

21 June 2018

Shelter Tas submission: HCC By-Law on public spaces

Shelter Tas is the peak body for housing and homelessness services in Tasmania. Our membership includes all of the Specialist Homelessness Services operating in the Hobart Local Government Area, and through the State.

Shelter Tas welcomes the opportunity to contribute to the discussion of the HCC By-Law on public spaces.

Homeless people are often marginalised within the community and experience barriers to participation in social, recreational, cultural and economic life. People experiencing homelessness may need to use public spaces to sleep, store their personal belongings and gather together.

Shelter Tas has a long track record of working with Hobart City Council on issues faced by people experiencing homelessness. We appreciate Hobart City's positive contributions: a Housing and Homeless Strategy Plan that includes access to amenities such as showers and toilets, and initiatives such as education for workers who may encounter people experiencing homelessness. HCC also participates in the Specialist Homelessness Services Forums hosted by Shelter Tas, and contributes to Homelessness Week activities. Shelter Tas participates in HCC housing and homelessness Roundtables and is a member of the HCC Community Sector Reference Group.

Shelter Tas has already had discussions with HCC about potential unintended consequences of the proposed by-law, especially the possibility that the proposed by-law could inflict unnecessary harm on members of the Hobart community who are at risk of or experiencing homelessness.

Shelter Tas is particularly concerned that issuing fines and 'moving people on' are punitive and inappropriate responses to people experiencing homelessness.¹

We urge HCC to follow the example of other jurisdictions, and include in the by-law an exemption from penalties for any person experiencing homelessness along the following lines:

A person cannot be issued an infringement for an offence where that person is homeless, in need of secure accommodation, has complex needs or is in need of additional assistance because of a mental or physical disability or illness.

¹ See, for example, 113 Removal from public spaces, in the draft Public Spaces by-law.
<https://yoursay.hobartcity.com.au/by-laws-review/documents>

It is important to understand that homelessness is more complex than having no fixed address or sleeping rough. People experiencing or at risk of homelessness may be forced to leave their home due to conflict or family violence, or may be 'couch-surfing' or in other insecure or inadequate accommodation.

We encourage HCC to incorporate in the By-Law a definition along the following lines:

People experiencing homelessness include people with insecure, inadequate or unsafe housing or of no fixed address

- *insecure housing*: a boarding house or where a person does not have control over access to their housing
- *inadequate housing*: person is seeking respite from overcrowded housing
- *unsafe housing*: person is escaping family or domestic violence.

The ABS points out that a person can be considered homeless if they do not have suitable accommodation options, such that their current living arrangement

- is in a dwelling that is inadequate;
- has not tenure or if the initial tenure is short and not extendable; or
- does not allow control of and access to space for social relations.

Practice guidelines could be drafted to support understanding of the definition and reality of homelessness, the application of the exemption and the identification of people experiencing homelessness.

Authorised persons and other council workers who may encounter people experiencing homelessness could be provided with effective training, so that they can refer people to appropriate support and help. We understand such training has been provided to Council staff by Salvation Army specialist workers, and has been very effective. Service providers and outreach workers could be a source of evidence that a person was entitled to the exemption if that was in question, or if an appeal to a penalty was required.

In conclusion, Shelter Tas very much appreciates the good work done by the Hobart City Council in relation to homelessness, and hopes that the final version of this By-Law continues this responsible approach.

For any further questions on this submission, please contact Pattie Chugg, Shelter Tas Executive Officer on 6224 5488.