respect that the service accords them and their situation, and its ability to offer positive solutions, rather than seeking outcomes in which the individual has little interest. Importantly, this is influenced at both the practitioner *and* service level.

Where people's experience of 'services seeking to engage' is dominated by punitive and coercive enforcement actions, this makes engagement more difficult for other stakeholders.

'As soon as you mention a person coming, you see all the homeless people start to panic'

- John Kenney, Consumer / Advocate

The proposed amendments have the capacity to create an adversarial relationship between those experiencing homelessness, and those who would seek to work with them, including Council, homelessness services, and the police. It is likely to lead to less uptake of support offerings available through homelessness agencies, and worse outcomes for those experiencing homelessness.

'Of course they're going to disengage – once the police have told you off 1, 2, 3 times, you just think 'well here we go' because they haven't got the choices to do what the police say'.

- Jody Letts, Consumer / Advocate

If fines don't motivate behaviour change, what do they do?

'Well they don't disappear overnight, no matter what your social condition is. You can't get blood out of a stone when you are homeless, but the fines don't disappear once you get housed'

- Jason Russell, Consumer / Advocate

Fines are not an effective mechanism for achieving compliance from those experiencing homelessness, and indeed often have little tangible impact on a person while they are experiencing homelessness. However they do have a significant impact on people once they have obtained housing and are actively seeking to resolve their crises.

It is not uncommon for those in crises such as homelessness to have multiple unaddressed fines compounding to thousands of dollars. This would cause significant hardship for most people, but for those on low incomes seeking to resolve multiple complex crises, such fines put them at risk of new episodes of homelessness.

'You come up with these payment plans afterwards, but they're an added impact on your stabilising once you get a home. You're trying to pay your rent, but then you're trying to pay your fines, and your utilities'

- Christine Thirkell, Consumer / Advocate

While oftentimes leniency is available for those who have accrued large or multiple fines, this adds a significant and complex new difficulty into the mix for those who are trying to exit homelessness. In such scenarios, fines have typically been issued by a range of authorities rather than just one. This creates not one but multiple new crises to be resolved, as each authority will need to be dealt with separately utilising the authorities' differing processes. Even with the help of pro bono lawyers, the administrative complexity of these scenarios is such that these fines become incredibly burdensome just at the point of recovery, putting such recovery at risk.

Justice Connect Homeless Law provides legal support for those experiencing homelessness. An analysis of (13 of) their fines cases found that:

- On average, individuals accumulated 18 infringements each, valued at \$6,363 per person. One person had 61 infringements, with a total value of \$17,237.
- Duration of cases can vary, with cases analysed taking between 6 months and 2.5 years to resolve. The average time taken to resolve an infringements matter was 14 months.
- The average cost to pro bono law firms of running an infringements matter was \$19,825 per case. One case required an investment equivalent to \$54,000 in fees to resolve.⁵

Nor do all of those who have experienced homelessness obtain professional legal help to resolve their fines. For those seeking to navigate the administratively complex system of fine recovery, processes can appear arbitrary and unfair.

'Most Councils have a fine-proof law if your doctor can prove you were having a mental health episode at the time. Different local governments had different processes, and at some it took one go, but sometimes I had to provide evidence three times'

- Jody Letts, Consumer / Advocate

Results of continued non-compliance

'If you can't pay a penalty with money, you have to do it with your ass'

- Jason Russell, Consumer / Advocate

It is an unfortunate reality that those who ignore their fines, as many of those experiencing homelessness do, may end up in prison. For the most disengaged members of society, such as those sleeping rough, fines can escalate to the Infringements Court of the Magistrate's Court. While this court has the ability to cancel

⁵ Justice Connect Homeless Law, *What's the Cost?: Infringements System Review*, November 2013

fines, oftentimes those experiencing homelessness may not be represented there, or even be in attendance.

'It can happen without you being present at court. So any time they run your name they whip you off to prison'

- Jody Letts, Consumer / Advocate

Infringement Courts may issue an infringement warrant. This entitles the Sherriff to take action to recover what is owed, including selling the person's belongings. This presents a unique problem for those experiencing homelessness:

'The sheriffs will go through all of your stuff, (and) say that 'this person has no property to forfeit''

- John Kenney, Consumer / Advocate

As with the Infringements Court, the Sherriff can then apply to have the fines wiped. But that is not the only course of action available to the Sherriff, and without proper representation, those experiencing homelessness can receive harsher penalties than are necessary. For the most disengaged repeat offenders this often includes being sent before a Magistrate who sentences a jail term.

