

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
Total	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
Residents live in the city (includes three outside city)	305 (19%)	89 (29%)	216 (71%)	89 (29%)	216 (71%)	21 (7%)	284 (93%)
Visitors	639 (39%)	49 (8%)	590 (92%)	49 (8%)	590 (92%)	13 (2%)	626 (98%)
Workers	458 (28%)	64 (14%)	394 (86%)	64 (14%)	394 (86%)	14 (3%)	380 (97%)
Businesses	31 (2%)	18 (58%)	13 (42%)	18 (58%)	13 (32%)	3 (10%)	28 (90%)
Homeless people / Advocates	194 (12%)	14 (7%)	180 (93%)	14 (7%)	180 (93%)	0	194 (100%)
Concerned Citizens	10 (less than 1%)	0	10 (100%)	0	10 (100%)	0	10 (100%)
Total		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
Individuals	646	12	634	12	634	2	644
Local Government	4	0	4	0	4	0	4
Legal Services	9	0	9	0	9	0	9
Universities	5	0	5	0	5	0	5
Community Support Services	53	0	53	0	53	0	53
Government (Victoria Police)	1	1	0	1	0	0	1
Total	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 from 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
People Experiencing homelessness	98	17	67	13	72	3	91
Melbourne City Council Homelessness Advisory Committee	15	0	15	0	15	0	15
Melbourne Executive Partnership Group	20	0	20	0	20	0	20
Melbourne Homelessness Services Coordination Project	14	0	14	0	14	0	14
Disability Engagement	4	4	0	4	0		4
Business Engagement	38	14	19	19	17	6	27
Rough Sleepers Task Force	13 Government and Community agencies	0	13	0	13	0	13
Total	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.