

NSW Inquiry into the Protocol for People Experiencing Homelessness in Public Places 2020

Submission



MISSION
AUSTRALIA

Inquiry into the Protocol for People Experiencing Homelessness in Public Places 2020

(Parliament of NSW Legislative Assembly Committee on Community Services)

Introduction

Mission Australia is a national, non-denominational Christian charity that has been helping vulnerable people move towards independence for more than 160 years. In the 2018-19 financial year, we supported over 160,000 individuals through 519 programs and services across Australia.¹ In NSW, we supported over 65,000 people through close to 250 services during the 2018-19 financial year.² Of these, over 24,600 people accessed 44 housing and homelessness related services across NSW.

Mission Australia welcomes the opportunity to provide input into the NSW inquiry into the Protocol for People Experiencing Homelessness in Public Places (the Protocol). This submission is based on a combination of research and insights from our service provision across NSW and other states.

Mission Australia is a part of the End Street Sleeping Collaboration (ESSC) which focuses on supporting people experiencing homelessness to access secure and long term housing as well as preventative measures to intervene before homelessness occurs.³ We believe that increasing social housing stock is an integral part of the sustainable solutions to ending homelessness.

Recommendations

The NSW Government should:

- Integrate mandatory training and education for organisational staff that directly engage with people experiencing homelessness including culturally appropriate and sensitive engagement, trauma-informed approaches, rights of people experiencing homelessness, local services and referral pathways.
- Support the implementation of the protocol through an increase in financial and human resources to provide an effective framework for implementation.
- Disseminate information about the Protocol to Government organisations and institutions including those that are typically not engaged in direct service provision for people experiencing homelessness (such as councils, libraries and other general public services) as they may come in contact with or be approached by people sleeping rough.
- Regularly review the Protocol to ensure that it is up to date with changes to legislation and other relevant policy and regulations. The list of contacts and organisations provided in the

¹ Mission Australia, Annual Report, 2019, accessible at: <https://www.missionaustralia.com.au/publications/annual-reports/annual-report-2019/1320-annual-report-2019/file>

² Mission Australia, Service Delivery Census FY 2018/19.

³ End Street Sleeping Collaboration, accessible at: <https://www.acttoendstreetsleeping.org/about-1>

Protocol should also be updated to ensure the information, particularly contact details are current. All updates should be published and promoted to the relevant audience.

- Include people experiencing homelessness in this Inquiry and any subsequent reviews of the Protocol through a committee or other structure to ensure the views of people impacted are central to decisions made and to monitoring the effectiveness of the Protocol.
- Implement the recommendations of *Review of the HOST and HART Models for Addressing Rough Sleeping in Inner-City Sydney* through sustainable ongoing funding.
- Provide further clarity on how the Protocol is intended to operate in conjunction with other strategies, regulations and policies including the NSW Homelessness Strategy 2018 -2023.
- Invest in 5,000 social housing dwellings per year until 2026 in order to reduce homelessness including rough sleeping across NSW.
- Increase the stock of crisis and transitional accommodation to ensure people sleeping rough are provided with access to safe and secure accommodation and other wrap around supports to address their complex needs.

Background

In order to effectively and meaningfully reduce homelessness, people must have access to safe, stable, adequate and appropriate housing. This includes housing which is safe, not overcrowded, in a suitable condition to live, close to infrastructure, meets any cultural needs and has secure tenure. Housing must also be sustainable in terms of both affordability and maintenance.