While CHP does not contend that this is the most common pathway for fine recipients who are experiencing homelessness, we believe that the City of Melbourne must understand that it is a pathway that occurs. By levying more fines (for unavoidable behaviours) on those experiencing homelessness, the City of Melbourne is facilitating many of these recipients into jail.

Exclusion and the length of episodes of homelessness

'When you're homeless, you think it sucks, and you want to get out of it. Once you accept it, you stop trying to get help'

- Jason Russell, Consumer / Advocate

There is a substantial body of evidence that shows that the more a person experiencing homelessness feels excluded from society, the longer their experience of homelessness⁶. The City of Melbourne's proposed amendments, particularly the camping prohibition will serve to increase the stigma of homelessness. Already we have been informed that individuals experiencing homelessness are being told that it is now illegal to sleep rough in the Melbourne CBD. While inaccurate, this treatment is extremely alienating, and tells people experiencing homelessness that they are not welcome.

The message that those experiencing homelessness are not welcome is not only conveyed by misinformed individuals however. This message is being conveyed by the City of Melbourne itself. In proposing these amendments, which have been widely

⁶ Johnson, Gronda and Coutts, *On the Outside; Pathways in and out of homelessness*, 2008

reported in the media, the unspoken message that those who are experiencing homelessness are not welcome here is already being conveyed.

'You feel like you've been kicked in the gut time and time again'

- Jody Letts, Consumer / Advocate

There is a moral argument that the City of Melbourne should not be conveying such messages to those experiencing homelessness. Should this amendment pass, the City of Melbourne will lose its leadership role in homelessness responses. The effect of this amendment will be that those experiencing homelessness on the streets of Melbourne CBD, as well as those experiencing homelessness across Victoria will receive this message from the City of Melbourne, and that it will further their experience of stigma, isolation and exclusion. Not only is this extremely damaging to the wellbeing of individuals experiencing homelessness, it will prolong their experiences of homelessness.

'It all leads to depression in the end'

- John Kenney, Consumer / Advocate

Conclusion

'No matter how you end up homeless, we all started somewhere else'

- Jason Russell, Consumer / Advocate

The Council to Homeless Persons strongly opposes the proposed amendments, and urges the City of Melbourne not to adopt them. That the city serves to attract those experiencing homelessness is a phenomenon replicated across the world, and is to be expected. But our response to this phenomenon rests on the shoulders of Councillors at the City of Melbourne.

The proposed amendments will not be effective in addressing homelessness, as shown by the experience of Los Angeles, and by the ineffectuality of existing fines regimes when applied to those experiencing homelessness.

But worse than being merely ineffective, these amendments will cause harm. They will make it more difficult for homelessness services to engage positively with those experiencing homelessness, will place those exiting homelessness under significant pressure, further stigmatise those experiencing homelessness, and in some instances, will lead to jail time. These factors are actively detrimental, and will serve to prolong rather than shorten episodes of homelessness.

We urge the City of Melbourne to reject these amendments and to instead continue the progress achieved by its long standing humanitarian response to homelessness. We further urge the City of Melbourne to adopt the proposal outlined in the joint submission from Homeless Law, Council to Homeless Persons and others, the

'Proposed Framework for Responding Effectively to Homelessness in the City of Melbourne'.

From:
Sent: Friday, 17 February 2017 1:19 PM
To: CoM Meetings
Subject: Manager Governance and Legal, Melbourne City Council "proposed Activities (Public Amenity and Security) Local Law 2017"

To the Manager Governance and Legal, Melbourne City Council

As a person who works, and enjoys cultural activities in the City of Melbourne for over 40 years I believe the proposed amendments to the Activities (Public Amenity and Security) Local Law 2017 will be both ineffective and costly and will only further marginalise and risk the safety of our community's most needy members.

People without homes have no where to store their most needed items that have been provided to them by the very support services in and around the City of Melbourne. These items such as tents, sleeping bags, blankets, and other necessary items required to survive on the streets are essential and costly to provide. Most people without homes sleeping on the streets would like to have somewhere safe to store their items rather than leave them in public spaces for anyone to take when they need to travel to a meeting or use amenities.

