

# Policy

## Homelessness

Version 2.0

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# Homelessness

## 1. Policy Objective

This policy outlines Council's commitment to preventing and reducing homelessness, and ensuring that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status.

The policy covers all Council services, in particular:

- access to Council services and facilities
- interacting with homeless people in public places
- Council's regulatory activities
- strategic planning
- community development

## 2. Definitions

To support the interpretation and implementation of this policy the following definitions have been adopted:

**Homelessness:** The Australian Bureau of Statistics (ABS) definition states that when a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate; or
- has no tenure, or if their initial tenure is short and not extendable; or
- does not allow them to have control of, and access to space for social relations.

The Australian Bureau of Statistics use the cultural definition<sup>1</sup> of homelessness, and this has been adapted and adopted for Tweed Shire. It recognises the diversity of homelessness and distinguishes between people in primary, secondary and tertiary homelessness:

- **Primary homelessness:** includes people without conventional accommodation such as living on the streets, sleeping in cars, in deserted buildings, improvised or substandard dwellings, under bridges, in parks.
- **Secondary homelessness:** includes people moving frequently between various forms of temporary shelter including staying with friends and relatives, couch surfing, in emergency accommodation, youth refuges, hostels and boarding houses on a short term basis (12 weeks or less).
- **Tertiary homelessness:** includes people living in boarding houses (or similar) on a medium to long term basis (13 weeks or longer). Residents do not have separate bedrooms and living rooms, they do not have a kitchen and bathroom facilities of their own, their accommodation is not self-contained, and they do not have security of tenure provided by a lease.

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<sup>1</sup> Chamberlain, C. and MacKenzie, D. (2009) Counting the Homeless 2006 Western Australia.

- **Public places:** For the purposes of this policy, public places are defined as land, buildings or places that are accessible to the public and are designated, regulated or managed by or on behalf of Council.
- **Caravan Park:** Refers to the 24 compliant privately operated Caravan Parks within Tweed Shire. This policy excludes the seven Tweed Coast Holiday Parks situated on Crown Land as these parks are required under the Crown Land Caravan Parks Policy to provide sites for short-term tourist accommodation only.

### 3. Policy

#### Background

The introduction of this policy was initially a response to the *White Paper on Homelessness: The Road Home 2008*, Australia's National Approach to reducing Homelessness. *A Way Home: Reducing Homelessness Action Plan 2009-2014* is NSW Government's response to addressing homelessness and an associated *Regional Homelessness Action Plan 2010-2014* for the North Coast was developed at this time. An evaluation of the state plan was completed by Australian Housing and Urban Research Institute (AHURI) in May 2013. In 2017 NSW Government released *Foundations for Change - Homelessness in NSW Discussion Paper* which aimed to engage a wide range of organisations and individuals to strengthen collective action and develop a new strategy for reducing homelessness. A consultation report of findings was released in July 2017. The new NSW Homelessness Strategy was released in June 2018. This policy also responds to the Northern Rivers Regional Social Plan (2013-2018) developed by Regional Development Australia and Social Futures (formerly Northern Rivers Social Development Council). These documents seek to implement a collective impact approach in the prevention and early intervention response to reducing homelessness in Northern NSW.

In addition, the *National Affordable Housing Agreement (NAHA) 2012* and *National Partnership Agreement on Homelessness (NPAH) 2008* have been superseded. The new *National Housing and Homelessness Agreement (NHHA) 2018* is the funding agreement between the Federal Government and States and Territories. Under the NHHA, 'funding to State and Territory Governments will target jurisdiction specific priorities including supply targets, planning and zoning reforms and renewal of public housing while also supporting the delivery of frontline homelessness services'<sup>2</sup>. The NSW bilateral agreement under the NHHA was signed in August 2018.

#### The role of Local Government

Tweed Shire Council's *Community Strategic Plan 2017-2027* commits to working closely with government and community organisations to improve services to vulnerable and disadvantaged groups to build stronger and more cohesive communities. Council has committed to developing a Community Development Strategy in 2018 to explore the interrelationship between community needs related to geography, demographics and community issues including homelessness. This policy will inform the associated action plan.

Networking between the community and government on homelessness issues in Tweed Shire occurred through the Tweed Interagency Group in the 1980's and through Tweed Integrated Support Services for Youth (TISSY). In 2011, Social Futures and Southern Cross

<sup>2</sup> Department of Social Services, March 2018, [www.dss.gov.au](http://www.dss.gov.au)

University undertook research on service integration in a regional homelessness service system. This work included assisting with the formation of the Tweed Shire Housing and Homelessness Network (TSHHN). The aim of the network is to build an innovative and integrated housing and homeless service system in the Tweed Shire through maximising opportunities to address homelessness and housing needs at all levels.

In 2013 Tweed Shire Council (TSC) commissioned research to investigate homelessness issues in Tweed Shire resulting in the adoption of the Homelessness Issues Paper by Council on 21 November 2013. Staff from TSC's Community and Cultural Services Unit facilitated a strategic planning workshop with members of the network on 30 January 2014. The findings of the issues paper and strategic planning workshop informed the development of the TSHHN Strategic Plan 2014-2019. This policy is consistent with the NSW Protocol for Homeless People in Public Places 2013; the recommendations of the Tweed Shire Homelessness Issues Paper 2013, and the Tweed Shire Housing and Homelessness Network Strategic Plan 2014-2019. The policy seeks to prevent homelessness and ensure homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homelessness status.

As such, Council works in partnership with other levels of government and the housing and homeless sector to address this commitment. To implement this policy Council will have the following roles<sup>3</sup>:

**Leader** - Council shows strong, transparent and visionary leadership promoting unity to make our Tweed community even better tomorrow than it is today.

