

## Submissions (Section 223) Committee Report

Agenda item 5.1

### Outcomes of the Statutory Public Notice and Submission Process for the proposed amendment to the Activities (Public Amenity and Security) Local Law 2017

30 March 2017

**Presenter:** Keith Williamson, Manager Governance and Legal

#### Purpose and background

1. The purpose of this report is to assist the Submissions (Section 223) Committee consider its recommendations to Melbourne City Council by providing a high level analysis and summary of the major emerging themes from the statutory public notice and submission process, pursuant to Part 5 of the *Local Government Act 1989*, to make the Activities (Public Amenity and Security) Local Law 2017 (proposed Local Law) from:
  - 1.1. the 2354 submissions received (Attachment 2)
  - 1.2. the results of the seven targeted stakeholder engagement sessions.
2. The public notice and submission process (16 February to 17 March 2017) specifically sought community comments and feedback on the following elements of the draft proposed Local Law:
  - 2.1. the proposed definition of camping
  - 2.2. the proposal to give council officers the ability to remove people's unattended belongings
  - 2.3. the proposed charge of \$388 for people to pay to retrieve their belongings from Council.
3. Attachment 2 provides a summary of:
  - 3.1. 1637 responses from 'Participate Melbourne' Community Sentiment Report
  - 3.2. 717 formal submissions from individuals, community and government agencies
  - 3.3. seven detailed reports from the targeted stakeholder engagement sessions (Attachment 4)
4. Over 70 submitters made a request to address Submissions (Section 223) Committee.
5. Individual submissions and responses from the Participate Melbourne Community Sentiment Report can be accessed at <http://participate.melbourne.vic.gov.au/activities-local-law-2009-proposed-amendments>

#### Key issues

6. Approximately 90 per cent of respondents indicated a negative response to the proposed Local Law.
7. Although the focus of the proposed Local Law is on improving amenity, the proposed changes have been seen as a 'referendum on homelessness' and a change of approach from Council's current role of supporting homeless people.
8. A consistent view amongst submitters is that the proposed changes, were they to be enacted, would not result in behaviour change. There is also strong support for the view that the increasing level of homelessness in the community requires a renewed effort, increased investment and collaboration by all levels of government for housing and support services.

#### Recommendation from management

9. That the Submissions (Section 223) Committee:
  - 9.1. considers all written submissions in relation to the proposal and hears any person wishing to be heard in support of his or her submission and then makes a recommendation to Council
  - 9.2. recommends Council notify in writing every person who has lodged a submission of its decision and the reasons for its decision.

#### Attachments:

1. Supporting Attachment
2. Summary and sentiment report of all responses received
3. Consultations with people with experience of homelessness
4. Full report: Targeted stakeholder feedback

## Supporting Attachment

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### Legal

1. Council's powers to make local laws are set out in Part 5 of the *Local Government Act 1989* (Act). The procedure for making a local law is set out in Section 119 of the Act.

Prior to making a local law a Council must publish a notice in a newspaper circulating in the Council district and in the Government Gazette stating:

- 1.1. the purpose and general purport of the proposed local law.
  - 1.2. that a copy of the proposed local law can be obtained from the Council.
  - 1.3. that any person affected by the proposed local law may make a submission pursuant to section 223 of the Act.
2. Any person who makes a written submission has a right to be heard by the Council's Submissions (section 223) Committee which has the role of considering any submissions received and making a recommendation to the Council.
  3. When a local law is made, a further notice must be published in the newspaper and the Government Gazette.

### Finance

4. There are no financial implications arising from the recommendation contained in this report.

### Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

6. Stakeholder consultation for this report was extensive and is summarised in the body of the report and attachments.

### Relation to Council policy

7. Pathways Homelessness Strategy 2014–17

### Environmental sustainability

8. Provide a statement responding to the following '*In developing this proposal, have environmental sustainability issues or opportunities been considered?*'

## Summary of outcomes

Community consultation and stakeholder engagement activities  
Proposed Activities (Public Amenity and Security)  
Local Law 2017

Public Notice and Submission Process  
Submissions (Section 223) Committee  
16 February 2017 – 17 March 2017

## 1. Introduction

The purpose of this report is to provide a summary and overview for the Melbourne City Council Submissions (Section 223) Committee with regards to the outcomes from the extensive consultation and community engagement undertaken with regards to the proposed Activities (Public Amenity and Security) Local Law 2017 (proposed Local Law) which, if made, amends the Activities Local Law 2009.

The report will summarise the outcomes and key themes emerging from:

- Participate Melbourne (community sentiment).
- Other written submissions received.
- Face to face community engagement with seven key stakeholder groups:
  - Homeless people
  - Melbourne City Council Homelessness Advisory Committee
  - Melbourne Homelessness Services Co coordinators Project
  - Business Engagement
  - Disability Groups
  - Rough Sleepers Task Force
  - Melbourne Executive Partnership group.

## 2. Assumption underpinning this report

All 2556 responses received have been included in the tables in this report. Please note that only the respondents in Participate Melbourne and some of the targeted stakeholder groups directly addressed the three elements of the proposed Local Law (Prompted by the survey instrument).

Where other submitters did not specifically address the proposed Local Law, the report author has interpreted their response to accommodate those elements in the table. For instance, responses indicating either strong opposition or strong support were counted in all the appropriate columns in the relevant tables.

## 3. Summary Consultation / formal submission process

This report summarises the 2556 responses received by Melbourne City Council

1637 Responses from Participate Melbourne

717 Written submissions

202 Participants from the targeted stakeholder engagement process

It is noted that, as part of the submission process, the Melbourne City Council received a community led petition under the auspice of St. Mary's House of Welcome, a major centre based homelessness service based in Fitzroy. The 2000 signature petition, mainly from homeless people in the CBD and surrounding neighbourhoods, formally calling on the Lord Mayor to:

- Abolish laws that criminalise homelessness.
- Implement solutions in consultation with the homeless community that addresses the root causes of homelessness such as investment in public housing and social services.

## 4. Overview of all responses

**Table 1: Summary of all responses received during the public notice and submission process**

Consultation and Engagement instrument	Number of respondents	Camping Definition Support proposed Local Law	Camping Definition No Support for proposed Local Law	Confiscation Support proposed Local Law	Confiscation No	Fines Yes	Fines No
Participate Melbourne	1637	361	1276	361	1276	51	1586
Written Submissions	717	13	704	13	704	2	715
Targeted Stakeholders	202	35	167	36	166	9	193
<b>Total</b>	2556	409 (16%)	2147 (84%)	410 (16%)	2146 (84%)	62 (2%)	2494 (98%)

The table reflects the high level of level of interest from the general community, the community sector, specialist homeless agencies and other stakeholders generated by the proposed amendments to the Local Law.

The data itself indicates that there is a significant opposition (84 per cent) to the proposed Local Law from residents, visitors, workers and the wide range of community sectors agencies and networks.

What the table does not show is the level of passion generated in all responses. The 717 detailed written responses did not directly address the three elements of the proposed Local Law; however they cogently expressed the range of unintended legal, human rights, sociological and practical consequences by increasing the compliance and enforcement approach to address symptoms of homelessness.

The clear impressions expressed in these written submissions, coupled with the strong ethical concerns from most respondents, indicates that this issue can be seen primarily as an 'informal referendum on homelessness'. The objectives of the proposed Local Law to improve amenity were generally considered as secondary considerations.

Furthermore, even those responders who supported the proposed Local Law (either partially on in full) acknowledged the complexity of the issue and expressed their concerns about the lack of income, suitable housing and support for rough sleepers. Although 84 per cent opposed the proposed definition of camping and confiscation provisions, 98 per cent of respondents strongly objected to the imposition of fines for the return of confiscated goods.

Of the responders who supported the proposed Local Law, very few stated amenity, street clutter and appearance as their primary reason. Mostly people expressed their apprehension around drunken behaviour, open drug taking and aggressive begging.

**Summary of broad themes expressed across the community consultation and stakeholder engagement process**

- High degree of moral outrage against Melbourne City Council.
- Consistent calls for compassionate leadership from Melbourne City Council.
- Overwhelming opposition to the proposed Local Law across all sectors (the only notable exception was from disability sector).
- Seen as reversal of policy, tone and rhetoric from Melbourne City Council from nuanced tailored homeless support framework to compliance and enforcement.
- Proposed Local law seen as criminalising disadvantage.
- Evidence and practice wisdom indicates that compliance / enforcement does not change behaviour. Similar in health promotion. This is due to various factors including:
  - a) entrenched chaotic lives
  - b) enforcement and fines likely to have no impact on rough sleepers
  - c) create a greater cycle of dependence on charities to replace confiscated goods. Just adding to land fill with no benefit.
  - d) lack of affordable housing
  - e) lack of support services
  - f) outreach services stretched
  - g) high degree of mental health, drug use, alcohol complicates behaviour change.
- Advice from various legal services indicate that the current Local Law has provisions to improve amenity by both confiscating goods and moving people on if that is Council's intent.
- Legal services expressed concerns about violations to human rights.
- Local Law is not the appropriate instrument to improve amenity. This is better dealt with by adapting current cleansing regimes.
- Calls for Melbourne City Council not to rush into new Local law. Consult and use existing networks.
- Unfair that Melbourne City Council has to bear the brunt of metropolitan homelessness and should be strong advocates to State and Federal governments.
- Concern about relying on (and an unfair burden) the individual discretion of Local Laws Officers to enforce the Local Law consistently and with some sensitivity.
- Currently lockers located in agency centres are at capacity and have waiting lists.
- Perhaps designated camping areas.
- Will contribute to hardening of community attitudes.
- Will add to work load of welfare agencies and legal services. E.g. Clayton Utz pro bono service has opened 909 'homeless cases' since 2002 mostly about clearing debts.
- Supporters of the Local Law were sympathetic to homeless plight recognising need for housing and support.
- Police response to illegal behaviour is ad hoc and inconsistent.

## 5. Responses from Participate Melbourne

Table 2: Summary of all responses received from Participate Melbourne

Respondents	Number / % of Total Respondents	Camping Definition Support proposed Local Law	Camping Definition No Support for proposed Local Law	Confiscation Support for proposed Local Law	Confiscation No	Fines Yes	Fines No
<b>Residents live in the city (includes three outside city)</b>	305 (19%)	89 (29%)	216 (71%)	89 (29%)	216 (71%)	21 (7%)	284 (93%)
<b>Visitors</b>	639 (39%)	49 (8%)	590 (92%)	49 (8%)	590 (92%)	13 (2%)	626 (98%)
<b>Workers</b>	458 (28%)	64 (14%)	394 (86%)	64 (14%)	394 (86%)	14 (3%)	380 (97%)
<b>Businesses</b>	31 (2%)	18 (58%)	13 (42%)	18 (58%)	13 (32%)	3 (10%)	28 (90%)
<b>Homeless people / Advocates</b>	194 (12%)	14 (7%)	180 (93%)	14 (7%)	180 (93%)	0	194 (100%)
<b>Concerned Citizens</b>	10 (less than 1%)	0	10 (100%)	0	10 (100%)	0	10 (100%)
<b>Total</b>		361 (22%)	1276 (78%)	361(22%)	1276 (78%)	51 (3%)	1586 (97%)

### **Summary of sentiment expressed via Participate Melbourne**

Overall, the collective sentiment expressed in Participate Melbourne is consistent with the sentiment from the respondents in the overall consultation and community engagement in their strong opposition to the proposed Local Law.

The strongest opposition came, unsurprisingly, from the homeless people and homeless advocates. As a constituent group, visitors to the city were the next strongest opponents followed by city based workers

The most unexpected outcomes came from:

- The business owners where the attitudes towards the proposed Local Law and the homeless population are fairly evenly divided with a majority not in favour of imposing fines. Of the 31 responses from business owners, all expressed the need for more housing and support rather than simply 'moving the problem'.
- The residents who live in the city. It would be assumed that residents who are constantly exposed to homelessness may be more sympathetic to an enforcement approach. However this group significantly opposed the proposed Local Law and demonstrated empathy toward their plight and again a demand for more housing and services.

Participate Melbourne is probably the most accurate measure of sentiment around the proposed Local Law as the survey instrument prompted responders to address the specific elements of the proposed Local Law.

As with most respondents, those respondents from Participate Melbourne also made an effort to provide Melbourne City Council with practical solutions including the use of empty buildings in the city for housing, more drop in centres with lockers and shower facilities, and more support for people with psychiatric disabilities.



## 6. Written Submissions

**Table 3: Summary of written submissions received**

Respondent	Number of respondents	Camping Definition  Support proposed Local Law	Camping Definition  No Support for proposed Local Law	Confiscation Yes	Confiscation No	Fines Yes	Fines No
<b>Individuals</b>	646	12	634	12	634	2	644
<b>Local Government</b>	4	0	4	0	4	0	4
<b>Legal Services</b>	9	0	9	0	9	0	9
<b>Universities</b>	5	0	5	0	5	0	5
<b>Community Support Services</b>	53	0	53	0	53	0	53
<b>Government (Victoria Police)</b>	1	1	0	1	0	0	1
<b>Total</b>	717	13	704	13	704	2	705

It is important to note that most of the 717 submissions did not directly address the specific elements of the proposed Local Law. The results in the table above represent an interpretation of the strength of views, context and language expressed by the submitters.

The local government responses were from the City of Yarra, City of Moreland, City of Port Phillip and City of Darebin. All submitters acknowledged the Melbourne City Council's strong, sustained and nuanced approach in supporting the homeless population and expressed their disappointment in the proposal to adopt effective enforcement methods, were sympathetic to the pressure on the Lord Mayor from Victoria Police and offered both solutions and support to reaffirm Melbourne City Council's previous reputation.

The legal services, including Victorian legal Aid, the Law Association of NSW, Youth Law centre, Justice Connect and Clayton Utz, all expressed concern that the proposed Local Law was in breach of the Human Rights Charter, the unintended criminalisation of disadvantage and would likely lead to more pressure on their agencies around pro bono work to waive fines incurred by homeless people.

The Universities, including Monash, Melbourne, Victoria University and the University of NSW, provided a range of detailed and well foot noted perspectives in opposition to the proposed Local Law. This included submissions form Faculties of Law, Anthropology and Public Health.

The community support agencies, such as BSL, Scared Heart Mission, The Salvation Army, Melbourne City Mission, and the Council to Homeless Persons, all strongly opposed the changes and offered a range of alternative solutions based on their experience and practice wisdom working on the streets.