I am also concerned that these proposed council amendments will force rough sleepers to move into less secure spaces where they are most likely to be more susceptible to abuse and assault by other members of our community, outreach services will find it harder to locate our most needy community members, and policing will increase as rough sleeper populations will become widely dispersed.

Until affordable housing is on the Federal agenda we as local communities need to respect and assist our most needy members and not simply try to hide them from sight. What I like most about Melbourne is that we welcome and accept everyone in light of this I would like to see the same given to all members of our great city.

Yours sincerely,

From:**Sent:** Tuesday, 21 February 2017 2:22:40 PM (UTC+10:00) Canberra, Melbourne, Sydney**To:** CoM Meetings**Subject:** McAuley Community Services for Women

Dear City of Melbourne,

We appreciate the efforts you are making to resolve rough sleeping within your boundaries however we have some concerns about the proposed changes to the Activities Local Law – please see our submission attached.

Regards,

| W: mcauleycsw.org.au

18 Robertson Street, Kensington VIC 3031

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McAuley Community
Services for Women
A subsidiary of the Sisters of Mercy

**Homelessness should never
be the safer option.**





McAuley Community Services for Women

A ministry of the Sisters of Mercy

Submission to the City of Melbourne's proposed changes to its Activities Local Law.

Independence

McAuley Community Services for Women welcomes the opportunity to contribute to the conversation about the City of Melbourne's proposed changes to its Activities Local Law.

About McAuley Community Services for Women

McAuley Community Services for Women provides much needed accommodation and support services for women and their children who are escaping family violence, and for women who are homeless.

In 2016, we assisted over 600 women and children to rebuild their lives, supporting them on their journey towards independence and safer futures. McAuley Community Services for Women is a ministry of the Sisters of Mercy. We run family violence and homelessness services that are holistic in approach, providing a joined-up service for women leaving family violence through to providing them with help to secure employment:

McAuley Care: Victoria's only 24/7 safe, accessible crisis accommodation and support for women escaping family violence, as well as a refuge program.

McAuley House that provides accommodation and support for women who are either homeless or at risk of homelessness, many with poor physical and mental health.

We have restarted **McAuley Works**, a jobs-ready and employment program for women experiencing homelessness or family violence. Using a case management model, McAuley Works provides intensive, tailored services to each woman it supports, including post-employment assistance, with the single aim of helping women secure good jobs or to access training that will help themselves and their families financially.

We also run **Engage to Change**, a prevention program aimed at educating employers and workforces about what family violence is, how to recognise it and help employees who are experiencing family violence by referring them to specialist services.

Our views on the new policy

We share similar views to Launch Housing and others in the homelessness sector, and that is that the new wording is so broad it effectively bans rough sleeping in the city. Further it gives council officers the power to confiscate unattended items, forcing homeless people to pay a fee to get them back.

The Activities Local Law 2009 already bans camping in the city: "Unless in accordance with a permit, a person must not camp in or on any public place".

Under these amendments, a description of what constitutes camping will be deleted:

"... in a vehicle, tent, caravan or any type of temporary or provisional form of accommodation".

The current situation

McAuley Community Services for Women acknowledges that the City of Melbourne faces a complex situation with an increasing number of people sleeping rough in the city.

We understand the proposed amendments are designed to ensure public places are clean, safe and accessible for all community members, we believe the effect will further stigmatise people who are homeless.

The triggers for homelessness are well known and include housing affordability, family violence, mental illness and unemployment. Many of these factors are beyond the control of individuals, as such, individuals should not be blamed for their homeless state. To date, Melbourne City has actively tried to understand and deal with homelessness within its boundaries and as its own homelessness and housing strategy highlights, it is not illegal to be homeless.

The way forward

In January 2017 we were among the 30 homelessness, housing and social services that wrote an open letter calling on the City of Melbourne to review its amendment proposal.

In short, the letter pointed out that a key cause to homelessness is the lack of affordable housing, and secondly, homelessness is a long term, systemic issue which cannot be solved by quick fixes aimed primarily at making the City look pretty for visitors and workers.

We believe that, in the first instance, the City should meet with the people who are homeless and service providers to discuss how best to manage their possessions while they try to find somewhere to live. This can be done in conjunction with existing outreach services such as the Royal District Nursing Service and the Salvation Army and in conjunction with a fast-tracked housing plan.

Around 11% of women who come to McAuley Community Services for Women have experienced 'rough sleeping' and we continue to offer our support to the City of Melbourne as we all try to resolve homelessness.