According to the Australian Bureau of Statistics, there were 37,715 people in NSW who were classified as being homeless on Census night 2016 (up 37% from 27,479 in 2011). This is higher than the national increase of 14%.⁴ Of the people experiencing homelessness, over 2,500 people were living in improvised dwellings, tents, or sleeping out.⁵ Moreover, available data demonstrate that 46% of the 73,500 people in NSW who sought support from specialist homelessness services (SHS) were experiencing homelessness on presentation.⁶

As of June 2019, there were 51,000 people in NSW on the social housing waiting list, with waiting periods between two and 10 years.⁷ On average, in NSW 29 requests for assistance from SHS were unmet each day and about 75% of the accommodation requests for long-term housing was *not*

⁴ Australian Bureau of Statistics, 2049.0 - Census of Population and Housing: Estimating homelessness, 2016, accessible at: <https://www.abs.gov.au/ausstats/abs@.nsf/lookup/2049.0Media%20Release12016>

⁵ Australian Bureau of Statistics, 2049.0 - Census of Population and Housing: Estimating homelessness, 2016, accessible at: <https://www.abs.gov.au/ausstats/abs@.nsf/lookup/2049.0Media%20Release12016>

⁶ Australian Institute of Health and Wellbeing, Specialist homelessness services 2018-19: NSW, 2019, accessible at: https://www.aihw.gov.au/getmedia/fa0771c6-4a87-4740-b22f-f7546a0ca374/NSW_factsheet.pdf.aspx

⁷ NSW Department of Community and Justice, Applying for Housing Assistance: Expected Waiting Times, accessible at: <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>

provided or referred.⁸ These statistics demonstrate that there is a severe shortage of social and affordable housing driving people into homelessness.

Over the years, government investment in social and affordable housing has not increased to meet the demand resulting in a significant gap in social and affordable housing for people in NSW. In order to address the issue of homelessness meaningfully, the Government should increase the social housing stock as a matter of priority which would require investment in 5,000 social housing dwellings a year until 2026.⁹

Research commissioned by the Community Housing Industry NSW (CHIA NSW) Social and affordable housing projections 2016-2026 indicates that NSW requires 5,000 social housing dwellings a year until 2026 for low income households. This projection of social housing need is based on what would be required to return the social housing stock to a 6% share (of occupied stock) by 2026. It includes combining the annual net additions needed to sustain a 6% share from 2016 with the increase needed to make up the current shortfall to 6% (assuming this is done in equal increments over the 10-year period).¹⁰

In the interim, there is also a clear need to invest in crisis and transitional accommodation to ensure people sleeping rough are provided with access to safe and secure accommodation, health and mental health supports and other services to address their needs. There is also a need for specialist supported housing for people with mental illness and a history of substance misuse. The Protocol should clarify how it operates in conjunction with other relevant strategies such as the NSW Homelessness Strategy 2018-2023.

In addition to increasing the availability of crisis accommodation, the NSW Government should increase support for complementary services such as emergency relief, access to foodbanks, community mental health services and funding for other services such as community advocacy and support services.

Effectiveness of the Protocol to support people experiencing homelessness

As a provider of many services including SHS, community housing, housing and homelessness outreach services, crisis and temporary accommodation services for people experiencing homelessness, we receive numerous referrals from a broad range of stakeholders. The majority of these referrals come from the police, council staff, general public and other community services. However, there are multiple government agencies that come into direct contact with people experiencing homelessness who may not be a party to this Protocol or are aware of it.

“The Protocol can be a useful tool but it’s not well known among some groups that don’t usually come in direct contact with people sleeping rough. For example, a new library was opened in a metro area in NSW, a lot of people who were sleeping rough went in there to

⁸ Australian Institute of Health and Wellbeing, Specialist homelessness services 2018-19: NSW, 2019, accessible at: https://www.aihw.gov.au/getmedia/fa0771c6-4a87-4740-b22f-f7546a0ca374/NSW_factsheet.pdf.aspx

⁹ Homelessness NSW, State Election Platform 2018, accessible at: https://www.homelessnessnsw.org.au/sites/homelessnessnsw/files/2019-01/1.%20FINAL%20State%20Election%20Platform_0.pdf

¹⁰ A copy of Social and affordable housing projections 2016-2026 is available at CHIA NSW’s website

rest. The staff at the library were unsure about what to do or where to go to get help ... The Protocol would have been a helpful start but it didn't seem like they were aware of it."