## 7. Targeted Stakeholder Engagement

**Table 4: Summary of targeted stakeholder engagement**

Respondent Stakeholder Groups	Number of respondents	Camping Definition Yes	Camping Definition No	Confiscation Yes	Confiscation No	Fines Yes	Fines No
<b>People Experiencing homelessness</b>	98	17	67	13	72	3	91
Melbourne City Council <b>Homelessness Advisory Committee</b>	15	0	15	0	15	0	15
<b>Melbourne Executive Partnership Group</b>	20	0	20	0	20	0	20
<b>Melbourne Homelessness Services Coordination Project</b>	14	0	14	0	14	0	14
<b>Disability Engagement</b>	4	4	0	4	0		4
<b>Business Engagement</b>	38	14	19	19	17	6	27
<b>Rough Sleepers Task Force</b>	13 Government and Community agencies	0	13	0	13	0	13
<b>Total</b>	202	35	167	36	166	9	

## Key themes from Targeted Stakeholder Engagement

- *Predicted effects of proposed changes on people on the street: Won't change nothing - not going to make it better just one big headache. Who's going to pay to get their stuff back? People will still be homeless.*
- *Will affect them immensely. Government getting what they want - no winners - just tightening laws to look good. It's a no win situation for the homeless.*
- *Vicious cycle for people. Start collecting things all over again - won't solve anything.*
- *If people's belongings get taken away. Council will only put more pressure on services who care and provide new items like Salvos.*
- *People will have less in their payments and increase debts, which will make it even harder for people to focus in gaining employment or education in up-skilling themselves which will keep them stuck in poverty.*
- *It will affect me because I have nowhere else to go*

The changes will result in increased mental health problems, including increased suicide rates and increased drug and alcohol use:

- *It will increase mental health problems. Will put more pressure on people's health, the services and the justice system.*
- *It will affect people mentally. Anxiety levels will rise even suicide. People are already struggling mentally.*
- *Homeless people - a lot of them will commit suicide.*

There will be increased crime as people will seek to replace their belongings, break into places to sleep so they are not on the street and steal to replace confiscated belongings:

- *More breaking and entering to use space for storage*
- *Will incite shoplifting. People will steal to get things to replace what's been taken away from them.*
- *It will cause crime, a lot of angry poor people will lose their composure as they have absolutely nothing to lose/including their freedom as jail will be heaven – e.g. bed, three meals a day, work, pay packet, gymnasium etc.*
- *More squatting and breaking and entering and car theft, vandalism and burglary. People will break in during the day to use the facilities and then leave.*

The changes will result in increased disaffection and disengagement from society as a result of further marginalisation

- *Legitimising disengagement and abuse and division in society...No long term insight. Short term policy for short term gains.*
- *It will make them feel even more disconnected and more isolated. Pushing people to be criminals.*
- *I think this change will make people angry and hate the law.*

## General Comments from Targeted Stakeholder Engagement

- Most respondents thought a change to the way homelessness issues were being managed was inevitable, however they thought the proposed changes felt rushed and lacked sufficient evidence, strategic thinking and policy support to be useful.
- Overwhelmingly, there was disappointment that the City of Melbourne was heading in this direction after showing long-term positive leadership and compassion for homelessness issues.
- Most thought the proposed changes moved towards criminalising homelessness without providing sufficient alternatives and solutions to help those experiencing homelessness, get the support they need.
- Many thought the proposed changes were reactive and did little in responding to the real issues facing the homeless community, specifically the lack of appropriate crisis, temporary and affordable housing and the access to targeted services and supports.
- Respondents also commented on what they perceived as the 'rushed' nature of the proposed amendments. Some thought that careful consideration and an extended period of research on global best practice and how current laws can be maximised was necessary before launching any proposal to amend the law.

## Suggested Actions

Actions to address rough sleeping;

- More support for service providers and charities, such as the Salvation Army.
- Designated places to 'camp' within the city outside of tourism hot spots.
- Service centres with food, bathrooms, shelter, clothing, toiletries, blankets, beds.
- Use the vacant buildings or structures in the city as accommodation.
- Addressing mental health issues that push people on to the street.
- Addressing those with drug and alcohol problems.
- Addressing lack of work.
- Addressing domestic violence.
- More community involvement in support work.
- More public housing and hostels to provide long-term options.
- Counselling and healthcare services.
- More promotion of the options available to homelessness people for support.

Actions to address unattended belongings;

- A locker system available in different places around the city.
- A locker where the removed belongings are placed, and can be recovered with a small fee.
- Treating removed unattended items like lost property, which can be disposed of after a set period if not claimed (for example, three months).
- Distribute bags, suitcases, trolleys or wheelie boxes.
- Everyone should have personal responsibility for their own belongings.

The two Full Reports for the Stakeholder Engagement process are attached to the report;

'Consultations with people with experience of homelessness on the proposed changes to Activities Local Law 2009 Report' (Ruth Gordon Consultant).

'City of Melbourne: Targeted stakeholder feedback proposed amendments to Activities Local Law 2009' (Capire Consultants)

## **8. Conclusion**

This report has been prepared to assist Council as part of its deliberations pursuant to Part 5 of the *Local Government Act 1989*, to make the Activities (Public Amenity and Security) Local Law 2017.

The high level analysis is intended to provide the Submissions (Section 223) Committee with a 'barometer of sentiment' and a sense of the key themes emerging.

It is proposed that this report will complement and provide a useful background document to the individual respondent's oral submissions.

***Consultations with people with  
experience of homelessness on the  
proposed changes to the Activities  
Local Law 2009***

**Report**

Prepared for

**City of Melbourne**

March 2017



## Executive summary

Over the period 1 to 9 March 2017, 98 people were surveyed about the City of Melbourne's proposed changes to the *Activities Local Law 2009*. Of these, 91 people were either currently homeless or had previously experienced homelessness. Two thirds of respondents were male and one third were female.

Overall, there was a high level of opposition to the proposed changes by Council, with most respondents feeling that it would only worsen the current situation and the long term chances for people who were already vulnerable and facing severe disadvantage. The majority of respondents felt that homeless people have no choice but to sleep rough and that they are in the city because it is safer and allows them to be close to services providing the basic necessities of life. They felt that if the local laws were changed as proposed, rough sleepers would move into other Council areas further away from services and where it is less safe.

In relation to the three key elements of the proposed changes:

- **67% do not support** the change to the definition of camping (see Section 6)
- **72% do not support** giving Council officers the authority to remove unattended belongings on the street (see Section 7)
- **91% do not support** the proposed fine of up to \$388 for retrieving confiscated belongings (see Section 8).

The main suggestions to reduce the number of belongings that people have on the street and encourage them not to leave their things unattended were:

- the provision of free/low cost lockers and storage, and
- providing safe adequate housing or shelter with storage, so that people and their belongings are not on the street.

Those surveyed predicted a range of mostly negative effects from the proposed changes to the local law. It was predicted that the proposed changes will:

- Not solve homelessness and make it harder for people to get back on track and for services to help them.
- Result in increased mental health problems, including increased suicide rates and increased drug and alcohol use.
- Result in increased crime as people will seek to replace their belongings, break into places to sleep so they are not on the street and steal to replace confiscated belongings.
- Result in increased disaffection and disengagement from society as a result of further marginalisation.
- Encourage other Councils to adopt similar laws leaving nowhere for rough sleepers to go.

In addition, respondents provided a wide range of comments and suggestions about practical ways of assisting rough sleepers and assistance to get people into housing including comments on material resources, service responses, facilities needed and barriers to accessing housing.

Overall, there was a very high level of interest and engagement from all those approached for this project. There is likely to be ongoing interest from this cohort in

the outcomes from the next stage of Council's deliberations on this issue and a need for effective communication about any changes to the *Activities Local Law 2009*.

Quotes from survey respondents are in italics -

*Although I am disadvantaged, I still have the same rights as other Melbournians to live my life in health and peace. This local law makes me live in fear and will make my ability to access services poorer and I will be excluded from my already limited access to services.*

*Homelessness is not a choice for most people. It's not a disease. Homeless people are human beings. People feel safer in the city and are less likely to be bashed or murdered.*

*How is this supposed to help anyone?*

*I don't agree that homeless people should be left with nowhere to go, where else are they meant to go with no home and safety! I believe the government should have more empathy towards human rights.*

*It's just wrong. I understand that people shouldn't be leaving their stuff around but the fact is they've got nowhere to put it.*

*Won't change nothing - not going to make it better just one big headache. Who's going to pay to get their stuff back? People will still be homeless.*

*[The changes will] increase friction between the homeless and authorities - raise conflict. Increase friction between the general public and the homeless... Putting fuel onto a fire that we don't need.*

*If you push people to the suburbs it will be a death sentence like in the Footscray fire. Where will they go? They will be harmed outside the city. Those who are visible on the streets have mental health/drug alcohol issues. Not safe for a woman on the street. In the suburbs, hoons drive around and terrorise homeless people.*



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## List of Attachments

**Attachment A.** Sample Promotional flier

**Attachment B.** City of Melbourne *Activities Local Law 2009* Survey for People with Experience of Homelessness.

**Attachment C.** Frequently Asked Questions (FAQs)

**Attachment D.** Colour City of Melbourne Municipal Boundary Map (see)

**Attachment E.** Visual response scale

## 1. Introduction

Giving voice to people experiencing homelessness is vital, particularly in consultations on legal or policy changes that will directly affect them. This survey has been conducted on behalf of the City of Melbourne in recognition of the need to ensure that all voices and perspectives are heard by Council and its Future Melbourne Committee in making the decision on whether to introduce the proposed changes to the *Activities Local Law 2009*.

This report presents the voices of those who will be most affected by the proposed changes the laws – the people who live their lives in the public spaces of Melbourne – on the city streets, in the city parks, in train stations and many other shared spaces.

### 1.1 Background

In the past two years, the number of people sleeping rough in the City of Melbourne has increased by 74 per cent according to the 2016 StreetCount. It is not illegal to be homeless or sleep on the streets in the City of Melbourne. The presentation of rough sleeping in the central city has changed with people preferring to be in more visible locations as they feel safer rather than being hidden away. This has led to an increase in the number of people sleeping in prominent pedestrian thoroughfares in the central city. There has also been an increase in the number of groups of people sleeping in the city, with a corresponding increase in the amount of belongings present on the street.

The City of Melbourne has a number of projects and initiatives working with housing services and outreach organisations to coordinate service delivery for rough sleepers and provide pathways out of homelessness. For example, the City of Melbourne has piloted a training program for businesses to learn about homelessness and how to engage with people sleeping rough in the city area, called Connect Respect. Despite these various initiatives, due to housing affordability and other issues, the numbers of people becoming homeless seems to be increasing.

In December 2016, Victoria Police requested that the City of Melbourne review its *Activities Local Law 2009* in order to strengthen the response to these issues across the City of Melbourne. At its Future Melbourne Committee meeting on 17 February 2017, Council endorsed the proposed amendments to the *Activities Local Law 2009* with the intention of providing a broader definition of camping and to better balance the needs of all people who share public spaces in our city in response to the request from Victoria Police.

The proposal to amend the local law then entered a statutory consultation stage running from 16 February until 17 March 2017. The consultation process invited community members to share their views on the proposed changes to the *Activities Local Law 2009*. This could be done through the City of Melbourne's Participate Melbourne website and submissions could be made formally as a written contribution or through a survey. At the completion of the consultation phase, the Committee will consider the views and make a decision about the local law.

## 1.2 About the Consultation Project

The City of Melbourne contracted Resolve Community Consulting and Black Ink Writing and Consulting (the Project Team) to develop and conduct a consultation process specifically aimed at collecting the views of people with experience of homelessness and rough sleeping in the city area. It was recognised by the City of Melbourne that these are the people most likely to be affected by the changes to the local law. This group of people are already highly marginalised and face barriers to participating in more mainstream consultations.

The City of Melbourne wanted to ensure that these vulnerable members of our community, including current and former rough sleepers and people at risk of homelessness, have an opportunity to share their views on the proposed amendment to the local law.

The goal of the consultation project was to:

- To run a community engagement process that informs Council on the sentiment of homeless people and people at risk of homelessness regarding the proposed amendment to *Activities Local law 2009*.
- The consultation process designed by the Project Team took the consultation to people in spaces that they feel comfortable and supported – the services that they use to survive on the streets.

## 2. Methodology

The survey was conducted between 1 and 9 March 2017 inclusive. The Project Team, in conjunction with City of Melbourne staff, selected nine services frequented by people who are currently or previously rough sleeping or experiencing other forms of homelessness.

Eight of the services are located in the City of Melbourne and one is located in the City of Yarra. The service located in the City of Yarra is an Indigenous service and was selected on advice from the City of Melbourne as there are no corresponding services in the Melbourne local government area. Special effort was made to include women in the survey with the Project Team attending a women's service and trying to include female service users at other services. A full list of services where the surveys were conducted is in section 3.

The Project Team utilised strong existing networks with homelessness services to set up suitable times and settings for the survey to be conducted. This was arranged around the usual activities at services. It was decided to run two sessions at St Peters Anglicare – a breakfast and a lunch session - based on the advice of the service manager that different cohorts of people attended each session.

City of Melbourne communications staff developed a poster/flier for each service to use in promoting the consultation to service users. A sample flier is at Attachment A. The Project Team sent each service a different poster with the specific times and dates for the consultation at that venue. Service staff put up these posters in their venues to promote the consultation.

The Project Team developed a survey based on the mainstream survey used on Participate Melbourne. The survey was designed to correspond to the questions used on Participate Melbourne, but also to gain insights from people on the streets around the proposed changes to the local laws. The survey is at Attachment B.

The survey was reviewed by three people with a lived experience of homelessness to ensure that the survey was adequately worded and would be a useful tool in gaining the views of people who will be most affected by the proposed changes to the local laws. The survey was approved by the City of Melbourne's legal team.

Each survey was conducted by an experienced interviewer – either a professional consultant or a trained and experienced peer consultant. In most cases, the survey was asked and the responses were recorded with a very small number of respondents preferring to fill the survey in themselves.

The Project Team prepared a sheet of Frequently Asked Questions (FAQs) which were approved by the City of Melbourne's legal team (see Attachment C). These were not handed out to anyone but assisted the Project Team to provide correct information about the proposed changes when required. This was a useful tool.

Each team member also had a colour map (see Attachment D) to show survey respondents the City of Melbourne boundaries. This proved a useful tool as most respondents did not seem aware of the municipal boundaries and assumed that the proposed changes to the local laws would only apply to the Melbourne CBD. The map also assisted in answering the questions relating to where they had experienced homelessness.

A visual scale was used to help people answer questions 2, 4 and 7 (see Attachment E). This also meant that the Project Team did not have to read out a lengthy list of

answer choices. This enabled the choices to be matched exactly with the Participate Melbourne survey for ease of comparison. The visual scale worked well for these questions.

Members of the Project Team carried a full copy of the law in case of interest from survey participants. This was useful as some respondents were keen to view the law and a few wanted a copy of the law. The Project Team handed out three copies of the law to interested respondents.

The Project Team also carried copies of the Council's written submission form and gave these to people who on completion of the survey showed further interest in contributing their views to the consultation process. Many of these forms were handed out to respondents on completion of the survey.

Note that the definition of homelessness used for Question 1 was the accepted ABS definition used by City of Melbourne in its homelessness strategy *Pathways* (2014:7) and informed by the Chamberlain and Mackenzie cultural definition of homelessness also referred to in *Pathways*.

The questions sought feedback on the three proposed changes –

- i. to the definition of camping;
- ii. to give council officers to ability to remove people's unattended belongings; and
- iii. the proposed fine for people to pay to retrieve their belongings from Council.

#### NOTE

**Quantitative responses** (Questions 2, 4 and 7) provide a numerical value showing the level of support for these changes. These results are presented in graph format with accompanying analysis. **Qualitative responses** (Questions 3, 5 and 8) provide the opportunity for explanation and discussion of reasons for the level of support for the proposed changes.