McAuley Community Services for Women

18 Robertson Street, Kensington VIC 3031
T: (03) 9371 6600 E: mcs@mcawleycs.org.au W: mcawleycs.org.au
ABN: 85696671223

From:
Sent: Tuesday, 21 February 2017 6:39 PM
To: CoM Meetings
Subject: From

If you continue to jail the homeless, & use Nazi like police violence against the homeless, and try to fine Victorian citizens for feeding homeless, etc, I will continue to publically articulate on social media for Nazi mayor Robert Doyle, & his supporting Nazi councillors & Victorian state politicians to be jailed for violent govt assault, torture, starvation, & killing off Victoria's homeless & vulnerable.

From:
Sent: Tuesday, 21 February 2017 10:10 PM
To: CoM Meetings
Subject: Proposed Activities (Public Amenity and Security) Local Law 2017

Dear Committee Members and Manager of Governance and Legal, Melbourne City Council,

I write in relation to the Proposed Activities (Public Amenity and Security) Local Law 2017.

The purpose and effect of the proposed amendments is to prevent and criminalise rough sleeping in the City of Melbourne.

Such an approach to addressing the issue of homelessness is unsafe, inhumane, expensive and counterproductive. It will displace rather than address the problem. It dehumanises people and strips them of dignity. It is also contrary to basic principles of international human rights law and the Victorian Charter of Human Rights and Responsibilities.

Having previously lived in inner-urban Melbourne for over 10 years I understand the imperative of a safe and aesthetically pleasing city.

Having worked in the homelessness sector for more than 5 years, I also understand that this objective will not be achieved unless and until there is adequate, affordable, safe and appropriate housing for all and that there is a substantial increase in investment in services that prevent and work to address the complex and multiple causes of homelessness. More often than not, crisis accommodation facilities are full. Moreover, having spent a lot of time at such facilities - where many residents are experiencing the trauma of mental illness, drug dependence, family breakdown, violence and the lack of dignity that comes with homelessness itself - I can certainly understand a rational choice to sleep rough rather than stay in such conditions.

In addition to effectively criminalising homelessness in the City of Melbourne, the proposed amendments are overbroad and arbitrary to the point of being ridiculous. Under the new provisions relating to 'Unattended Item in a Public Place', if my son or daughter accidentally kicks their football into a tree in a park and cannot retrieve it, an authorised officer may destroy the football and my son or daughter may even be guilty of an offence.

The City of Melbourne should desist from populist but ineffective responses to homelessness and lack of adequate and affordable housing and instead pursue evidence-based policy that works.

Yours sincerely,


International Service For Human Rights (ISHR)

www.ishr.ch | www.facebook.com/ISHRglobal | www.twitter.com/ISHRglobal

From:
Sent: Thursday, 23 February 2017 11:50 AM
To: CoM Meetings
Subject: RE: Activities (Public Amenity and Security) Local Law 2017

Good, because I have already for months taught the Australian public about Victoria's disgusting violent state begging laws jailing homeless, and Melbourne councils use of police violence against the homeless, and your intentions to starve the homeless, and punish Victorian citizens for feeding homeless, and will continue to do so.

Furthermore, I will continue to teach the Victorian public to feed Melbourne's and Victoria's homeless, give money, and give them blankets, etc, in defiance of any violent Nazi govt by-laws you may pass to hurt them, and also, to publically call for the removal of mayor Robert Doyle and any councillors who vote to pass such heinous violent govt activities, and name those councillors accordingly.

Its not up to a few Nazi govt politicians, mayor, & councillors, to tell millions of Victorian citizens what to do, especially such violent govt evil against Victoria's vulnerable, so I will continue to teach the public to have you all removed from the govt.

You may like to know I gave 4 powerful speeches in public on 18th Feb Sat White Night Homeless event in Melbourne from 11pm to 6am; approx 30,000 Victorian's passed through the area. The nights speeches and hundreds of photo posters have been plastered all over social media by members of the public.

You can add this email to my submission; Im happy for all of it to go on the public record.