Mission Australia, Area Manager NSW

There have also been instances where the agency or individual approaching a person experiencing homelessness is covered under the Protocol but have varying levels of understanding about the application of it which can impact on the experiences of people sleeping rough. In order to ensure that there is uniform understanding of the Protocol, it is important to develop materials to ensure that the Protocol is understood and applied in the same way across different organisations and training on applying the Protocol should be made mandatory.

Extent of Protocol being implemented by government organisations and relevant non-governmental organisations

As highlighted above, there are challenges in relation to consistent understanding and application of the Protocol across different government organisations and in some instances within the same organisation. This can be a result of lack of resources and organisational priorities to educate and train staff on the Protocol.

"We know from our experience that there are people sleeping rough in close proximity to public transport hubs such as train stations and bus depots. However, only a small proportion of our referrals come from transport. It's usually the police or a member of the general public that would ring our services to inform us rather than the transport authorities ... There is a need to raise awareness and training about the Protocol across different organisations and government agencies."

Mission Australia, Area Manager NSW

Currently the Protocol states that 'each government organisation covered by the Protocol will be responsible for deciding how it will be implemented within its own business and resources'.¹¹ For some organisations, this Protocol may not be a priority, especially where human and financial resources are spread thinly across multiple areas of operation. Therefore, it is important that the Protocol implementation is appropriately funded and resourced through a centralised platform.

"There can be traditional roles where people have interactions with people sleeping rough but others where staff are suddenly expected to support a person experiencing homelessness ... There have been instances where our SHS staff did some capacity building training for frontline council staff. This is not something we are directly funded to do, but the need was quite clear. These types of training should be funded by the Government."

Mission Australia, SHS Program Specialist, NSW

¹¹ Department of Family and Community Services NSW (Department of Community and Justice), Protocol for Homeless People in Public Places Guidelines for Implementation, May 2013, p. 6, accessible at: https://www.housing.nsw.gov.au/_data/assets/pdf_file/0003/326046/ImplementationGuidelines.pdf

At present, there are numerous services that are delivered by non-governmental third parties who may not be subjected to the application of the Protocol. There needs to be clear stipulations in contracts between government and contractors including private security personnel to ensure that people experiencing homelessness are supported and are treated with respect.

The Protocol was expected to be formally reviewed every two years. There is no public information as to whether these reviews have been consistently conducted over the years. Therefore, evidence is unavailable as to the effectiveness of the current framework. Reporting requirements should be built into the process to measure the effectiveness and governance of the Protocol to increase productivity and accountability.

People experiencing homelessness should be consulted as part of this Inquiry and involved in any subsequent reviews of the Protocol in order to ensure that the views of the people most impacted are central to decisions made and to the monitoring the effectiveness of the Protocol.

It is encouraging that the current Protocol has provision for tailoring the implementation of the Protocol to each individual organisation. The Protocol should provide a basic framework with mandatory requirements for government organisations, particularly local councils, to develop their own frameworks that suit the conditions and requirements of the local community.

Protocol's effectiveness in protecting rights of people experiencing homelessness

The Protocol is intended to provide a guide to people who come in contact with people experiencing homelessness and complement the relevant legislation such as Sydney Public Reserves (Public Safety) Act¹² that directly deal with people who are rough sleeping in public spaces. Although legislation has been amended to significantly strengthen the powers of the police, the Protocol has remained unchanged since 2013. Given the importance of protecting the rights of people experiencing homelessness, it is critical that the government review the content at least on an annual basis to balance the rights of people experiencing homelessness and powers of law enforcement authorities.

A holistic approach should be in place to make sure that the first interaction of government agencies with people experiencing homelessness are respectful and informative so that they are open to the services that the housing and other community services are able to offer people.

Negative experiences with various government officials is likely to discourage people from engaging with services and cause further isolation. People who have experiences of trauma or negative interactions with authority are likely to be completely disengaged from services and may take time to build trust. Thus, training and information should be provided to those who implement the Protocol so that they have necessary skills to engage with people respectfully and invest time and resources in building trust.

¹² NSW Sydney Public Reserves (Public Safety) Act 2017 No 35, ss 7-12.