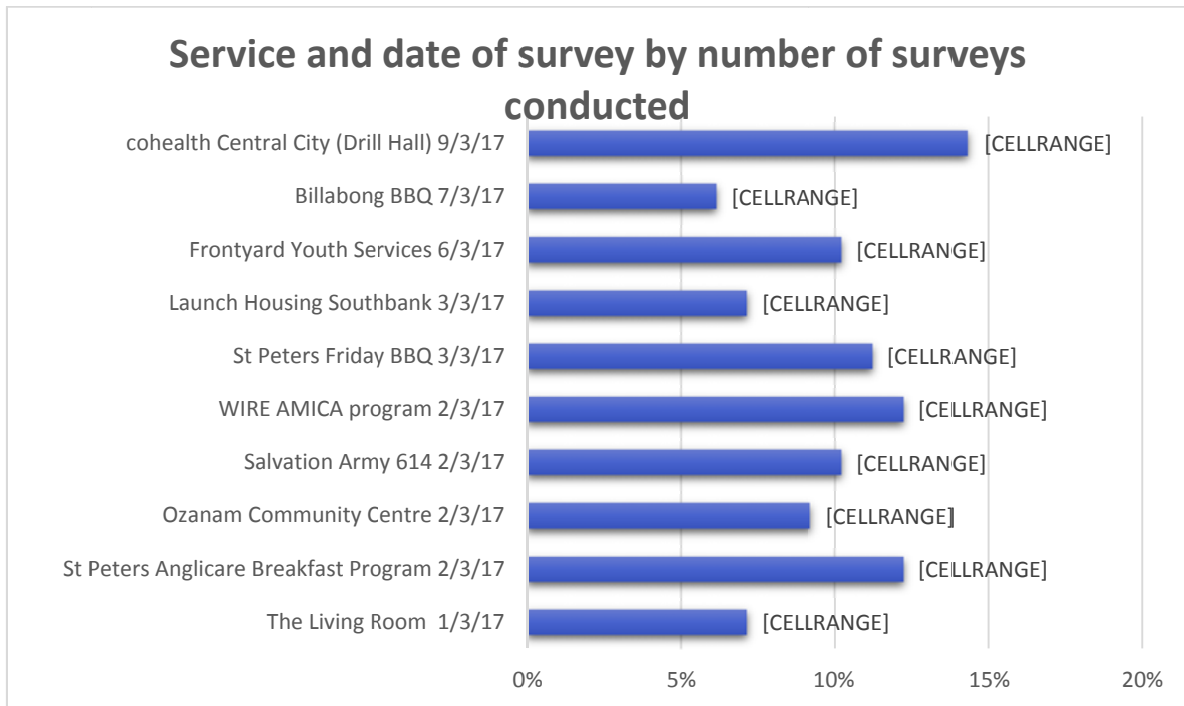
Questions 10-13 are in addition to the questions used in the Participate Melbourne survey and provide qualitative information on other ideas to address these issues and the anticipated effect that these changes might have on the target population of rough sleepers. Ideas were also sought on how to best provide assistance to rough sleepers in the city area. This was seen by the Project Team as a useful addition to the survey to inform Council's work on homelessness. These results are presented in a discussion format including relevant quotes from the surveys.

In addition to this summary report, the Project Team has provided the full spreadsheet of survey responses to the City of Melbourne to feed into the consultation process on the proposed local law changes.

### 3. Participating services and total number of surveys

In total, 98 surveys were collected between 1 and 9 March 2017 at 10 different services/programs. The breakdown of the number of surveys by service and date conducted is presented in Figure 1.

**Figure 1. Service and data of survey by number of surveys conducted**

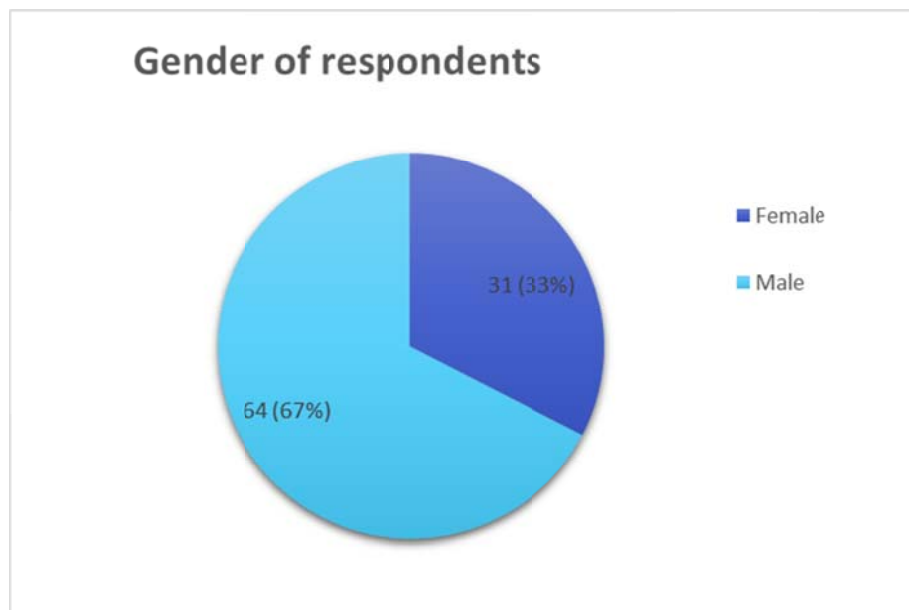


#### 4. Demographic data

The Project Team recorded the gender of each survey respondent and made an estimate as to the age of the respondent. It was deemed unnecessary to collect specific age data so as to keep the survey as short and un-intrusive as possible.

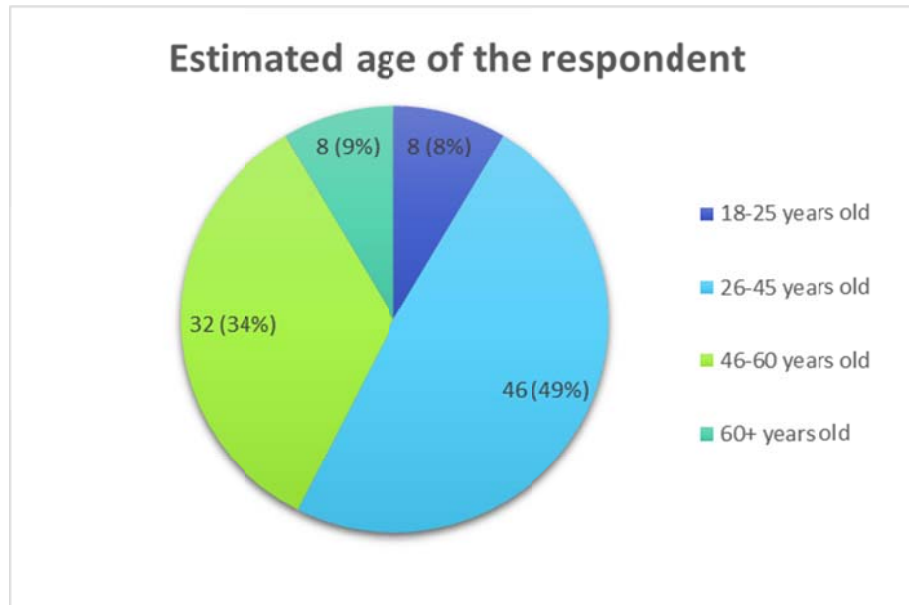
Figure 2 shows that the majority of survey respondents were male (67%) and the minority were female (33%). The majority of women were surveyed at WIRE (11 respondents), a specific women's service, with 20 surveyed at other city services. No women were surveyed at either the Billabong BBQ or St Peters Breakfast program as these are predominantly attended by males.

**Figure 2. Gender of the survey respondents (number and percentage)**



Age estimates of survey respondents showed that almost half of the respondents (49%) were aged 26-45 with the second largest group being the 46-60 age cohort at 34% (see Figure 3). The younger people (8%) were all surveyed at Frontyard with no young people surveyed at other city services. Nine per cent of survey respondents were estimated to be aged 60 years old or over.

**Figure 3. Estimated Age of Survey Respondents (number and percentage)**





## 5. Experience of homelessness

Question 1 sought to assess people's experience of homelessness in the city area. Some people may be homeless or living in inadequate accommodation outside the city area but come into the city to access services, see friends and use public space and facilities. Services mentioned that this was a common experience for women, in particular, and also for men. In addition, people may have stable housing after previously experiencing homelessness and still use services and have valuable insights into the issues under consultation. This question sought to ensure that those people were also included in the survey. Note that respondents were shown a map of the City of Melbourne to help them answer the questions about the city area.

The reported experience of homelessness amongst the survey respondents was as follows:

- 58% (57 people) were experiencing homelessness at the time of the survey.
- Of those who were experiencing homelessness at the time of survey, 70% (40 people) were experiencing homelessness in the City of Melbourne.
- 39% (38 people) had experienced homelessness previously and 7% (7 people) had not experienced homelessness previously.
- Of those who previously experienced homelessness, 28 people had experienced homelessness in the City of Melbourne and 10 people were homeless elsewhere.

The majority of people surveyed (77%) reported spending time in public places in the city area. Spending time in public places in the city gave survey respondents a strong awareness of the issues being raised in the survey. Most people reported using services in the city such as the services where the surveys were conducted.

Survey respondents spent time in public places in the following ways:

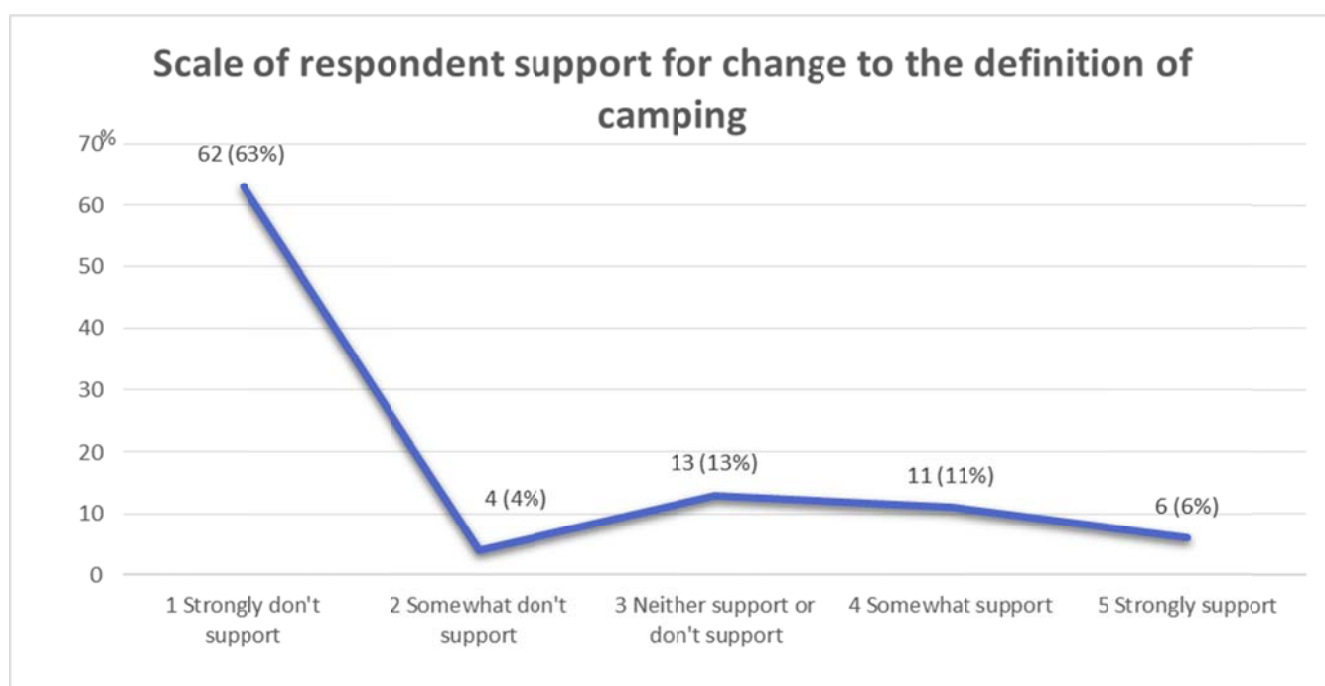
- |  |                      |                 |
|--|----------------------|-----------------|
| • Shopping and banking   | • Libraries          | • Having coffee |
| • Visiting galleries, squares and parks                        | • Accessing services | • Socialising   |
| • In transit and using public transport                        | • Food vans          | • Appointments  |
| • Playing sport and keeping fit including using gyms and pools | • Studying           | • Shelter       |
| • Supporting other people on the street                        |                      |                 |

Only one person mentioned that they spent time begging in the city area. One person who did not spend time in the city said that it was too violent and unsafe.

## 6. Changing the definition of camping

Figure 4 shows that the majority of survey respondents (67%) did not support changing the definition of camping as proposed by Council with 63% strongly not supporting the change and 4% somewhat not supporting the change. Thirteen per cent were neutral on this question seeing it as a grey area and several respondents saying they could not give a definitive answer on the scale. Less than one in five did support this proposed change (17%) with 11% somewhat supporting the change and only 6% strongly supporting the proposed change to the definition of camping. Note there seemed to be little awareness as to the current definition of camping in the local law. Women were less likely to support this change than men with only one woman strongly supporting the change and one woman somewhat supporting this change.

**Figure 4. Scale of respondent support for change to the definition of camping (number and percentage)**



### 6.1 Summary of reasons (including quotes from surveys in italics)

Most survey respondents did not support changing this local law as they felt that rough sleepers had no choice or alternative to being on the streets. Some respondents understood the difficult situation that Council is in with the increase in visible street homelessness with accompanying belongings, but most respondents did not see the changes to the local law as a solution but rather as exacerbating the problems faced by those living on the streets. The majority of respondents felt that homeless people have no choice but to sleep rough and that they are in the city because it is safer and allows them to be close to services providing the basic necessities of life. They felt that if the local law was changed, people would move into other Council areas further away from services and where it is less safe.

*I'm homeless and need somewhere to sleep. Can't stay awake 24/7. This will personally affect me.*

*Although I am disadvantaged, I still have the same rights as other Melbournians to live my life in health and peace. This local law makes me live in fear and will make my ability to access services poorer and I will be excluded from my already limited access to services.*

*Because it's an excuse to use persecution towards the homeless and it's very violent to be doing this.*

*Because homelessness is a large problem and it will not be solved by kicking people off the street.*

*I don't agree that homeless people should be left with nowhere to go, where else are they meant to go with no home and safety! I believe the government should have more empathy towards human rights.*

*Wish we didn't have to do it [sleep rough]. Understand camps can be dangerous but they [Council] don't understand our lives.*

*Draconian, harsh law on people who struggle with basics of life.*

*Homelessness is not a choice for most people. It's not a disease. Homeless people are human beings. People feel safer in the city and are less likely to be bashed or murdered.*

Some respondents felt that the proposed amendment was a “knee-jerk” response to media attention to this issue rather than a thoroughly thought through solution to homelessness in the City of Melbourne. Respondents struggled to understand how the proposed amendments will help people on the street and worried that other Councils would follow the lead of the City of Melbourne.

