



HOMELESSNESS POLICY

Adopted: 25 November 2015

TRIM: 100944.2015



HOMELESSNESS POLICY

1. PURPOSE

- 1.1. The Homelessness Policy (the Policy) establishes key principles that Council will employ to mitigate against the impacts of homelessness.
- 1.2. The Policy identifies the role of local government in addressing homelessness and defines its function as distinct from other tiers of government.
- 1.3. The Policy informs strategies aimed at:
 - a) Preventing, reducing and managing homelessness;
 - b) Supporting and building capacity within the community to address homelessness;
 - c) Developing the prosperity of the city and managing public space use;
 - d) Encouraging collaboration, community partnerships and evidence based practices.
- 1.4. The Policy supports Liverpool City Council's community strategic plan: *Growing Liverpool 2023*. It responds to Direction 3: To be a Healthy Inclusive City and addresses strategy 3.a "Foster social inclusion, strengthen the local community and increase opportunities for people who may experience barriers."

2. LEGISLATIVE REQUIREMENTS

Children and Young Persons (Care and Protection) Act 1998
Companion Animals Act 1998
Environmental Planning and Assessment Act 1979
Local Government Act 1993

3. DEFINITIONS

3.1. Homelessness

- 3.1.1. A universally accepted definition of homelessness does not exist in Australian legislation, and definitions of homelessness continue to be widely debated. A statistical definition of homelessness has been adopted by the Australian Bureau of Statistics (ABS) to estimate the prevalence of homelessness in Australia.
- 3.1.2. In September 2012 the ABS revised the definition of homelessness applied to the general population. The definition was developed by Australian researcher Mallett (2004), and defines homelessness as a lack of one or more of the elements that represent 'home'. These elements

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may include a sense of security, stability, privacy, safety and the ability to control living space.

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

- a) Is in a dwelling that is inadequate; or
- b) Has no tenure, or if their initial tenure is short and not extendable; or
- c) Does not allow them to have control of, and access to space for social relations.” (ABS 2012)

3.1.4. This definition acknowledges the lack of safety and social exclusion as an expression of homelessness and reflects the reality that in some situations people may reject acceptable forms of housing for reasons of personal safety and the safety of children.

3.1.5. Previously, the ABS defined homelessness in three categories. This definition was developed by Australian researchers Chamberlain and MacKenzie (1992) and included:

- a) Primary Homelessness: People who live in improvised dwellings. This includes people who sleep on the street, in parks, derelict buildings or cars;
- b) Secondary Homelessness: People who live in temporary accommodation. This includes people in emergency or short-term homeless services and people residing temporarily with friends or family;
- c) Tertiary Homelessness: People who live in accommodation without a lease or the private use of bathroom or kitchen facilities. This includes people in medium to long term boarding houses or caravan parks.

3.2. Rough Sleeper

3.2.1. The term ‘rough sleeper’ relates to people ‘without shelter and sleeping outside in places not meant for human habitation.’ (Vitis et al 2010). Rough sleepers were previously defined by the ABS under the category of primary homelessness.

3.3. Affordable Housing

3.3.1. The national definition of affordable housing is ‘Housing that is appropriate for the needs of a range of very low, low and moderate-income household, priced to ensure households are able to meet other essential basic living costs.’ (Housing NSW 2013)

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4. THE ROLE OF LOCAL GOVERNMENT

- 4.1. Commonwealth and State Governments hold the primary role of funding and providing services to assist people who are homeless or at risk of homelessness. The role of Council in addressing homelessness is not specified in Australian legislation.
- 4.2. *The Road Home- The Australian Government White Paper on Homelessness* notes that local governments are playing a significant role in addressing homelessness. Council acknowledges that it is the tier of government closest to the community and an important source of local leadership.
- 4.3. The role of Council in addressing homelessness is to assist and complement the work of other tiers of government, as facilitators of solutions to homelessness.

5. POLICY STATEMENT

- 5.1. Council recognises that homelessness affects people and communities from different backgrounds including families, young people, seniors, Aboriginal and Torres Strait Islander people, refugees and people seeking asylum.
- 5.2. Homelessness is a complex issue that requires collaboration within Council and from our community partners to develop sustainable pathways out of homelessness
- 5.3. The following **principles guide** Council's commitment to addressing homelessness:

5.3.1. **Necessity of Accommodation**

- a) Council recognises that affordable and sustainable accommodation is necessary for individuals and families to meaningfully participate in education, employment, cultural, and social opportunities.
- b) Council seeks to address the impact planning decisions have on homelessness and is committed to facilitating diverse and more affordable housing options.

5.3.2. **Community Partnerships**

- a) Council acknowledges that a complex set of structural, social and economic factors contribute to homelessness, which requires a whole of community response.
- b) Council recognises the expertise of the homeless sector, the health

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sector, local communities, local businesses, and people experiencing homelessness; and seeks to strengthen service coordination, integration and community partnerships.

5.3.3. Public Space Management

- a) Council promotes inclusive access to public spaces and community facilities.
- b) Council acknowledges that policies and laws that regulate public space profoundly affect people who are homeless.
- c) Council recognises that public land and water may hold cultural or spiritual significance.
- d) Council is committed to engaging in a compassionate and balance approach to public space management, where the needs of all members of the community to use public space and feel safe are upheld.

5.3.4. Supporting City Prosperity

- a) Council recognises that the visibility of homeless people may potentially impact on resident, business and visitor perceptions of the city.
- b) Council acknowledges that rough sleepers have limited storage options and are entitled to carry their possessions with them.
- c) Council is committed to engaging in cost effective strategies to address homelessness and encourage environmental, economic, social and cultural prosperity within the city.