Missionbeat

Missionbeat patrols inner Sydney streets seeking out those in distress and offering them support. The iconic vans transport people experiencing homelessness to services to meet their immediate needs, including safe accommodation, medical care, food and clothing.

Missionbeat case workers patrol the areas with high density of people experiencing homelessness in Sydney. The service engages people sleeping rough and gradually builds relationships with them to assist them in becoming ready for other service assistance by preparing their payments and housing documents. The aftercare worker then supports these people with post crisis support when they are successfully housed.

A considerable proportion of people experiencing homelessness are people with varying physical or psychosocial disabilities. Up to 60% of people experiencing homelessness have complex physical, mental health and disability support needs and almost two thirds of people who are sleeping rough who have a mental health issue also have issues with drug or alcohol dependence.¹³ Their needs and priorities are likely to be different to others and they may require support with immediate as well as long-term health related supports. Those with disability may have accessibility issues and other associated challenges. The Protocol should therefore be coupled with detailed information on working with people with disability and the local supports available to them.

Aboriginal and Torres Strait Islander people

There is a significant overrepresentation of Aboriginal and Torres Strait Islander people among people experiencing homelessness in NSW.¹⁴ It is encouraging that the current Protocol recognises Aboriginal and Torres Strait Islander people's connection and sense of belonging to country as an integral part of their cultural identity and the need to acknowledge culture with these community members.¹⁵ However, further training and education is needed to ensure that Aboriginal and Torres Strait Islander people experiencing homelessness are treated with respect and that they are aware of culturally appropriate and sensitive community services in the area.

“There are limited or no Aboriginal Community Controlled housing services in the Northern Sydney area. The list of contacts attached to the Protocol are quite old and out of date ... More needs to be done to update these so that the relevant authorities have enough information about which services are available in the local area that are culturally appropriate.”

¹³ Department of Communities and Justice, NSW Homelessness Strategy 2018-2023, 2018, p.10, accessible at: https://www.facs.nsw.gov.au/_data/assets/pdf_file/0007/590515/NSW-Homelessness-Strategy-2018-2023.pdf

¹⁴ Australian Bureau of statistics, 2049.0 - Census of Population and Housing: Estimating homelessness, 2016, accessible at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/2049.0>

¹⁵ Department of Family and Community Services NSW (Department of Community and Justice), Protocol for Homeless People in Public Places Guidelines for Implementation May 2013, accessible at: https://www.housing.nsw.gov.au/_data/assets/pdf_file/0003/326046/ImplementationGuidelines.pdf

Evidence also demonstrates that Aboriginal and Torres Strait Islander people prefer interacting with other Aboriginal and Torres Strait Islander people.¹⁶ Thus, in addition to the measures under the Protocol, it is important to employ a range of other measures including increasing the diversity of the Government workforce, particularly those who interact with people experiencing homelessness on a regular basis.

People from culturally and linguistically diverse backgrounds

The Protocol recognises the diversity of population in NSW and the challenges that are specific to newly arrived migrants and refugees. With the changes to Status Resolution Support Service (SRSS) payments, people seeking asylum are experiencing additional financial pressure which can contribute to increased risk of homelessness and other challenges. Staff have reported that people seeking asylum are sleeping rough and relying on food donations, without access to affordable housing.

Language barriers, experiences of discrimination, cultural reasons, lack of community or family support and limited knowledge about support services can isolate people from migrant and refugee backgrounds who are experiencing homelessness. These issues are further complicated for people on temporary visas with no access to social security allowances or community services. Where required there may be a need to work with the Translation and Interpreter Service (TIS National). Understanding about the language needs, importance of language groups and dialects is important when interacting with people who have limited English language skills.

There are community services including SHS and settlement service providers who specialise in supporting people from culturally and linguistically diverse backgrounds.¹⁷ These should be promoted more broadly to ensure cultural sensitivity in service delivery.