*Just to win the world's most liveable city award, they want to hide the homeless. Not a great idea but it will just move them somewhere else. A lot of facilities and services in Melbourne so they [the homeless] just won't get that help.*

*We can't just criminalize homelessness and expect it to go away. We can't have an exclusion zone for a certain group of homelessness. Homeless people aren't lesser animals*

*Adversely affect a broad number of people. Council needs to be fair and supportive of people sleeping rough - other Councils may follow Melbourne too. I could be adversely affected in the future.*

*Because you're paralysing people in a disadvantaged situation. How is this supposed to help anyone?*

*Criminalising people who have no other option is not the way to go.*

*Homeless people already have no rights - this is just making their situation worse.*

Some respondents questioned the absence of a definition of camping in the local law. Some respondents did not view rough sleeping as camping which is a recreational choice. They do not choose to camp but have no alternative so this is not actually camping.

*Look up camping - this is not the definition of camping. Camping is recreation. Pandering to the Herald Sun – so Council can look good.*

*Define camping - camping is living, camping is how we live. Camping is somewhere to live. Council makes laws for the citizens and that includes the homeless (Indigenous respondent).*

*Worried because it becomes subjective. Too broad [the definition] - need specific camping examples. Need to stop backpackers and grey nomads. Had friends who have had no alternative but to sleep on the street.*

Some survey respondents commented that this question was not ‘black and white’. Some people supported the changes if proper accommodation and support could be found for those affected. They felt it was unfair to bring in such a law without addressing this issue and providing people with viable safe alternatives to rough

sleeping and places to store belongings. A few respondents mentioned the large group of people at Flinders Street during the Australian Open with all of their belongings and did not like the image of homelessness that this group was portraying. They felt that these groups gave other homeless people a bad name – the people that behave and keep to themselves.

In particular, the use of drugs and associated drug paraphernalia on the street and aggressive begging was raised as giving the wrong impression and increasing stigma about rough sleepers in Melbourne. Some people felt the proposed changes to the law should apply to these larger groups but not to the average rough sleeper who keeps their belongings tidy or takes it with them, and generally makes an effort to keep to themselves and out of harm's way.

*People should be allowed to sleep on street but remove their things - messy - needs to be tidy. Don't support beggars.*

*Laws-for groups making trouble should apply -not for people who are quiet and keep to themselves -people who are tucked away, neat and tidy should be left alone -people more visible now and don't support huge groups, drug takers and trouble makers giving others a bad name. I keep to myself.*

*Big groups camping are unsightly and can be aggressive. Everywhere - it's sad. People begging - don't like it - feel hassled.*

*There's got to be consideration of shop keepers but also need to be mindful of the rough sleepers. Needs to be more thought put into what the homeless people are going to do when they are moved.*

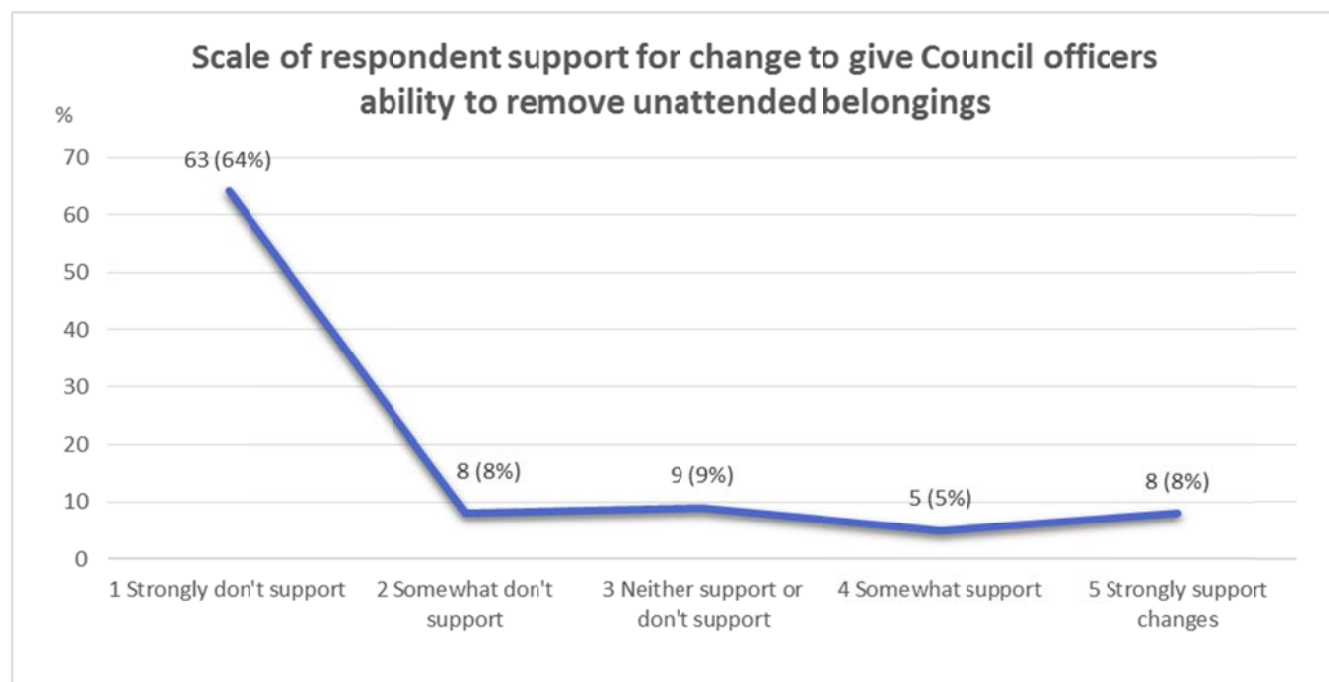
*Shouldn't have tents in sight. I pack myself up every night and take it with me. 50/50 depends on the situation in the area -shouldn't be a big mess- should be neater*

*Both [support and don't support] - if you have no choice not a good look- people shooting up everywhere on the streets -beggars- bullshit -want money and more drugs/alcohol lots of places to get food in Melbourne*

## 7. Giving Council officers the ability to remove and confiscate people's unattended belongings.

Figure 5 shows that the majority of survey respondents (72%) did not support changing the local law to give Council officers the ability to remove people's unattended belongings with 64% strongly not supporting the change and 8% somewhat not supporting the change. Nine per cent were neutral on this question and 13% did support this proposed change with 5% somewhat supporting the change and 8% strongly supporting the proposed change. Women were less likely to support this change than men with only one woman strongly supporting the change and none somewhat supporting this change.

**Figure 5. Scale of respondent support for change to give Council officers ability to remove unattended belongings (number and percentage)**



### 7.1 Summary of reasons (including quotes from surveys in italics)

Many survey respondents strongly opposed this proposed change as they felt that the meagre belongings that people have with them on the street have immense personal value to those people and it is difficult to make a judgement of value of these belongings without understanding the individual circumstances of each person.

What seems like rubbish to one person could have personal value to another.

Respondents felt it was "wrong" to take the belongings of people who are vulnerable and do not have many possessions. Some respondents viewed this as stealing from the most vulnerable people. Others pointed out that if they were not homeless, they would actually have a place to store their belongings (i.e. in their home).

*I don't support belongings being taken, being homeless as it is, is scary, stressful and you are being left with not much and I strongly disagree with belongings being taken.*

*It's wrong and it's theft, that somebody's stuff*

*That's private property, you can't take away people's belongings. Its utter theft*



*How would the government people like and feel if their possessions got stolen? It's stealing from the most vulnerable people*

*From past experiences homeless people have few belongings to call their own and to confiscate is inhumane.*

*Somebody's going to touch my stuff - I won't let them - jail is just another home [to me].*

*I don't agree that anyone has a right to confiscate people's bags/belongings because on the streets where people are situated, to them is like a home. These possessions are the only things they own. It's like walking into one's home and taking their belongings.*

*It's just wrong. I understand that people shouldn't be leaving their stuff around but the fact is they've got nowhere to put it.*

*Completely disgusting- this is probably all they have in the world!*

Some respondents saw this as a human rights issue. Other respondents did not understand how this change would help people who are homeless resolve their problems.

*That is just another way of pushing homeless people under the carpet again rather than assist to help the vulnerable. It is so inhumane.*

*As a valuable member of the Melbourne community my lack of finance and housing should not make it harder for me to have possessions and to live a life in safety and security.*

*Wording should be changed from 'unattended' to 'unwanted'. Against the human rights charter -'right to free will'- not homeless by choice but it's how I live.*

Difficulties in operationalising this change to the local law were raised, such as how Council will track belongings and inform their transient owners of how to retrieve them. Questions were asked about how to define "unattended", the time period this may be applied to and the length of time that people would have to reclaim their belongings. There was confusion about whether belongings could be confiscated if people went to the toilet or went to find food.

*1. Homeless person has no other place to put things. 2. Problems with proof of ownership. 3. \$388 is a lot of money for a homeless person.*

*Yes and no. Personal items such as photos of grandparents are important. Store it for an amount of time and reclaim it. Define 'unattended'. -Going to the toilet. Wait and see if people come back. Time limit for things unattended.*

*Some stuff is rubbish and some are things they depend on. Council officers should have training to help them identify what's valuable to people. They (Council) took my car.*

*Should be given notice first - up to 2-3 days before removed - give them a chance to claim it first.*

*Need to know where to go and how to get your stuff back.*

People cannot always carry all their belongings with them and need a safe place to leave them. Some people are organised with lockers or storage for their belongings and other people carry their belongings around with them or leave them stashed or hidden away from view. Some people have a lot of belongings as they hope to set up a household in the near future and need a place to store their household goods.

*I sometimes leave my stuff but I stash it. My bag has gone missing at the moment. Don't want to carry it around 24/7*

*I've been using a storage locker at Southern Cross Station because I don't want anyone to take it.*

*Because if you take someone's belongings when they have nothing else, what is that person meant to do? Maybe if the people's belongings were put in a safe storage for the owner to access their belongings when they needed them the most.*

There were fears for people with mental health concerns and that taking their belongings would trigger conflict, hopelessness and even suicide. Some of the most vulnerable people with mental health issues are hoarders and that is the reason for having so many things with them.

*That's all they have = they have nothing else. Their stuff helps them not to commit suicide.*

*Just a backpack taken can trigger a mental health reaction.*

*Hoarding is psychological sign that there is something wrong. Taking us away from real issues - removing the rubbish doesn't remove the problem.*

Some respondents mentioned personal mementoes such as photos or gifts from family members as being among their belongings that they have with them on the street. Other people mentioned medications.

*People have got no money to live in a house how are they supposed to afford fines. It makes me so angry. It happened to me and the only photos I had of my dead baby girl got taken away from me.*

*Possessions are their life. People hold onto stuff because it's all they have. Talk to people- don't make judgmental decisions without talking to people*

Some respondents felt that rough sleepers have a responsibility to look after their own possessions and that this is not a Council responsibility. They understood the safety hazards of large amounts of belongings on the pavement in the city area and did not like the look of larger camps full of belongings. Some respondents felt that if belongings are neat then they should not be confiscated.

*If it's neat and named, leave it. If it's a total mess and no name, remove it*

*Hindrance to shoppers - dangerous - nowhere to walk. Flinders St was disgusting. Some come from other places and have houses - they are bored so they come to the city*

*Some stuff should be removed- if it's a pig sty or a mess. eg. Flinders Street. If deemed to be a health issue - filthy and unhealthy [then remove it]. If neat and tidy then leave it.*

*City is not for you to leave your stuff in. Council has a right to take it. People don't need to see your belongings. Might stink and be untidy.*

*Your responsibility to look after your belongings - not Council's responsibility.*

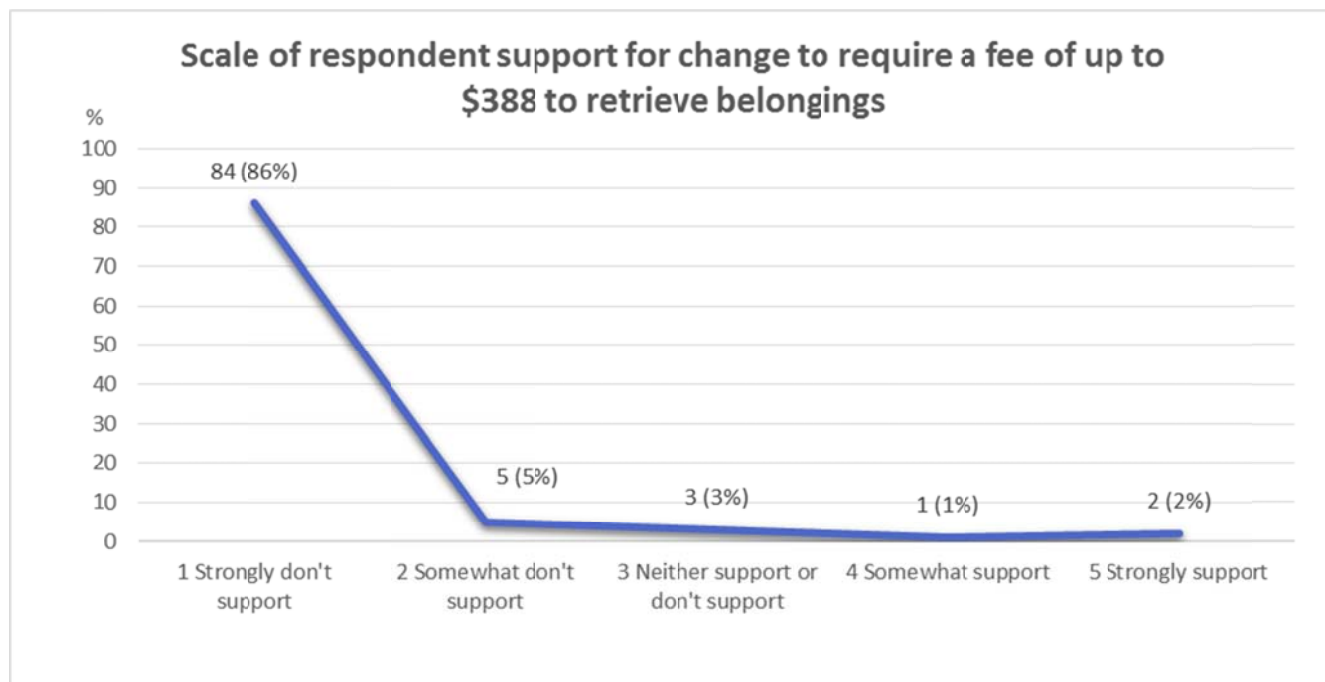
*OH&S - unsafe for Council officers to be put in this position - they are not policemen.*

One respondent was concerned about terrorism and the associated risk of unattended belongings in this context.

## 8. Proposed fee of up to \$388 to retrieve belongings

Figure 6 shows that the majority of survey respondents (91%) did not support changing the local law to require people to pay a fee of up to \$388 to retrieve their belongings with 86% strongly not supporting the change and 5% somewhat not supporting the change. Three per cent were neutral on this question and 3% did support this proposed change with 1% somewhat supporting the change and 2% strongly supporting the proposed change requiring people to pay a fee of up to \$388 to retrieve their belongings. No women supported this change.

**Figure 6. Scale of respondent support for change to require a fee of up to \$388 to retrieve belongings**



### 8.1 Summary of reasons (including quotes from surveys in italics)

The majority of survey respondents strongly opposed the proposed change to require people to pay a fee of up to \$388 to retrieve their belongings from Council. Many respondents were shocked that Council are considering such a high fee for retrieval of belongings from a group that is experiencing extreme poverty and hardship. Even those respondents who supported Council officers having the ability to remove belongings left unattended did not support this relatively high fee with only three respondents in total showing any support for this change to the local law. Respondents found it difficult to understand how the Council could consider introducing this fee to penalise people who are already disadvantaged and in poverty.