Victoria 2019

Mobile :

From:
Sent: Sunday, 26 February 2017 10:20 AM
To: CoM Meetings
Subject: Proposed Activities (Public Amenity and Security) Local Law 2017
Attachments: MCCSubmission.docx

To the Manager Governance and Legal, Melbourne City Council,

I attach my submission for consideration by Melbourne City Council in relation to the Proposed Activities (Public Amenity and Security) Local Law 2017.

regards,

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

1. Recognition of purpose and general purport for amendments – inconsistency with what is proposed
2. General principles
3. Specific amendments – criticism
4. Recommendations

This submission is focussed on the potential effect that the proposed amendments will have on those who are homeless. Essentially, I submit that the existing provisions in the Activities Local Law 2009 (“Local Law”) are adequate to ensure the objectives for the use and amenity of the City of Melbourne are maintained and that reasonable administration of that Law, rather than amendment, can achieve a better outcome for both the City of Melbourne and homeless people. I submit that only one small amendment (that I set out below) is necessary and that is for the clarification of what is “camping”. I recommend that a co-ordinated policy response is preferred to address the needs of homeless people.

1. Purpose and General Purport for Amendments

The proposed amendments are stated to be directed at:

- a. broadening the definition of camping in the Principal Local Law
- b. provide that a person must not without a permit leave items unattended in a public place, an infringement penalty for contravention and a process by which such unattended items can be confiscated and impounded
- c. update the penalties fixed for infringements in the Principal Local Law as a consequence of the proposed Local Law
- d. provide for the peace, order and good government of the municipality.

In fact, their purport is to prevent the “amenity” of the City of Melbourne being “degraded” by the presence of homeless people. It is proposed that this be achieved by three amendments: firstly, to insert at Part 1, 1.2(c) the words “amenity and” to broaden the scope of the objectives of the Local Law, secondly, to broaden the definition of “camping” and thirdly, provide a regime for dealing with unattended items left in a public place.

2. General principles: Generally, where legislation addresses a particular issue, it is not necessary or advisable to provide further provisions which effectively duplicate the original provisions and lead to confusion about which provision is to be applied to a circumstance. The amendments proposed here will only lead to confusion and further complication in the administration of the Local Law.

Using an enforcement mechanism to solve a social issue is not constructive and serves to demonise those people who are already marginalised.

As a first step, clear policy about the manner of administering the existing provisions would be a far more advisable mechanism to achieve efficient and effective operation of the Local Law. This policy should be developed through a public consultation process and have regard to the interests of all stakeholders, including the homeless people themselves and service providers to them, State Government and the public. It can be sensitive to the impact that enforcement will have on the homeless people and serve instead to ensure that alternative responses are employed to assist people who are homeless, rather than involve them in the criminal justice system or penalise them through confiscation and sale of their belongings.

3. Specific Amendments - criticism

Part 1, 1.2(c): I submit that the proposed amendment to insert at Part 1, 1.2(c) the words “amenity and” to broaden the scope of the objectives of the Local Law is unnecessary. The current objectives of the Local Law already address the question of maintenance of the amenity of the City of Melbourne adequately; consider the scope of each of these provisions and each of them is an element of what constitutes “amenity”.

The existing provisions in the Local Law are adequate to maintain the amenity of the City of Melbourne. Specifically, I refer to Part 2, 2.1. These offences prohibit broad-ranging activities¹. In addition, under Part 12, 12.7 a person is prohibited from, amongst other things, allowing a thing to protrude from premises so as to obstruct or interfere with the passage of pedestrians or vehicular traffic in or on a public place.

“Camping”: The amendment is said to broaden the definition of “camping”, yet there is no definition of camping but rather a reduction in the clarity of what the purport of the use of the word “camping” by deletion of the words “in a *vehicle*, tent, caravan or any type of temporary or provisional form of accommodation”. I suggest that what constitutes “camping” can be clarified by making a small amendment to the existing provision: insert the word “using” after the words “caravan or” and before the words “any type”. The provision would then read:

¹ 2.1 A *person* must not in, on or within the hearing or sight of a *public place*:

- (a) cause or commit any *nuisance*;
- (b) adversely affect the amenity of that *public place*;
- (c) interfere with the use or enjoyment of that *public place* or the personal comfort of another *person* in or on that *public place*;
- (d) annoy, molest or obstruct any other *person* in or on that *public place*;
- (e) defecate or urinate except in a toilet or urinal (as the case may be) in a public convenience; or
- (f) commit an indecent or offensive act; or
- (g) use any threatening, abusive or insulting words.

“2.8 Unless in accordance with a *permit*, a *person* must not camp in or on any *public place* (the following words have been removed) in a *vehicle*, tent, caravan or using any type of temporary or provisional form of accommodation.”