Balance of rights between people experiencing homelessness and those of residents, businesses and others using public spaces

As a response to the incidents that took place in Martin Place, new legislation was introduced to strengthen police powers and new programs were introduced to rapidly rehouse people experiencing homelessness.

¹⁶ F. Arney and D. Scott, *Working with Vulnerable Families: A Partnership Approach*, 2010, p.122 and J. Gilroy, *Changes needed to close the gap for Indigenous Australians with disabilities*, *The Conversation*, 2 December 2011, accessible at: <https://theconversation.com/changes-needed-to-close-the-gap-for-indigenous-australians-with-disabilities-4544>

¹⁷ See further: *Settlement Services Australia*, *Settlement Services*, accessible at: <https://www.ssi.org.au/services/settlement-support>

Homelessness Outreach Support Team (HOST) and Homelessness Assertive Response Team (HART)

The Homelessness Outreach Support Team (HOST) and Homelessness Assertive Response Team (HART) have become key elements of the assertive outreach (AO) response to people sleeping rough in inner-city Sydney.¹⁸

The HOST was a NSW Government response to growing communities of people sleeping rough that formed in Martin Place in 2017. Department of Community and Justice (DCJ) established the HOST with the aim of housing the people living in these encampments as rapidly as possible. HOST delivers homelessness intensive outreach and regular outreach patrols across the inner city of Sydney, in partnership with homelessness services, local Council, Health and Police.¹⁹

The HART is a coalition of inner-city Sydney services that support people sleeping rough to access and sustain housing. Since all these services work with the same client cohort, the HART was formed to enable them to work together in a more coordinated way. The City of Sydney Council and DCJ are the backbone organisations for the HART, which is based on a 'collective impact' model that has a growing, international evidence base.

A review of these 2 programs was conducted in 2019 by Homelessness NSW and a series of recommendations were made in relation to improving the service and support outcomes of people experiencing homelessness.²⁰ Mission Australia strongly encourages the Committee to closely consider the review and the recommendations to identify strategies to improve the current Protocol.

Despite this Protocol and other measures, there are ongoing tensions between people sleeping rough and police, businesses and others using public spaces including the removal of possessions of people sleeping rough. When people sleeping rough need to attend appointments or leave their possessions, the onus is on them to find a means of protecting them as the police or council rangers may remove them.

“We advise people who reach out to our services to make arrangements to protect their belongings. These are often quite vital to them like their sleeping bags, food or valuables and in some cases photo albums ... There needs to be a better system in place to support these people to safeguard their possessions.”

¹⁸ Homelessness NSW, Review of the HOST and HART Models for Addressing Rough Sleeping in Inner-City Sydney, 2019, accessible at: https://www.homelessnessnsw.org.au/sites/homelessnessnsw/files/2019-08/HNSW%20HOST_HART%20consultation%20paper%20-%20FINAL%20-%202019%5B1%5D.pdf

¹⁹ Department of Communities and Justice, NSW Homelessness Strategy 2018-2023, 2018, p.8, accessible at: https://www.facs.nsw.gov.au/_data/assets/pdf_file/0007/590515/NSW-Homelessness-Strategy-2018-2023.pdf

²⁰ Homelessness NSW, Review of the HOST and HART Models for Addressing Rough Sleeping in Inner-City Sydney, 2019, accessible at: https://www.homelessnessnsw.org.au/sites/homelessnessnsw/files/2019-08/HNSW%20HOST_HART%20consultation%20paper%20-%20FINAL%20-%202019%5B1%5D.pdf

Mission Australia, Program Manager NSW

Particularly considering the lack of appropriate accommodation available for people sleeping rough on any given night, it is important for authorities to be mindful of the value of these possessions for people sleeping rough. Therefore, clear instructions should be weaved into the Protocol to ensure that the possessions of people experiencing homelessness are protected until appropriate housing options are made available to them. That is, any property should be treated as lost property and stored for retrieval, rather than being disposed of by Council or Police.

In addition to continuous staff training for those who are under the purview of this Protocol, strategies could be adopted to raise public awareness about the rights of people experiencing homelessness.