*If people had this sort of money they wouldn't be homeless.*

*I'm homeless and have nowhere to go and you're going to take my only things? How would I afford to get my own stuff back?*

*Disgusting. Taking someone's stuff away and asking them to pay is like putting a knife to their throats for them. How can they do that?*

*It makes me very angry - a lot of the homeless people are not on benefits. Homelessness is not a crime, so why are we treated as criminals over our own stuff?*



*There is no way that homeless people have the disposable income to pay this. Their only options will be to have their belongings permanently taken or become further entrenched in poverty.*

*Why would I pay that much money for my stuff? If I had that money I wouldn't be homeless.*

Some respondents felt that Council was introducing different rules for wealthy and the poor and specifically targeting poor people as a way to raise revenue.

*Bit rude. People on the streets can't afford that stuff... People in suits who throw cigarette butts don't get fined but the homeless will.*

*That's criminal, trying to make money off the miserable.*

*It's outrageous, It's like getting blood out of a stone. That's what the Nazis did to the poor.*

*I believe it's really inhumane to try and get revenue out of homeless people. There are so many ways you could increase the budget but instead you're targeting the most vulnerable people in our society.*

Suggestions in relation to this issue included a smaller fee, warnings and notices to give people the chance to move their things.

*1. I don't think it is practical. 2. It way too much, say example \$50 would be better 3. It will have people sleeping with no bedding.*

*Reduce the fine. Small fine but not that much. To discourage people from leaving stuff. Singapore doesn't have homeless - how do they do it?*

*It's a large amount of money. What about repeat offenders? Warning first and then if it continues, a fine should be imposed and then higher eg. \$500 to be a real deterrent*

*You can get a lot for \$388 - you could buy it new. Charge the second time only with a warning first then a fine.*

*Stopping groups of more than 2-3 people in one spot. Administer law with variability in terms of respecting people who they know. It needs to be implemented in with the right intentions. Take photos of property and review by a panel so there is a more accountable process and evidence.*

How people replace their necessities was raised often with some suggesting increased crime as people affected break into houses to sleep and replace basic necessities. Others forecast an increased burden on services who would be called on to replace belongings such as blankets, sleeping bags and clothes. Respondents also felt it was a waste of time as people would not reclaim their belongings anyway. Some respondents believed that as people would not be able to afford to pay the fine, the confiscation will most likely be permanent.

*You're wasting resources to get rid of people's things. Fines will not be paid so therefore unnecessary overloading the legal system*

*Just disgusting - sticking the knife into people with absolutely no money. Nobody will ever come back and pay so it's effectively just like taking it permanently.*

*Completely crazy- nobody has that sort of money. Their stuff probably isn't even worth that much, so it's just gone isn't it?*

*Their stuff isn't even worth \$20*

*I don't have \$388 worth of possessions so it's not worth it. What a joke. It will add to landfill eg. swags and services will have to give new things which cost money.*

Some respondents felt that this is criminalising homelessness and pushing vulnerable people into the justice system. People talked about not having money to pay for essentials such as food and medication if they have to pay the fine.

A large number of respondents felt that having to pay a high fee such as \$388 would exacerbate the problems experienced by homeless people and further entrench them in poverty. Respondents foresee increased conflict and increased crime.

*Not solving problems just making it more difficult.*

*I will disobey this law.*

*I have \$60,000 fines already.*

*This will cause a high amount of issues for Council and justice system. For those who have nothing and won't accept of their last minimal belongings being taken and have to pay when in poverty.*

*They can't afford it, do you want them to commit crimes to be able to claim their own belongings?*

*How will it help in pathways forward? \$475 fortnight income. If you take all my belongings and I'm left with nothing. It will lead to increased criminal activity with breaking into houses to sleep.*

## 9. Ideas and suggestions to encourage people not to leave their belongings unattended or have so many belongings on the street

The main suggestions to reduce the number of belongings that people have on the street and encourage them not to leave their things unattended were:

- the provision of free/low cost lockers and storage and
- providing safe adequate housing or shelter with storage for people so they and their belongings are not on the street.

Providing housing for people was seen as a real and effective long term solution to problems of homelessness and belongings on the street.

*Provide housing and you wouldn't need to fine or confiscate people's belongings.*

*More long term housing - less stigma and harassment - more spaces where people can rest such as a room provided at libraries. Lockers and more storage, more safe emergency accommodation, support for family violence, structural change to services like mental health and pet friendly crisis accommodation would all help.*

*Put them into houses. Solve the problem. Look at what Utah did.*

*Invest in housing to reduce this issue, rather than minimising the problem cut it off at the source. Eliminate it.*

Some people mentioned using the lockers at Southern Cross Station and St Marks or having a storage unit in a private facility for their belongings.

*Free lockers with punch numbers - pin numbers in numerous places around the city because we have lots of homeless. Put lockers near to where they sleep.*

*\$10 a week - Fort Knox storage.*

*City Council should provide lockers*

*Southern Cross \$8 a day but could have special lockers - cheap lockers- small fee. I used lockers and got fined for not paying at Southern Cross*

*Plenty of abandoned buildings and other places that people can leave their things. There's got to be something else we can do.*

Having designated camps where camping is allowed and people are supervised and can sleep and store their belongings was also raised as an idea to address these issues.

*Put in place some facilities (like the Brighton beach houses) where people could leave their belongings and have somewhere to rest. Need to have workers there to oversee the space and help get people into housing.*

*Camps - supervised, secure where people can sleep*

Another respondent mentioned having a pool/gym membership through cohealth and using the locker at the gym to store his belongings and also having a place to keep fit and have a shower. He reported building a good rapport with the gym staff which helped him in other ways.

Another idea was to discourage the amount of things donated to people on the street and to develop a social enterprise business producing foldable beds with underneath storage to employ homeless people.

Some respondents recommended that more information about storage options should be made available to people who are rough sleeping and providing information about how to live on the street neatly and safely was also suggested.

*Workshops on how to live on the street.*

*Through education, we don't have opportunities to learn these things. If some haven't been taught, educate rather than punish.*

*I don't leave my stuff around. People who do leave stuff around need to be talked to and given help to understand why this isn't okay. Need to give them community connection to help build respect.*

## 10. Predicted effects of proposed changes on people on the street

Most survey respondents predicted that there would be negative effects from these proposed local law changes on people living on the streets in the City of Melbourne with 91 people answering this question. Note that this question was designed specifically for this target group and does not correlate with any questions in the Participate Melbourne survey. The most commonly cited forecast effects are summarised below (with quotes from respondents in italics)

These changes will not solve homelessness and will only make it harder for people to get back on track and for services to help them.

*Won't change nothing - not going to make it better just one big headache. Who's going to pay to get their stuff back? People will still be homeless.*

*Will affect them immensely. Government getting what they want - no winners - just tightening laws to look good. It's a no win situation for the homeless.*

*Vicious cycle for people. Start collecting things all over again - won't solve anything.*

*If people's belongings get taken away. Council will only put more pressure on services who care and provide new items like Salvos.*

*People will have less in their payments and increase debts, which will make it even harder for people to focus in gaining employment or education in up-skilling themselves which will keep them stuck in poverty.*

*It will affect me because I have nowhere else to go*

The changes will result in increased mental health problems, including increased suicide rates and increased drug and alcohol use.

*It will increase mental health problems. Will put more pressure on people's health, the services and the justice system.*

*It will affect people mentally. Anxiety levels will rise even suicide. People are already struggling mentally.*

*Homeless people - a lot of them will commit suicide.*

There will be increased crime as people will seek to replace their belongings, break into places to sleep so they are not on the street and steal to replace confiscated belongings.

*More breaking and entering to use space for storage*

*Will incite shoplifting. People will steal to get things to replace what's been taken away from them.*

*It will cause crime, a lot of angry poor people will lose their composure as they have absolutely nothing to lose/including their freedom as jail will be heaven - eg, bed, 3 meals a day, work, pay packet, gymnasium etc.*

*More squatting and breaking and entering and car theft, vandalism and burglary. People will break in during the day to use the facilities and then leave.*

The changes will result in increased disaffection and disengagement from society as a result of further marginalisation

*Legitimising disengagement and abuse and division in society ...No long term insight. Short term policy for short term gains.*

*It will make them feel even more disconnected and more isolated. Pushing people to be criminals.*

*I think this change will make people angry and hate the law.*

If these changes are adopted, it is forecast that there will be increased conflict and aggression between Council officers, Police, the general public and people experiencing homelessness. It was felt that these changes would give licence to the general public to treat rough sleepers with less tolerance and understanding.

*Cause trouble between Council, Police and themselves [homeless people].*

*Increase friction b/between the homeless and authorities - raise conflict. Increase friction between the general public and the homeless... Putting fuel onto a fire that we don't need.*

There was concern that other Councils would then follow suit and adopt similar laws leaving nowhere for rough sleepers to go.

*Other councils will copy this law.*

*Impact on councils next door [to Melbourne] will be huge.*

If these changes are adopted, it is anticipated that rough sleepers will be pushed into the other council areas which may be unsafe and further away from the services they need with particular concerns around safety for women.

*If you push people to the suburbs it will be a death sentence like in the Footscray fire. Where will the go? They will be harmed outside the city. Those who are visible on the streets have mental health/drug alcohol issues. Not safe for a woman on the street. In the suburbs, hoons drive around and terrorise homeless people.*

*Less people on the streets. Push people into other areas - that's all that will happen. Majority will move out of city.*

*It will push people more under worse situations. Push women to darker isolated and dangerous spots.*

*Move from one area to another. It's a vicious cycle - clean it up and it pops up somewhere else.*

*The suburbs will be terrorized and swamped.*

## 11. Practical ideas for helping people living on the streets

Respondents were asked what they thought were the most practical types of assistance that could be given to people while they were actually living on the streets, and 88 responses were received to this question. This question is not included in the Participate Melbourne survey, but was included in this consultation process to get a sense of what people with experience of rough sleeping felt was the most helpful assistance that rough sleepers could receive.

There were a wide range of responses, and answers have been grouped into the following categories:

- Material resources
- Service responses
- Facilities needed
- Activities and skills development
- Self-directed support
- Treatment of rough sleepers

### 11.1 Summary of responses

#### Material resources

The most common types of assistance required were basic resources such as food, shelter, blankets, sleeping bags and mats, and showers. Other suggestions included lockers to keep belongings safe, fresh water and “a few luxuries, such as soap”. A number of respondents said that power points for charging phones would be of significant assistance, given how much people rely on these devices.

Providing a range of different short term accommodation options was mentioned by a large number of people, including:

*Give them homes, Government has thousands that can be given to those that need housing.*

*Get them a room – but not with other people who are stuffed up.*

*Shelter overnight and dormitory style - like the old style Ozanam.*

*Put homeless people into vacant properties and they can look after it - be caretakers.*

*Provide with supported accommodation and get them permanent accommodation*

Another theme that arose was the need for people on the streets to get better access to accurate information about the services that were available:

*More info about food vans*

*Helping Out and Ask Izzy both out of date – need up to date information about services*

*Awareness of services – much more difficult than you think and much harder when you can't read and write*

#### Facilities

Respondents most commonly referred to the need for accommodation – either short term or long term – as the most important facility needed. They also suggested a range of additional facilities needed including:



*Outdoor community centre*

*More places like Frontyard and St Marks*

*Showering and washing clothes facility – affordable though*

*Designated sleeping place for people to go – needs to be staff to make it safe and secure*

*A large park where homeless people could pitch a tent – a viable alternative to get people off the streets*

*Central location for services – a one-stop-shop*

*Chill out and rest space*

## Services

While many respondents recognised that there were already services available, they made numerous suggestions about how these services could be improved. A greater focus on outreach workers (who would come to people on the street, rather than remain office-based) was mentioned by several people, as was the need for more specialist women's services. Other responses included:

*Help to get identification documents sorted out*

*Utilise grass roots knowledge – people who've been homeless*

*Needs to be more mental health and drug rehab services*

*More support for older people on the streets*

*Outreach with Anonymous X*

Numerous suggestions were made about how to get people to engage more with the services that are available, such as forcing people to attend interviews, providing more regular support, and offering housing along with other support services. Many responses reflected that support services need to be able to respond to the individual needs of those on the streets, but the way services are currently funded and organised means that this is often not possible.

## Activities and skills development

Many respondents reflected that people living on the streets needed activities to keep them engaged and positive, given the devastating negative impact of sleeping rough. Suggestions included:

*Able-bodied people could go into rehab and work programs.*

*Give positive and welcoming activities*

*Boot camp – keep fit and not be a bludger*

*Something to do – we took up fishing*

*Get in a club – football or whatever and get a reference from them*

*Community ties for people to get engaged in community*

There were also a number of suggestions about skills development help that people would like to receive, as a positive way of being assisted. These included:

*Money management.*

*Ask about what they wanted to be when they were a child. Work from there.*

*A lot of people have incredible talents - poetry, drawings, art and hidden skills – should be tapped*



## Self-directed support

Several respondents felt that people experiencing rough sleeping should be encouraged to help themselves, and commented that often there was a strong sense of mutual support from other rough sleepers. Rather than having to rely on 'paid professionals' or formal services, it was seen as important to recognise that there is something of a community amongst rough sleepers, and that this should not only be seen as a negative thing.

*Opposite to addiction is respect and self esteem*

*Encouraging people to help each other*

*We were poor but we looked after each other*

## Treatment of rough sleepers

Finally, there was a wide range and number of comments about the practical need for people sleeping rough to be treated better, by officials and by the general public. For many people, it was felt that the experience of homelessness would not be as degrading or traumatic if they were treated in a more respectful and caring manner.

There was a strong sentiment that people experiencing homelessness needed to be made to feel less worthless, and more included, by the wider community. The difficulties of homelessness were often exacerbated or worsened by the treatment that people received. Providing hope – but not false hope – was also considered important.

Some of the suggestions for better treatment included:

*Treat them like humans and engaging with them, with respect, honesty and tolerance of their current processes.*

*Everyone shouldn't be treated the same as trouble-makers.*

*Hope. Let them be themselves with no bullies and standovers.*

*Treat them with respect and let them talk and show them respect - don't judge them - that's when they get angry.*

*A f\*\*cking fair go. It's un-Australian to not give everybody a go. Everyone is different.*

*Talking to people, assist with employment and support, be kind, have compassion.*

*Getting rid of stigma will make a difference and opportunities given to further help and educate people.*

## 12. Useful ways of helping people off the streets and into housing

This question was included to get direct feedback from those surveyed about the most useful types of assistance in helping people get off the streets and into housing. There were 83 responses received to this question, many with multiple answers.

The most common responses were grouped into the following categories:

- Housing and accommodation
- Services needed
- Barriers to accessing housing
- Approach required

### 12.1 Summary of responses

#### Housing and accommodation

While long term affordable housing was seen as the most practical and useful way to get people off the street, it was also widely acknowledged that access to this type of housing is severely limited. Many people had given up on ever having access to permanent housing as a realistic option.

People commonly referred to public housing as the best solution, but with many having been on waiting lists for years or even decades, it was not held up by many as a likely option. Other forms of housing such as private rental, community housing and even short term accommodation were seen as the next best option, however the cost and relative scarcity of these was also recognised as a real limitation.