This would clarify that “camping” can include being enclosed in a vehicle, tent or caravan *or* accommodated in or on any public place using any type of temporary or provisional form of accommodation.

Unattended Items in a Public Place: The proposed amendment, Part 2, 2.12 to deal with unattended items in a public place is unnecessary. The combined operation of Part 2, 2.1 and Part 14, 14.11 provides a comprehensive framework for the maintenance of amenity and enforcement using notices to comply and directions. A *Notice to Comply* under clause 14.9 may do one or more of the following things:

- (a) direct the *person* to comply with this Local Law;
- (b) direct the *person* to stop the conduct which constitutes the breach of this Local Law;
- (c) direct the *person* to deliver up to the *authorised officer* or to some specified person or some specified location any item or property of the *person* which constitutes the breach of this Local Law;
- (d) direct the *person* to remove or cause to be removed any item, *goods*, equipment or other thing that constitutes a breach of this Local Law;
- (e) direct the *person* to leave an area within the time specified in the notice that constitutes a breach of this Local Law.

The proposed amendment to allow confiscation of items left unattended in a public place is unnecessary also. Part 14, 14.15 already authorises the confiscation and sale of items.

The enforcement regime that the Local Law provides allows flexibility in its administration. Either it can be enforced by prosecution² or, as an alternative to prosecution, by infringement notices³. In addition, as referred to above, there is provision for an authorised officer to give a notice to comply and directions to a person who is failing or has failed to comply with the Local Law⁴.

4. Recommendations

The approach of Council of the City of Melbourne to the issue relating to the accommodation of the homeless in the City has inflamed the situation. Rather than being about how to assist and accommodate people who are homeless, it has become about removing them from public view. If anything, the amenity of

² Part 14, 14.1

³ Part 14, 14.2

⁴ Part 14, 14.8 – 14.20

the City of Melbourne has been affected negatively by the dramatic removal of these people.

Instead, I recommend that the preferred approach for the City of Melbourne should be to work with the homeless people themselves and service providers to them, State Government and the public to co-ordinate a practical response to provide safe and adequate accommodation and support. As part of that process, the City of Melbourne should develop published policy about how it will administer the Local Law, as it stands, using its discretion having regard to the interests of the people who are homeless as well as other City residents and the public. This could involve the inclusion of referrals to service providers who assist the people who are homeless to obtain safe and adequate accommodation and support.

Safe and adequate accommodation and support need to be made priorities. As a community, we need to find the resolve and the funds to address homelessness immediately.

26 February 2017

From:
Sent: Monday, 27 February 2017 7:28 PM
To: CoM Meetings
Subject: No Homeless Ban

To whom this may concern,

I am a citizen and resident of this wonderful city of Melbourne. As a young woman it is easy to feel unsafe in this world. I have walked the streets of Israel, Japan, Thailand, you name it- even Perth. In no city have I ever felt as safe and stimulated as I do in Melbourne. The diversity of Melbourne's streets are its selling point. You know what kind of diversity we shouldn't erase? Class diversity.

It is enough of these demands to ban homelessness. As citizens we need to be made aware of the socioeconomic standards beyond the upper-middle class. We need to be reminded to have empathy and to work and fight for a more inclusive, accessible society. Most of all- we need to know that when we fall down, when circumstance means we have no where to go, that we will not be demonised for it. By criminalising homelessness you are oppressing the most vulnerable people in our city. If you really believe yourselves to be representatives of your people, represent ALL your people, not just the rich and privileged.

I welcome you to contact me further for more of my thoughts on

From:
Sent: Tuesday, 28 February 2017 12:42 PM
To: CoM Meetings
Subject: Protect Our Homeless People

To whom it may concern,

I am a citizen of Melbourne who enjoys the benefits of its streets and culture.
Homeless people are not a "blight" to our city - ignorance, classism and a lack of empathy are.
I ask that you, as my representative, continue to preserve the safety of these streets by protecting those who need them the most.

Regards,

From:
Sent: Wednesday, 1 March 2017 9:25 AM
To: CoM Meetings
Subject: Faceless/Homeless protest in Church Street South Melbourne.

Dear Mr Doyle,

I am writing to you at the request of the FACELESS ratbags who protested outside your home on Saturday evening.

I have read the unsigned note that they distributed regarding their protest and make the following comments.

My view is that their behaviour is unacceptable and the approach that the Council is taking to this problem this is more than tolerant of their antisocial stance.