5.3.5. Community Perceptions of Homelessness

- a) Council is committed to positively influencing community perceptions of homelessness.
- b) Council acknowledges that raising awareness on the nature, impacts and challenges of homelessness, as well as being a conduit of information to the local community contributes to social harmony and inclusion.

5.3.6. Evidence Based Advocacy

- a) Council recognises its responsibility to advocate for the provision of State and Federal government funded services and evidence based policies.

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- b) Council acknowledges the need for accurate data collection and is committed to contributing to its understanding of the numbers, trends and issues that affect homelessness in the Liverpool LGA.

6. POLICY IMPLEMENTATION AND REVIEW

6.1. Council's Homelessness Strategy provides details of the means by which Council seeks to implement this policy

6.2. Council's Policy and Strategy will be reviewed every two years by Council.

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AUTHORISED BY

Council resolution

EFFECTIVE FROM

25 November 2015

DEPARTMENT RESPONSIBLE

Community and Culture (Community Development and Planning)

REVIEW DATE

The Homelessness Policy will be reviewed two years from the adoption date of this policy by Council.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Not applicable	Adoption by Council	25 November 2015	100944.2015

THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION

City Presentation

Corporate Services (Governance and Legal Services)

Planning and Growth

REFERENCES

Australian Bureau of Statistics (ABS) 2012, Information Paper: *A Statistical Definition of Homelessness*,. ABS cat no. 4922.0, Canberra, ABS,.

Beer, A & Prance F 2013. *The Role of Local Government in Addressing Homelessness*, Centre for housing, urban and regional planning, Adelaide, The University of Adelaide,.

Beer, A & Prance F 2012, *The Role of Local Government in Addressing Homelessness*, Literature Review. Centre for housing, urban and regional planning. Adelaide: The University of Adelaide,.

Chamberlain C and MacKenzie D 2012. *Understanding Contemporary Homelessness: issues of definition and meaning*, The Australian Journal of Social Issues 27(1): 274-287

Housing NSW 2013. NSW Affordable Housing Guidelines. Family & Community Services

Housing NSW 2014. Protocol for Homeless People in Public Places, Family & Community Services

Indigenous Housing and Homelessness Policy, Practice and Research Network 2013, *Housing Indigenous Australia Intergenerational homelessness*, Australian Housing and Urban Research Institute

Liverpool City Council: Code of Conduct

Liverpool City Council: Community Engagement Policy

Liverpool City Council, Community Strategic Plan- Growing Liverpool

Liverpool City Council: Enforcement Policy

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Liverpool City Council: Penalty Infringement Notice Policy

Liverpool City Council: Public Safety Closed Circuit Television (CCTV) Code of Practice

Liverpool City Council: Social Impact Assessment Policy

Liverpool City Council: Social Justice Policy

Liverpool City Council: Work Health and Safety Policy

Mallett, S 2004, *Understanding Home: a critical review of the literature*, *The Sociological Review* 52(1): 62-89

Refugee Council of Australia 2012: *Submission to the NSW Department of Family and Community Services on Future Directions for Specialist Homelessness Services in NSW*

Vitis, L, Gronda, H and Ware VA 2010. *International Rough Sleeping*. Melbourne: Australian Housing and Urban Research Institute (AHURI), Research Synthesis Service for the Australian Government, Melbourne, Australia

Annexure A

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Section 120 Homelessness of children

Any person may report the homelessness of a child under 16 years to the Director-General. On receipt of a report, the Director-General must conduct such investigation and assessment concerning the child as the Director-General considers necessary. The Director-General may provide or arrange for the provision of services, including residential accommodation, where appropriate, for a child whose homelessness has been reported to the Director-General.

Section 121 Homelessness of young persons

Any person may, with the consent of the young person over 16 years, report the homelessness of a young person to the Director-General.

Companion Animals Act 1998 No 87 (NSW)

Council has authority to regulate the management of companion animals and may prohibit dogs in some public places.

Environmental Planning and Assessment Act 1979 (NSW)

The requirement for Council to consider the effect its planning orders have on homelessness can be found in the following section:

Section 121G Orders that make or are likely to make residents homeless:

If an order will or is likely to have the effect of making a resident homeless, the person who gives the order must consider whether the resident is able to arrange satisfactory alternative accommodation in the locality. If the resident is not able to arrange satisfactory alternative accommodation in the locality, the person who gives the order must provide the resident with:

- a) information as to the availability of satisfactory alternative accommodation in the locality, and
- b) any other assistance that the person considers appropriate.

Local Government Act 1993 (NSW)

The authority for Council to give orders and make regulations can be found in the following sections:

Section 124 Orders: Council may order a person to not conduct or cease conducting activities that are threatening to public health and safety or are a life threatening hazard. Council may also order a person causing or likely to cause an obstruction or encroachment of or on a public place, which is likely to cause danger, annoyance or inconvenience to the public to move, or prevent the matter being deposited there.

Section 125 Abatement of public nuisances: Council may remove or remedy a

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public nuisance that interferes with the enjoyment of public or private rights, or order a person responsible for a public nuisance to remove or remedy it.

Section 127 Making of regulations for the purposes of this Division: Council may enact regulations that prescribe acts or circumstances that are taken to be included in or excluded from any acts or circumstances specified in section 124.

Chapter 16 Part 2 (Control of Activities in Public Places): Council may enact and enforce by-laws to manage public places within the parameters outlined under this section.