*Provide shelter accommodation (hostel type) with just the basics provided*

*Every homeless person should be put on segment 1 and given top priority in being housed*

*Should provide help to get into private rental – up front*

*In outer areas and smaller housing - cheaper housing.*

There were many negative comments about rooming houses or motel accommodation as a solution, given the poor quality, lack of safety and security and relatively high cost of these options. Many people said they preferred sleeping rough to staying in any of these forms of shelter given previous bad experiences. Some specific comments were:

*Close down all private rooming houses and transitional rooming houses and stop Government funding going to these places.*

*I don't want to move into boarding houses or anything like that.*

*Different rooming houses, too expensive for private - need dry houses for people who need it.*

Other specific comments about the types of housing needed were:

*More women's houses needed*

*Stop the rorting of passing public housing to private housing or any non-profit organisations*

*Gaps for over 25s and for couples*

*Tax people for the space they aren't using and give the money to people who haven't got a house.*

*Need help to keep paying the rent and sustain housing.*

Most respondents were aware of the limited role local government had in the provision of housing, but there were some specific suggestions as to ways in which Council could play a role with numerous people suggesting the use of Council land and buildings for temporary accommodation options such as a formal 'tent city'. Others saw that Council could help people to maintain housing once they accessed it:

*Put aside area for people to camp in the city. Also dormitory accommodation.*

*Council should set up a homeless park where people are allowed to stay, fence it off, toilet facilities, no drugs allowed, rubbish bins. Safe haven for people*

*Could even be set up out of the city on a park or oval. Have some shelter from the rain. No need to provide food. Supervised by the Council.*

*Provide areas with container housing where lots of people can be provided for with the basics.*

*Council buy a building and set it up like a rooming house.*

*Some people will need help with maintaining and cleaning their houses when they get one. Important to give this help if Council can fund it*

Finally, one respondent felt that the only realistic way to get access for housing was for people to take a DIY approach:

*Get people to build their own houses to their own design - modular that they can add to. Use modern technology to build with cheap materials.*

## Services

Generally, people were aware of the range of services available for people while they were homeless and the importance of these services in helping to get access to accommodation. However, there was also a strong sentiment that people were likely to need ongoing support if/once they were lucky enough to get access to housing. Some of the specific services that were identified as necessary for people once they had moved on from the streets were:

*Address people's problems, give social skills programs, educate*

*Rehabilitation rather than sitting around getting worse off mentally.*

*Skilling up with living skills*

*More places like here to hangout and relax and watch TV. Chill out. Everyone wants somewhere to chill out - 24/7 place. Places all have different hours.*

*Employment - support for people with criminal records in employment – all the low skilled opportunities go to overseas people*

*Rehab and mental health services.*

*Mentoring, advocacy, money/funding.*

Several respondents also mentioned the need for various services to work in a more coordinated way, with Centrelink being identified as an important central service.

## Barriers

Almost every single respondent identified the current barriers in accessing long term (or even short term) housing. The general sentiment was 'not enough housing, and too expensive'. For people on fixed and very low incomes, and even some who

have no income, the barriers were multiple and often overwhelming. Some of the specific barriers to accessing housing faced were:

*Available housing too dangerous especially for women.*

*Long waiting times to get into housing.*

*Services used to take anyone – now too much screening and triaging.*

*Need more housing. Government can build lots of things for the community (sports stadiums etc) - why not build something for the homeless - we are still part of the community.*

*Landlords can just kick us out and replace us with the next guy.*

*Time frames are not realistic- not easy to find a place quickly*

Many of those surveyed had been 'in the system' for a long period and were well aware of the resource constraints facing services, as well as the more structural barriers to accessing affordable housing. As one person said:

*No place I have ever gone to has really helped. Places like this are good for a feed, but they can't get you into housing.*

### **Approach required**

There was not a single person surveyed who saw staying on the streets as a preferred option – it was either seen as the last option, or the better of two evils (the alternative being in unsafe or unaffordable short term accommodation). However, respondents felt that as well as providing alternative housing options, there also needed to be a change in approach. Many of the suggestions focused on a more empathetic and compassionate attitude toward rough sleepers.

There were many suggestions about Council and other institutions (such as business, churches and community organisations) working together and leading by example and showing the general community that people experiencing homelessness deserve a fair go, along with properly resourced support services.

Many asked that Council adopt a supportive rather than a punitive approach. Another common suggestion was that Councillors spend time with the homeless, listening and talking to them to gain a better insight into their lives and challenges.

It was also noted that for some rough sleepers, they needed to be more willing to accept assistance and make a positive change in their lives. To create a pathway out of homelessness is not easy for governments, but several people commented that neither is it easy for the individual involved.

### 13. Conclusions

This project highlighted that there are a range of views from people with experience of homelessness who will be most affected by the proposed changes to Council's local laws. However, there was clearly strong opposition from those surveyed for this project to the key changes proposed in the Council resolution on the *Activities Local Law 2009*.

Apart from a strong sentiment that these changes were unfair and unjust for those people who often had no other options available to them, the key reason for this opposition was that people did not believe that these changes would address or deal with the underlying issues forcing people to sleep or live on the streets of Melbourne. While there was some acknowledgement of the need to address the public safety issues that Council has raised, there was a common belief that there are more effective measures that could and should be put in place.

Instead of fining people and confiscating belongings from those who had no other place to keep their possessions, there were a range of other suggestions including the provision of lockers, and other storage solutions as well providing housing and homes to keep people and their belongings off of the streets.

The strongest opposition was to the proposed level of fines being imposed was part of the changes to the local law. Given the dire financial situation of all those who would be impacted, it was felt to be disproportionate to impose such hefty fines of up to \$388. Apart from the fact that no one would have these resources to pay the fines, it was felt that this would only lead to greater criminalisation and eventually imprisonment for non-payment of fines for rough sleepers.

A minority of people felt that the proposed changes to the *Activities Local Law 2009* may be warranted to address the issue of large groups with a lot of belongings on city streets. However, there was a strong qualifier that this would only work if adequate shelter, housing and storage could be provided. Without storage and safe shelter for people it was felt that the proposed changes will only exacerbate people's situations rather than providing solutions.

For some of the respondents who supported the changes, there seemed to be a view that if the local law was changed, it would not apply to them because despite sleeping rough they keep to themselves and keep their belongings tidy and well hidden.

Many respondents also indicated that there needed to be greater clarity around the procedural approach that Council was proposing to take in enacting these laws (with many grey areas about how it would be enforced), and that it was critical for there to be much better information provided about the proposed changes for people who may be affected. Any changes to *Activities Local Law 2009* will need to be effectively communicated to the target group.

Overall, responses from this survey highlighted that people with a lived experience of homelessness have well considered and valuable contributions to this public policy issue. The high level of engagement with this consultation process demonstrates that they are keen to be involved in developing solutions to the issues raised that are feasible, reasonable and have an increased likelihood of working.

# Targeted stakeholder feedback, proposed amendments to Activities Local Law 2009

*City of Melbourne*

VERSION 1, 22 MARCH 2017

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## **Consultation**

Unless otherwise stated, all feedback documented by Capire Consulting Group and any person(s) acting on our behalf is written and/or recorded during our program/consultation activities.

Capire staff and associates take great care while transcribing participant feedback but unfortunately cannot guarantee the accuracy of all notes. We are however confident that we capture the full range of ideas, concerns and views expressed during our consultation activities.

Unless otherwise noted, the views expressed in our work represent those of the participants and not necessarily those of our consultants or our clients.

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# 1 Executive Summary

## 1.1 Introduction

Capire Consulting (supported by Social Fabric Planning), were commissioned to provide engagement support to assist with the City of Melbourne's broader engagement strategy to gain insights and feedback on the proposed amendments to the Activities Local Law 2009.

The support included:

- strategic advice
- facilitation at four facilitated discussions
- business interviews across three key zones of the central business areas
- reporting on individual activities.

As part of this project, each event was minuted and a separate report was prepared.

This report is summary of the key themes, ideas and response across all four activities and interviews, including a summary of each individual session.

## 1.2 Summary of activities

Capire facilitated four targeted conversations and 38 business interviews. The summary of each activity is outlined below in table 1.

*Table 1 Summary of each engagement session*

Session	Stakeholder Group	Number of participants	Date and time	Location and notes
1	Homeless Advisory Committee (HAC)	20-25 participants	Monday 20 February 6.30pm-8.30pm	Melbourne Town Hall
2	Melbourne Homelessness Service	14 participants	Tuesday 28 February 9.30am-	FrontYard, King Street, Melbourne

	Coordination Project - operations group		10.15am	
3	Business engagement - Small workshop	60 invited, 4 participants	Thursday 9 March, 9.00am- 10.00am.	Media Presentation Suite, Town Hall
	Business engagement - Door-to-door interviews	38 interviews across four sessions	Between 7 and 10 March 2017	Carlton- Elgin/Lygon Streets King Street and surrounds Block bound by Flinders/Elizabeth/Lonsdale/Swanston
4	Rough Sleeping Response Task Force	15 participants	1.45pm-2.15pm	Mantra on Russell. 222 Russell Street, Melbourne. Flinders Room

### 1.3 Consultant observations

As consultants, we made the following observations:

- The topic of homelessness is an emotional issue for many participants. Throughout the engagement period, many participants felt genuinely upset when talking about the likely impacts of the proposed changes.
- Some participants showed frustration towards the City of Melbourne and bewilderment about the rationale for the proposed changes.
- Each session started with some initial concern, and after a release of frustration, each session fell into a constructive, dynamic and respectful conversation.
- Some business respondents found it difficult to speak from a business perspective rather than a personal perspective, given the issue is very personal for many.
- Given the business interviews were a door-to-door survey, not all business operators were ready to talk and at times it was difficult to speak to an owner or a senior manager. For many smaller stores, the manager was not available so the interview was undertaken with the next available employee.
- Some respondents thought the project title was misleading given it was called a review of the Activities Local Law 2009 and referred to the broader terminology about 'how people use public space' rather than homelessness.

## 1.4 Key feedback from the engagement

### 1.4.1 General comments

- Some participants thought a change to the way homelessness issues were being managed was inevitable, however they thought the proposed changes felt rushed and lacked sufficient evidence, strategic thinking and policy support to be useful.
- Overwhelmingly, there was disappointment that the City of Melbourne was heading in this direction after showing long-term positive leadership and compassion for homelessness issues.
- Most thought the proposed changes moved towards criminalising homelessness without providing sufficient alternatives and solutions to help those experiencing homelessness get the support they need.
- Many thought the proposed changes were reactive and did little in responding to the real issues facing the homeless community, specifically the lack of appropriate crisis, temporary and affordable housing, and the access to targeted services and supports.
- Respondents also commented on what they perceived as the 'rushed' nature of the proposed amendments. Some thought that careful consideration and an extended period of research on global best practice and how current laws can be maximised was necessary before launching any proposal to amend the law.

### 1.4.2 Feedback about the proposed changes to the definition of camping

- There was mixed and varied feedback about the proposed changes to the definition of camping.
- Some thought the proposed changes would provide more clarity and a clearer process for managing people who are rough sleeping without a structure, while others thought the proposed definition was too broad and could be open to exploitation.

- Others thought there may be some need for this broadened definition to deal with large groups congregating in informal 'camps' in prominent locations, but that it was generally inappropriate for dealing with single and small groups of rough sleepers.

### 1.4.3 Feedback about the proposed changes that allow the collection of unattended personal belonging

- While some people acknowledged that there was a problem with the accumulation of rubbish along the streets from those experiencing homelessness (particularly larger groups), there was agreement that this was not a straightforward issue that could not be dealt with by one response.
- Recommendations included that an alternative is required, potentially providing lockers to provide somewhere that is safe and secure for personal irreplaceable goods such as legal documents, medication, money, identification or family heirlooms.
- Some discussion revolved around having a building that could be centralised service area, such as a community hub or one-stop-shop where homeless people could go to safely store personal belongings and access the support services they need.

### 1.4.4 Feedback regarding the proposed fine

- There was strong opposition to the proposed fine to reclaim unattended personal belongings. Almost all participants thought that the fine was not the answer. Some thought it was too high and others thought it had the potential of adding trauma to an already vulnerable person.
- There was also some confusion about the fine and the difference between an existing free lost property service and a \$388 fine for collecting unattended belonging.

## 2 Summary of each session

### 2.1 Homelessness Advisory Committee (HAC)

The following table is a summary of the session held with the Homelessness Advisory Committee.

*Table 2 Summary of the HAC session*

Name of Group	Homelessness Advisory Committee (HAC)	
Date of Session:	Monday 20 February 2017	
Length of session:	2 hours	
Number of attendees:	22 participants, 7 observers.	
Groups represented at this session:	Chair and Councillor, City of Melbourne Manager, Social Investment, City of Melbourne Team Leader, Social Investment, City of Melbourne Project Officer, City People, City of Melbourne Senior Social Planner, Social Investment, City of Melbourne Inner Melbourne Community Legal	Co Health Youth Projects Individual Members Launch Housing Anglicare Justice Connect Consumer Representatives WIRE Inc

#### 2.1.1 Purpose of the meeting

A meeting was held on Monday 20 February to update the Homelessness Advisory Committee (HAC) on issues relating to homelessness within the City of Melbourne. The agenda proposed starting with a short presentation/update by Dean Griggs (City of Melbourne) followed by a discussion facilitated and minuted by Capire Consulting Group.

The facilitator (Jo Cannington) introduced the format for the discussion, outlining the session seeks to gain insights and feedback regarding the proposed changes to the Activities Local Law 2009.

Some members of the group stated that they did not feel ready to have this conversation and had fundamental concerns about the approach Council was taking and requested that instead of a targeted conversation, the group were provided with an opportunity to provide broader feedback to Council about the likely impacts of the proposed changes.

After some discussion, the group agreed to have a general conversation.

## 2.1.2 Context for reading this summary

As well as reading these notes, it is important to understand the mood in the room. All members of the group have either experienced homelessness or advocate for and/or support members of the community who are homeless.

At times, members of the group were very emotional talking about their experiences of homelessness and throughout the conversation there was a lot of passion, frustration and, at times, anger directed towards the City of Melbourne about the impact of the proposed changes.

After an initial five to ten minutes of heated debate, the group settled into an emotional, honest, dynamic and respectful conversation. This dynamic was maintained for the hour discussion and resulted in constructive feedback to Council.

## 2.1.3 Summary of key themes raised throughout the discussion

The following themes have been prepared as a summary of the key issues raised throughout the discussion.

### 2.1.3.1 THEME 1: CHANGE IN POLICY DIRECTION FROM THE CITY OF MELBOURNE

Some participants felt disappointed that the City of Melbourne was not showing the leadership expected on the homelessness matters and were confused why these changes had been proposed when historically Council had shown compassion and inclusion around homelessness issues.

There was a lot of feedback about the nature of the proposal. Some participants thought Council was reacting to media and police pressure rather than showing strategic leadership, tackling the complexity of the issues.

A few participants commented on the importance of appropriate training for enforcement officers to deal with unique and specialised needs of homeless people.

Others had concern that Council was setting up marginalised group against marginalised group given the needs and wants of the disability sector has been raised as one of the reasons for the reform.