The people sleeping around the city are an eyesore and are generally a bunch of parasitical wasters, illegally begging and generally intimidating the community.

I am not asking you to fix the problem, I am insisting that you do so as part of the brief given to you by the people of Melbourne when you were elected as Lord Mayor.

Sincerely,

From:

Sent: Thursday, 23 February 2017 4:59 PM

To: Robert Doyle

Subject: Homelessness in Melbourne - Proposed Activities (Public Amenity and Security) Local Law 2017

Dear Lord Mayor Robert,

I am writing to you regarding the Proposed Activities (Public Amenity and Security) Local Law 2017 and the recent issues of rough sleepers in the City of Melbourne.

While I have worked at Shelter SA (since 2011) I have worked closely with the City of Adelaide Lord Mayor(s), councillors and staff around the use of public spaces by rough sleepers and Aboriginal people who gather in the Adelaide Parklands. We also understand the perspective of the local community services, residents, business and the citizens involved, being able to look at all perspectives with a view to solving problems objectively. The Adelaide City Council has implemented by-laws around cease camping notices, time limits on camping and now a dry zone in our parklands.

The City of Adelaide has made progress in this area, as they have moved towards a harm minimisation approach that places the views of all stakeholders in a broader policy and service delivery context. On their own, there is absolutely no evidence that by-laws and dry zones address or prevent the use of public spaces by people experiencing homelessness nor Aboriginal people, who may or may not be consuming alcohol.

The evidence base and harm minimisation principles encompass a number of services including health, mental health, drug and alcohol rehabilitation, emergency and community services, housing and homelessness. Shelter SA's view has always been that the use of public spaces is a community issue and while we care about the safety of all residents and citizens as a priority neither should we discriminate against people due to their circumstances or race, this is a complex issue for local government. In Adelaide, we've seen the same issues which were constantly appearing as negative stories in the media, disappear from public discussion. While the issue itself has not gone away, there is now a policy structure to guide councillors and staff to deal with it more effectively and make decisions.

Shelter SA would be happy to assist the City of Melbourne in any way, to share the policy learnings from Adelaide, if this was wanted or needed. My contact details are below.

Regards,

Shelter SA
The South Australian peak body for housing

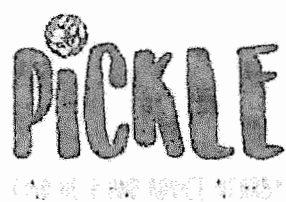


on Twitter

PO Box 6207 Halifax Street Adelaide SA 5000 | sheltersa.asn.au



We acknowledge and respect the Kaurna people as the traditional custodians of the ancestral lands we live and work on and their deep feelings of attachment and relationship to country



From:
Sent: Tuesday, 7 March 2017 8:00 AM
To: CoM Meetings
Subject: Please do not ban homelessness

Dear Melbourne City Council

I am writing regarding the proposal to fine homeless people in the CBD, confiscate their possessions, and prevent the public from donating food and blankets.

There has to be a better alternative to this unfair solution.

Please encourage an open discussion that looks at the causes of homelessness and the difficulties faced by people who are homeless.

Fining people who sleep in the city will only mean they are forced to sleep in less safe places. I think we can do better than to financially and socially target people who are already facing extreme hardship.

Kind regards

From:
Sent: Tuesday, 7 March 2017 1:19 PM
To: CoM Meetings
Subject: Homeless Ban

To Melbourne City Council,

Melbourne's homeless ban has become an international disgrace and so it should be. Especially since three people have died in last week's fire as a result of the housing crisis.

I understand there has been restricted national funding for social services including homeless support, but instead of making the vulnerable the villains in this scenario please understand and encourage the message that they are the victims as a result of state and national policies. The council should act as an advocate for improved social services and affordable housing, especially as the municipal council of one of Australia's major business areas with a lot of influence.

Before the homeless ban, the council was still involved in removing homeless people's tents and personal items. Instead of putting money to cleanup efforts, the council could be giving money on providing wearable clothing that is warm and can be used as a tent or sleeping bags that become bags
(<https://www.theguardian.com/artanddesign/architecture-design-blog/2016/jan/21/wearable-dwelling-coat-tent-sleeping-bag-refugees-royal-college-art-london>; <https://swags.org.au/>).