#### 2.1.3.2 THEME 2: FUNDAMENTAL UNEASE WITH THE PROPOSAL AND THE IMPACT THIS WILL HAVE ON A VULNERABLE GROUP

There were a range of comments relating to the “unease” or feeling that the proposal was “just not right” given the complexity of the issues and given many homeless people are often experiencing extreme trauma and vulnerabilities. One participant suggested the proposal was against the charter of human rights and the New Urban Agenda for supporting inclusive and engaged global cities.

There was some discussion about understanding what else homeless people are meant to do, such as ‘where are they meant to store their belongings?’. Caution was given to not just focusing on the visual appearance of homelessness, but to take responsibility for helping and supporting vulnerable groups. One participant asked “where are they meant to go?” implying that the approach assumed choice without clearly providing any alternative options.

#### 2.1.3.3 THEME 3: FINES ARE AN INAPPROPRIATE AND INEFFICIENT WAY TO DEAL WITH A SOCIAL PROBLEM

There was strong agreement that fining homeless people was not the answer. A range of examples were given from the emotional stress this could cause some people, to the impact it will have on their already limited finances.

Some services highlighted that this could end up impacting their ability to provide service support as service may end up needing to assist a person to pay a fine to access their goods, instead of buying their medication or supporting them in other ways. For example,



for many services a client needs important documentation before they can get help: they may need a birth certificate or banking, legal or medical documentation.

The impact on the legal system was also raised as a likely impact from the reform given the time and effort it will take to fight a fine and the impact this could have on already limited legal resources. The legal expert from Justice Connect, who was present, noted that it has frequently been observed that the courts show leniency to people who cannot help but break the law, such as those who are homeless. It was felt the amendments would unnecessarily clog up the courts with cases.

#### 2.1.3.4 THEME 4: NEED TO MAXIMISE THE EXISTING POWERS OF THE LAW

There was some discussion that this reform implies there is a criminal element to homelessness and some people felt there were sufficient existing laws in place to deal with the issue and that this initiative was only adding further negative stigma to an already vulnerable and marginalised group. Some believed this was a change in the policing position and some discussion about the City of Melbourne and the need for the separation of powers.

#### 2.1.3.5 THEME 5: FURTHER JUSTIFICATION OF THE BUDGET ALLOCATION TO THE ISSUE

The presentation made by City of Melbourne's Manager, Social Investment, Dean Griggs outlined the options considered for the \$2 million allocated to the homelessness issue. There was discussion about the importance of "doing something on the ground" by providing an alternative and/or support now before people are fined and without any other options.

The group discussed the potential for the City of Melbourne to provide lockers, and some saw this as a quick win, while acknowledging that there would be some management time required to operate the program.

#### 2.1.3.6 THEME 6: CAUTION ABOUT REDEFINING THE TERM "CAMPING"

Some thought changing the definition of the term "camping" allowed for the assessment to be too subjective and there were specific examples of the impact taking away personal goods can have on an already vulnerable person. For example, the change of definition might now include "a car" and this might be the only safe place a person may have to

sleep, for example, a woman fleeing domestic violence or a homeless person between temporary accommodation options.

#### 2.1.3.7 THEME 7: ONGOING ROLE OF THE HOMELESS ADVISORY COMMITTEE (HAC)

Several members of the group asked for clarification of the role of the HAC and highlighted their disappointment finding out about the changes through the media. Many felt that, as appointed representatives, they have a role in advising Council about what they should do on this issue and felt they have not been adequately consulted. They also want clarification about the ongoing process and impact/ influence they will have the decision and recommendations to Council.

## 2.2 Melbourne Homelessness Service Coordination Project - operations group

The following table is a summary of the session held with the Homelessness Service Coordination Project - operations group.

*Table 3 Summary of the Melbourne Service Coordination Project operations group session*

Name of Group	Melbourne Homelessness Service Coordination Project - operations group	
Date of Session:	Tuesday 28 February 2017	
Length of session:	1 hour	
Number of attendees:	17 participants	
Groups represented at this session:	Team Leader, Social Investment, City of Melbourne  Senior Social Planner, Social Investment, City of Melbourne  Salvation Army  CHP  IWAMHS Community Team	'Hot Spots' Chair  Anglicare Victoria  Youth Projects  Cohealth  Launch Housing  Frontyard, MCM  RDNS HPP

### 2.2.1 Purpose of the meeting

A meeting was held on Tuesday 28 February to update the Melbourne Homelessness Service Co-ordination Project operations group about the proposed changes to the Activities Local Law 2009. The group consists of frontline workers working on homelessness and related health issues.

The session was held at the FrontYard youth facility on Kings Street and the discussion was added as an additional agenda item to an existing meeting.

### 2.2.2 Context for reading this summary

The session took place towards the beginning of the engagement period and knowledge of the proposed changes varied amongst the group. Some time was spent with a questions and answer format to clarify different commitment of the proposal.

### 2.2.3 Summary of key themes raised throughout the discussion

The following themes have been prepared as a summary of the key issues raised throughout the discussion.

#### 2.2.3.1 GENERAL

- This approach doesn't respond to the real issue. There is a lack of suitable crisis, transitional and affordable accommodation in the CBD and the quality of the accommodation on offer is poor.
- The issue isn't just about accommodation, it's about having enough services and program supports for our community.
- The proposed changes to the law is painting all homeless people with the same brush. Not everyone who is homeless gathers in a public place in a large group. What impact will this have on individuals?
- The proposal simplifies the issues, potentially criminalising homelessness when what homeless people need is appropriate housing and targeted support for their issues.

- Need to consider developing the Bailey House (night time accommodation model) and a FrontYard (day time multi service for youth model) for people experiencing homelessness. The city needs a few locations across the city, where homeless people can go, store their belongings safely, and access the support and services they need.
- There was some acknowledgement that accumulated belongings are an issue in the city and impacts all city users.

#### 2.2.3.2 FEEDBACK ON THE PROPOSED CHANGES TO THE DEFINITION OF CAMPING

- It may encourage people to consider a pathway out of homelessness.
- It's potentially draconian.
- The use of the word 'camping' is misleading and the law need to refer to rough sleepers if that is the intention of the change.
- Isn't helping the issue.

#### 2.2.3.3 FEEDBACK ON THE PROPOSED REMOVAL OF BELONGINGS

- Acknowledgment that there is a problem when a lot of people leave their goods in the one area however there are only a few groups that do that and many other individuals/smaller groups are being impacted by these changes.
- Need to provide an alternative storage option instead of just taking goods away. What are they meant to do instead?
- Consider lockers as a good option for important documentation and belongs-identification, legal documents, photos, family heirlooms.

#### 2.2.3.4 FEEDBACK ON THE PROPOSED FINE.

- Fining homeless people doesn't make sense; how are they going to find the money to pay this?
- Could come back to haunt people in the future. For example, once they transition out of homelessness, they might have to deal with huge debts.
- The fine is too high. A small nominal fee might be more realistic if this is the desired direction.

## 2.3 Business engagement

Between 7 and 10 March 2017, Capire conducted a targeted workshop and face-to-face interviews with businesses from around the City of Melbourne, which is summarised in the table below. The purpose of the engagement was to gauge the level of support to the proposed amendments to the Activities Local Law.

- The workshop was attended by four businesses operating in the CBD and surrounds.
- The interviews were undertaken over 10 hours and covered three main zones across the City of Melbourne:
  - The central CBD business zone, including the area bound by Swanston, Flinders, Elizabeth and Lonsdale Streets
  - The King and Flinders Street business zone, including Flinders Street between Queen and King Streets and King Street from Flinders to Bourke Street
  - The Carlton business zone, covering Lygon Street between Grattan and Elgin Streets, and Elgin Street between Lygon and Rathdowne Streets.

*Table 4 Summary of participants*

Technique	Number of participants
<b>Workshop</b>	Participants in one workshop. (102 invitations sent out to businesses previously impacted by homelessness, shopping/retail centres, business precinct presidents and executive officers). They represented, Queen Victoria Market, a fast food chain, a Local Church and a larger shopping centre operating in the CBD.
<b>Door-to-door interviews</b>	38 interviews across four sessions.
<b>Flyers handed directly to businesses</b>	32 fliers across four sessions and encouraged to participate online.

### 2.3.1 Context for reading this summary

The following list is a summary of the context for reading this report.

### 2.3.2 General observations

- Respondents found it difficult to speak from a business perspective rather than a personal perspective as the issue is a very personal one for many.
- Given the interviews were a door-to-door survey, not all business operators were ready to talk and at times it was difficult to speak to an owner or a senior manager. For many smaller stores, the manager was not available.
- After explaining the proposed changes, respondents would often comment that the survey is about homelessness, rather than broader 'how people use public space'.

### 2.3.3 Summary of key comments raised throughout the interviews and at the workshop

The following summary has been prepared to identify the key comments/issues raised throughout the interviews and at the business workshop.

#### 2.3.3.1 GENERAL

- Some thought the proposed response did not address the broader causes of homelessness and more could be done.
- Most people thought the issues was much broader than being presented and thought that community education and better service support, more public housing was important.
- Almost all participants wanted more information about how often this proposed change to law will be applied, when and where?
- Some thought that these changes would make the city safer and cleaner.
- Some discussion about public space and the importance of the whole community having access to public land.

#### 2.3.3.2 RESPONSE TO THE PROPOSED CHANGE TO THE DEFINITION OF CAMPING

There was debate about this proposed change to the definition of camping. Most people were opposed to the change but some also supported the proposal. Issues included:

- did not take people off the streets given no alternatives are being provided
- damages business when people are sleeping rough in front of the property
- streets are not for camping on; other locations such as parks are more appropriate
- sleeping rough creates a bad impression of Melbourne for tourists and impacts business.

#### 2.3.3.3 RESPONSE TO THE PROPOSAL OF THE REMOVAL OF UNATTENDED BELONGINGS

Some participants thought the proposed changes were helpful and provided a consistent response for business, however many were not convinced this was the best response. There was strong debate for both support and opposition to this change. Comments included:

- a belief that Council should not take from people who have so little already
- could cause distress to those who had their belongings taken
- was unfair given they were homeless and that there was a need for an alternative, somewhere to store their belongings
- acknowledgement that it would improve the appearance of the streetscape, particularly for tourists
- it may be necessary in some cases, but it should not be a 'blanket rule' and used only in more extreme cases of large amounts of unattended belongings
- some businesses thought that the disposal of unattended belongings can be costly to small business and welcomed the approach - provided the process was clear to all involved
- some thought a better approach was the existing City of Melbourne program called Connect Respect; they felt giving staff the confidence to approach people and a solution that didn't demonise homeless people was critical
- some businesses wanted clarity about the difference between "lost property" and "unattended goods".

#### 2.3.3.4 REPONSES TO THE PROPOSED FINE

There was strong opposition to this proposal from almost all participants. Specifically:

- homeless people have no way to pay the fee

- perpetuate the cycle of homelessness and marginalisation
- unreasonable to ask people to pay to reclaim their own belongings
- the fee is far too high; 'regular' people cannot pay that kind of fee to reclaim lost property, let alone people who are homeless
- unfair on an already marginalised and vulnerable group.

#### 2.3.3.5 OTHER IDEAS

Other suggestions included:

- to work with developers to include new lockers, showers and supports service within new developments
- extend the reach and greater implementation of the *City of Melbourne Connect Respect program*
- provide more information about service support and housing options so it's readily available for business.



## 2.4 Rough Sleeping Response Task Force

The following table is a summary of the session held with the Rough Sleeping Response Task Force.

*Table 5 Summary of the Rough Sleeping Response Task Force session*

Name of Group	Rough Sleeping Response Task Force	
Date of session:	Wednesday 15 March	
Length of session:	The session was held within an existing meeting and allocated 30 minutes for the discussion. Given the length of the session, only a high-level discussion was achieved, however participants were encouraged to continue the conversation online.	
Number of attendees:	23 participants	
Groups represented at this session:	Chair, Melbourne Health Salvation Army Lord Mayor's Charitable Foundation DHHS Youth Projects Brotherhood of Saint Laurence Team Leader, Social Investment, City of Melbourne Legal Counsel, City of Melbourne	Launch Housing Salvation Army Council to Homeless Persons Vincent Care Corrections Victoria CoHealth Melbourne City Mission Victoria Police Manager, Social Investment, City of Melbourne

## 2.4.1 Summary of key themes raised throughout the discussion

The following themes have been prepared as a summary of the key issues raised throughout the discussion.

### 2.4.1.1 THEME 1: NEED FOR A FEDERAL, STATE AND LOCAL GOVERNMENT APPROACH TO THE ISSUE OF HOMELESSNESS

There was much discussion about the need for the Federal and State government, and City of Melbourne to work together to come up with stronger partnership for responding to long term issues of homelessness, suitable housing, more funding for better support and consistency between different levels of government.

### 2.4.1.2 THEME 2: CONSISTENT APPROACH TO CITY OF MELBOURNE RESPONSE TO HOMELESSNESS

Some participants suggested that this approach was inconsistent and contrary to existing City of Melbourne policy. Much disappointment from the group about the way this matter is being handled. Need to explore and utilise existing programs, policies and legal avenues before considering a new approach.

### 2.4.1.3 THEME 3: NEED FOR A MORE COMPASSIONATE RESPONSE TO THE ISSUE

Strong opposition to the general response and proposal from the City of Melbourne, specifically removal of personal belongings and the proposed fine and need for a more compassionate solution, such as lockers and more targeted service support. Some participants showed agreement with the United Nations position that this proposal is a violation of human rights.

### 2.4.1.4 THEME 4: NEED FOR A LONG-TERM MORE STRATEGIC APPROACH TO HOMELESSNESS

Many thought this approach is reactive and short term and not based on the existing evidence. Some participants suggested the events of recent months were a product of a poorly managed issue and requested greater longer-term strategic leadership.

### 2.4.1.5 THEME 5: UTILISATION OF EXISTING LAWS

Some participants thought there were sufficient existing laws to deal with homelessness and that it was more about maximising their utilisation and applying them across the city.

#### 2.4.1.6 THEME 6: APPLICATION OF PROPOSED AMENDMENTS

There was also some concern about how the proposed changes would be implemented on the ground, and how this could be affected by changing political mindsets. Great clarity around on-the-ground application processes was desired.

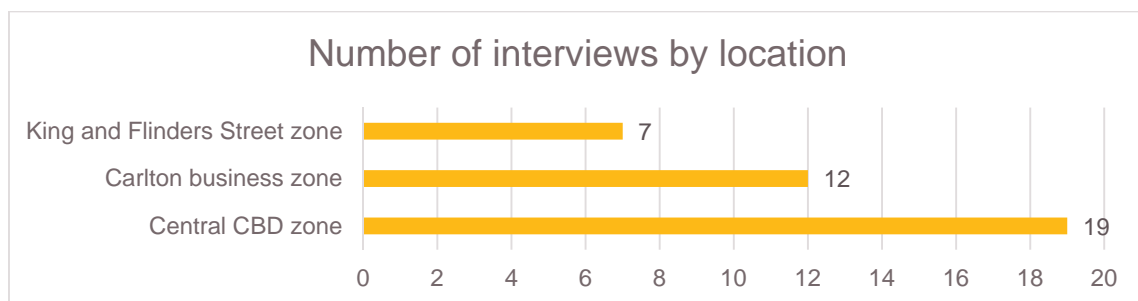
## 3 Appendix 1: Detailed findings from business interviews

### 3.1 Findings from the business interviews

#### 3.1.1 Participation

A total of 38 interviews with people working in businesses from 7 to 10 March 2017. When possible, business owners or managers were sought out, but employees were also interviewed when no management was available. People who could not take time out of their work to do the interview were given a flyer that provided the link to the *Participate Melbourne* website where they could complete an online survey or put in a submission.

*Figure 1 Number of business interviews by location*



Note that two sessions of interviewing were conducted in the central CBD zone at the request of the City of Melbourne, compared to one each in the Carlton and King Street zones.

#### 3.1.2 Interviewee responses

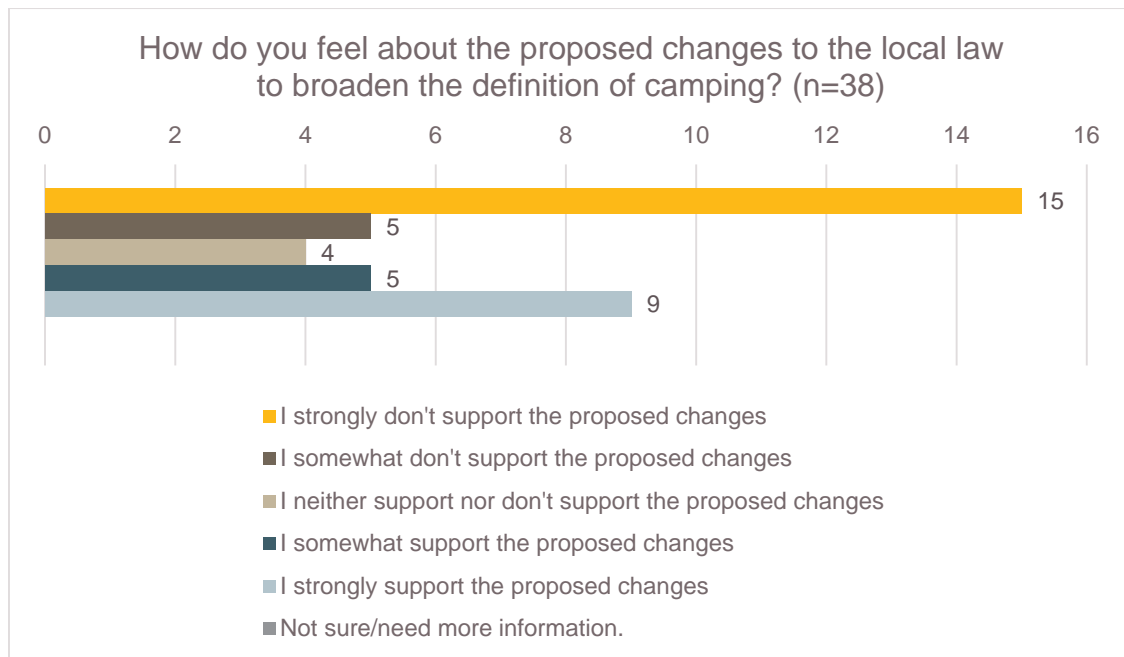
Interviewees were firstly asked about their degree of support for the three proposed changes to the Activities Local Law (broadening the definition of camping, the removal unattended belongings and a fee to reclaim the belongings) and the reasoning behind their degree of support. They were also asked about any other actions they thought could be

taken to address rough sleeping and unattended belongings in the City of Melbourne. The findings are presented in the following sections.

### 3.1.2.1 BROADENING THE DEFINITION OF CAMPING

Interviewees attitudes to the proposed amendment that would allow for the broadening of the definition of camping are shown in the figure below. Over one third were strongly against the proposed change.

*Figure 2 Attitudes to broadening the definition of camping*



The main reasons that interviewees were strongly against the proposed changes were:

- did not take people off the streets, as no alternative location or services were provided
- did not address the broader causes of homelessness
- regarded as very harsh and targeting those who have nothing already
- regarded as criminalising homelessness
- did not benefit business to do so.

The main reasons that interviewees strongly supported the proposed changes were:

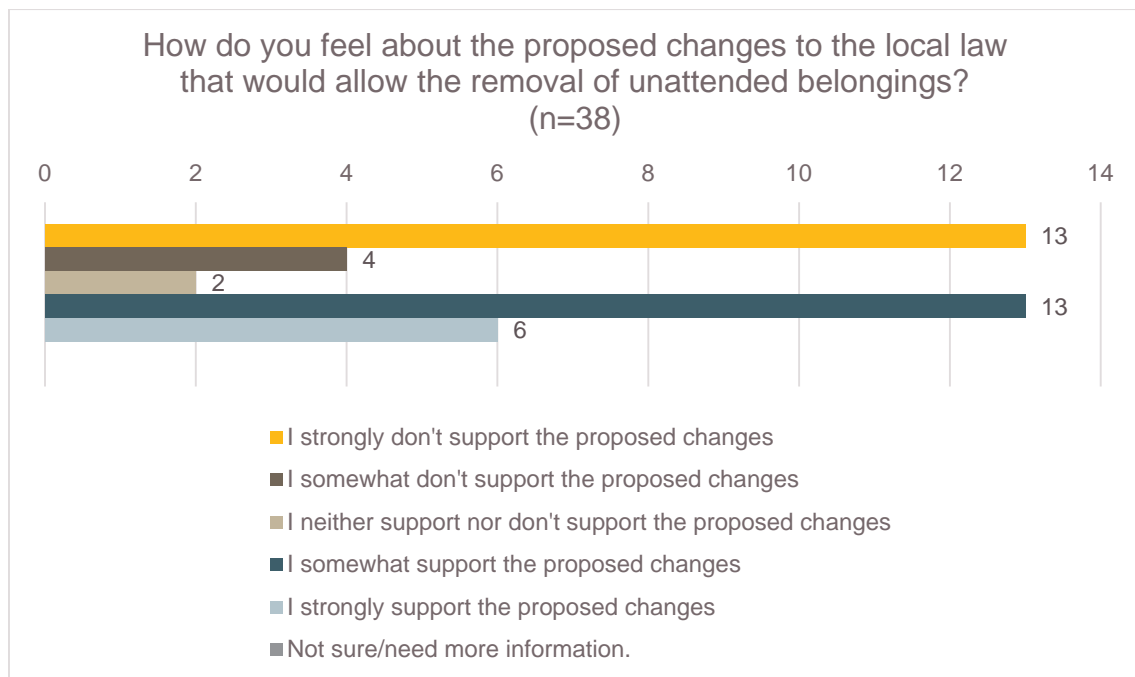
- people sleeping rough create a bad impression of Melbourne for tourists
- damages business when people are sleeping rough in front of the property

- streets are not for camping on; other locations such as parks are more appropriate
- the issue of increasing homelessness needs to be addressed
- some are not 'real' homeless people and don't want help
- it would make the city safer and cleaner.

### 3.1.2.2 REMOVAL OF UNATTENDED BELONGINGS

Interviewees' attitudes to the proposed amendment that would allow for the removal of unattended belongings are shown in the figure below. Over one third were strongly against this proposed change, and over one third somewhat supported the proposed change.

*Figure 3 Attitudes towards the removal of unattended belongings*



The main reasons that interviewees were strongly against the proposed changes were:

- should not take away people's personal belongings, particularly when homeless people have so little already
- would cause distress to those who had their belongings taken
- homeless people do not have anywhere else to store their belongings
- does not do anything to support homeless people or help them leave homelessness.

The main reasons that interviewees somewhat supported the proposed changes were:

- removal of belongings will act as deterrent for leaving belongings unattended
- it would create more public safety
- it would create cleaner public spaces
- It would improve the appearance of the streetscape, particularly for tourists
- if the belongings were unattended for a set period (for example two days), it would be more appropriate to remove them
- it may be necessary in some cases, but it should not be a 'blanket rule' and used only in more extreme cases of large amounts of unattended belongings
- provided that the retrieval of the belongings had no fee attached to it, and it was treated more like picking up lost property.

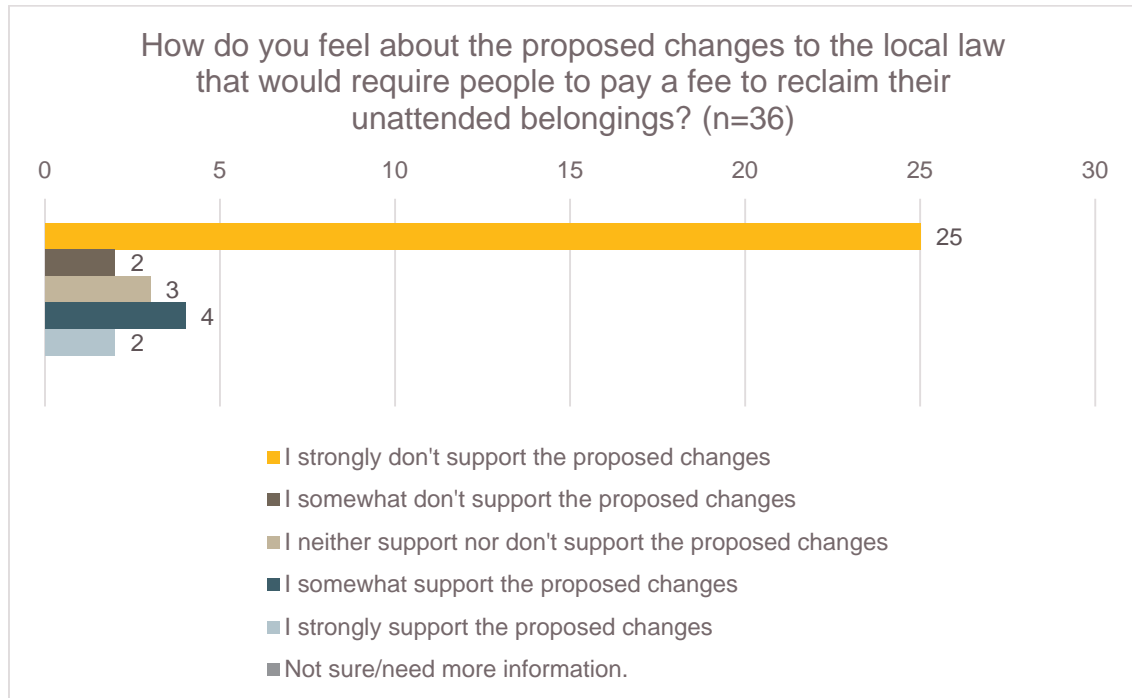
The main reasons that interviewees strongly supported the proposed changes were:

- the eyesore created by belongings left on the streets
- camps and unattended belongings create a poor impression for visitors and business patrons
- the public danger of unattended belongings needs to be mitigated; for example, people may trip over the belongings, children are exposed to bottles and syringes
- not all people on the streets are 'real' homeless people; some will refuse help or food because they make a lot of money begging.

### 3.1.2.3 FEE TO RECLAIM BELONGINGS

Interviewees attitudes to the proposed amendment that would require a fee to be paid to reclaim unattended belongings are shown in the figure below. Over two thirds of interviewees were strongly against the proposed amendment.

Figure 4 Attitudes towards a fee for reclaiming unattended belongings



The main reasons that interviewees were strongly against the proposed changes were:

- regarded as 'kicking people when they're down'
- homeless people have no way to pay the fee
- perpetuate the cycle of homelessness and marginalisation
- unreasonable to ask people to pay to reclaim their own belongings
- creates a poor impression of Melbourne to tourists
- the fee would encourage people to steal or mug in order to find the money to reclaim their belongings
- the fee is far too high; 'regular' people cannot pay that kind of fee to reclaim lost property, let alone homelessness
- the fee has malicious intent.

The main reasons that interviewees somewhat supported the proposed changes were:

- homeless people will be able to retrieve the belongings
- the fees could be used to clean the streets.



## 3.1.2.4 OTHER SUGGESTIONS

Interviewees were also asked if they thought there were any alternative actions that could be taken so that people are not forced to sleep rough in the city and to reduce the number of personal belongings left unattended on the streets by people sleeping rough. These suggestions are presented in the table below.

*Table 6 Business interviewees' suggestions for alternative actions*

Actions to address rough sleeping	Actions to address unattended personal belongings
<p>More support for service providers and charities, such as the Salvation Army</p> <p>Designated places to 'camp' within the city outside of tourism hot spots</p> <p>Service centres with food, bathrooms, shelter, clothing, toiletries, blankets, beds</p> <p>Use the vacant buildings or structures in the city as accommodation</p> <p>Addressing mental health issues that push people on to the street</p> <p>Addressing those with drug and alcohol problems</p> <p>Addressing lack of work</p> <p>Addressing domestic violence</p> <p>More community involvement in support work</p> <p>More public housing and hostels to provide long-term options</p> <p>Counselling and healthcare services</p> <p>More promotion of the options available to homelessness people for support</p>	<p>A locker system available in different places around the city,</p> <p>A locker where the removed belongings are placed, and can recovered with a small fee</p> <p>Treating removed unattended items like lost property, which can be disposed of after a set period if not claimed (for example three months)</p> <p>Distribute bags, suitcases, trolleys or wheelie boxes</p> <p>Everyone should have personal responsibility for their own belongings</p>

### 3.1.2.5 OTHER COMMENTS

Interviewees could make any other comments at the end of the interview. Their comments included:

- 'The Government in Beijing is harsher. Need to be a bit tougher here in Australia.'
- 'Catch 22 – it is not a one size fits all approach to help homeless people. They're on the street for different reasons: mental health issues, addiction issues, without a home. We expect a certain level of behaviour if people use our facilities. If they're nice, respectful people, it's no problem to use our bathrooms. Twenty per cent are a problem, and occasionally we've had to call the police. It's a tricky and tough situation. We feel for them.'
- 'These people need government to give support. But there are the people who beg as a business. Sometimes if we offer them food, they refuse it. Make the distinction between begging as business and genuine homeless people. Police should move on the non-genuine homeless people.'
- 'Honest people who are homeless don't ask for things, they just accept what they are given.'
- 'They need to clean the streets up because it looks terrible. Where do they shower, urinate?'
- 'Provide guided support. Removing people doesn't help the situation. It will just move the situation to somewhere else.'
- 'I have two businesses, and I go home every night, so everything is fine for me. Changing the local law is not a solution.'
- 'It's a free country but you need to act according to the law.'
- 'The Flinders Street scenario put it in the public's eye. More public housing; it should be free!'
- 'A lot of homeless have psychological issues; they need help. Provide a safe environment for them to go to. Introduce a support system.'
- 'People need to help and support each other. I hate donations. People should give them their time and energy. Engage with them and get to know them to break down barriers.'

At our business, we give out free water and they come in and listen to the music. Sometimes staff give them their lunch.'

- 'They need a place to go! Do we want to be more like America? No.'
- 'What you are proposing is ridiculous. Don't ignore the bigger issue.'
- 'The homeless are stigmatised, we need more education about homelessness. Affirmative action for homeless to get jobs.'
- 'I'm proud to be Victorian; we are one of the most progressive states and Melbourne is not like this!'
- 'I have a lot to say but I don't want to get too dramatic. People see homelessness as a problem, but it ain't.'
- 'Lots of homeless can give a bad vibe to the area but where else are they going to? There are only about four people rough sleeping in Carlton which is not a big deal. I know quite a few homeless - if you ban them from CBD, you just shift the problem. We need to come together as a state.'