I sympathise with the City of Melbourne as the epicentre of the homelessness crisis but a homeless ban is a completely immoral and misguided response. Place people before business interests and profits and work with businesses to be understanding of the situation.
Working on affordable housing strategies and ensuring vacant properties are not empty and are affordable is also a must for council.

I know the Council is working on these things and I wanted to add my voice to how essential it is to the community that you continue working towards moral solutions instead of actions that will push people out of the city and ultimately to further deaths.

Yours sincerely,

From:
Sent: Wednesday, 15 March 2017 4:55 PM
To: CoM Meetings
Cc:
Subject: Darebin Council submission to MMC proposed LL amendments (A3973861)
Attachments: Darebin Council submission to MMC proposed LL amendments.pdf

Dear Sir/Madam

Please find attached submission from Darebin City Council regarding the proposed amendments to MCC Activities (public Amenity and security) Local law 2017.

Should you have any questions, please don't hesitate to contact me on the number below.

Yours sincerely,

has sent you a copy of "Darebin Council submission to MMC proposed LL amendments" (A3973861) v3.0 from Objective.

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..

In reply please quote:

Ref: A3973861

14 March 2017

The Future Melbourne Committee
GPO Box 1603
MELBOURNE 3001

To the Chair,

**Darebin City Council Response to the proposed amendments to MCC Activities
(public Amenity and security) Local law 2017**

As an introductory comment I would like to acknowledge Melbourne City Council's long history in supporting the homeless population and especially to the rough sleepers in the CBD.

As an arm of Government dealing with homelessness, Darebin Council recognises that Melbourne City Council has been a model for local government around the on-going challenge of balancing the compliance demands with the delivery of welfare and support services, whilst also maintaining our relationships with various competing partners and stakeholders.

Darebin Council is cognisant that the current escalating issues around amenity in the CBD is another complicating symptom resulting in decades of neglect from the Federal and State Government where local government is now compelled to deal with the negative and complex fall out of this failure of public policy and investment.

I am confident that Melbourne City Council shares our view that more compliance will not address the underlying structural causes of homelessness. That said, we are also aware that Councils need to be responsive and agile to the fluid nature of homelessness.

We have two (2) fundamental concerns around the Local Law amendments. Firstly, it is possible that the amendments breach the Human Rights Act. Secondly, we wonder if removing homeless people from the streets of Melbourne just relocates people who need a suite of support services most easily accessed in the City of Melbourne.

As such, Darebin City Council has serious doubts about the amendments. At the very least we think the suite of amendments needs to be accompanied by several operating procedures or conditions as follows:

- That the amendments are an interim measure to deal with a specific amenity issue at a particular time and place.
- That the amendments are supported by the Human Rights and Equal Opportunity Commission either directly or via the exemption provisions under the Human Rights Act.
- That there is a clear sunset clause included in the Local Law.
- That rigorous enforcement protocols are created, underpinned primarily by section 38 of the Disability Act 2006.



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- That these enforcement protocols are not limited to the physical access of footpaths, but includes a sensitivity to people with mental illness and intellectual impairment.
- That the compliance protocols are used as a last resort.
- That the MCC Hotspots Network or similar instrument be charged with creating the enforcement protocols and indicators to measure the impacts of the proposed amendments.
- That the MCC Hotspots Network or similar instrument monitor and provide regular feedback to the Melbourne City Council.

Darebin City Council appreciates the pressure for the Melbourne City Council to act, following the 'unhelpful' public scrutiny by Victoria Police to review the Local Law.

It is unfortunate that our State government partners need to conduct their business in the public realm. Our view is that the amendments will only increase Council's enforcement burden without any commensurate investment by Victoria Police.

In this matter Darebin Council is happy to support the Melbourne City Council in any inter-governmental conversation (advocacy) around the shared responsibility around the issue of enforcement and homelessness.

Finally, a comment about a possible inconsistency (ambiguity) in the proposed amendments that may need some legal advice.

On the surface, this inconsistency may be seen as discriminatory with regards to the homeless population around procedural fairness. Specifically under (existing) section 14.19 'the authorised officer MUST serve a written notice in a form that is prescribed by Council from time to time on the owner or the person responsible for the confiscated item setting out the fees and charges payable and the time by which the item must be retrieved.'

Under the proposed amendment section 2.12.5 'Unattended items in a public place' there is no requirement by Council to provide written or any notice to the owner.

I would like to take this opportunity to wish you well in this endeavour.

~~If you~~ require any further information with regards to this submission please contact