**Advocator** - Council gives voice to the community by lobbying and advocating to achieve benefits and best possible outcomes for the Tweed.

**Collaborator** - Council works together with a range of stakeholders to bring outcomes for the community to fruition.

### **Tweed Shire Context**

According to the ABS<sup>4</sup>, there was an estimated 444 people recorded as homeless in Tweed LGA in 2016, an increase from 308 persons in 2011. Of this number in 2016 48% were classified as primary homeless which is a significant increase from 14% in 2011. In 2016, 38% were classified as secondary homeless compared to 60% in 2011, in 2016, there was 14% considered tertiary homeless compared to 26% in 2011. In comparison NSW primary homelessness is 7%, secondary homelessness is 30% and tertiary homelessness at 63%. It is important to note the significant increases across Tweed LGA in the rough sleeper (primary) population in the last Census count.

In 2016-17 there has been a significant increase in primary reasons why people experience homelessness in NSW which include accommodation issues (65%), financial difficulties (53%), domestic violence and relationship issues (48%), 'other' reasoning (35%) and the lowest category being health reasons including mental health issues and substance abuse (27%)<sup>5</sup>. There are groups of our community that are particularly vulnerable to homelessness and these include people experiencing domestic and family violence or relationship break down, young people presenting alone, unemployed people, singles, older people, people with

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<sup>3</sup> Tweed Shire Council Community Strategic Plan 2017-2027

<sup>4</sup> ABS Census of Population and Housing: Estimating Homelessness 2016

<sup>5</sup> AIHW SHS NSW Clients by reasons for seeking assistance 2016-2017

problematic drug and alcohol use, and those with a current mental health issue. However, people can experience a range of complex issues that result in homelessness or being at risk of homelessness. It is an issue that could affect anyone.

Appropriate service support and interventions can prevent and reduce the numbers of people experiencing homelessness. However, the population of Tweed Shire is expected to grow to 106,401<sup>6</sup> people by 2026, resulting in an increased demand for service. In addition, a high proportion of the community are aged over 55 (39%)<sup>7</sup>, the Tweed Shire has the highest prevalence of dementia in NSW<sup>8</sup>, and higher than average reported domestic violence incidences in NSW<sup>9</sup>. Service gaps (eg. people aged 55 and over) need to be filled, and housing and homelessness support services need to be targeted to recognise the variance in vulnerability, and the service sector needs expanding to meet the growing need. In addition, there are also significant barriers to secure housing, including lack of supply options (private and public) which can perpetuate the demand for a crisis response.

According to the 2016 ABS census, 1888 households (dwellings) were on caravan/residential park or camp ground sites, amounting to 4.4% of all Tweed Shire dwellings which is an increase of 359 dwellings (4%) from 2011. This is as high as 13.9% in the North Coast – Kingscliff area. It is estimated that there are in excess of 3600 people living permanently in Caravan Parks within Tweed Shire (Fair Trading NSW, May 2018).

Permanent caravan sites are reducing in numbers through closure or development and land use planning changes associated with caravan park status (caravan parks are perceived as low cost temporary uses of land). This leads to evictions and resulting homelessness as many cannot afford, or cannot find an option to relocate their cabin or move to a hostel or nursing home (insufficient asset value and funds). Issues and risks confronting residents in caravan parks include lack of security of tenure, inadequate housing standards, risk of homelessness, minimal access to services, and a lack of support in asserting tenancy rights. However, in response to severe shortages of affordable housing alternatives in Tweed Shire, caravan parks can provide an affordable option at the present time. For example, the closest state funded crisis service is in Queensland close to the border, and in NSW the nearest is Lismore. It has also long been recognised that there is a lack of exit points from crisis and short-term accommodation assistance, into medium or longer term housing.

It is apparent that the rise in homelessness is linked to issues of affordability and the unavailability of crisis, short-term and longer-term affordable housing options (public or private). Housing affordability and availability (private and public) is directly linked to homelessness and is a critical factor in the health and well-being of the community. It has become a significant social and economic problem, one that has risen considerably as a significant issue across Australia particularly in the last ten years. Tweed Shire Council supports a consultation phase for the Draft Affordable, Attainable and Appropriate Housing Policy Statement following the 16 August 2018 Council meeting.

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<sup>6</sup> Population and Household forecast to 2026, prepared by id. the population experts, November 2017

<sup>7</sup> ABS 2016 Census data

<sup>8</sup> Alzheimer's Australia NSW and Deloitte Access Economics, 2014

<sup>9</sup> NSW Recorded Crime Statistics, March 2018 [www.bocsar.nsw.gov.au](http://www.bocsar.nsw.gov.au)

## 4. Principles

Preventing homelessness is a social issue that cuts across all units and sections of Council. Council commits to working in partnership internally and externally in:

*'adhering to social justice principles of access, equity, participation and rights as per the integrated planning and reporting framework. Council commits to ensuring homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homelessness status'.*

Council will act as a **Leader, Advocate or Collaborator** in the delivery of this policy through the following objectives: Education and Advocacy; Facilitation and Coordination; delivery of Council services and compliance; Land use planning; and Monitoring and Research. Associated actions will be incorporated and measured through the integrated planning and reporting framework and Community Development Strategy.

Council's Homelessness Policy considers the NSW Protocol for Homeless People in Public Places (2013) and adopts the **underlying principles**:

Homeless people behaving lawfully have the same entitlement as any member of the public to:

- be in public places, at the same time respecting the rights of local communities to live in a safe and peaceful environment
- access public services and facilities
- participate in public activities or events, and
- carry and store their own belongings.

Council officers who work in areas where their responsibilities are likely to bring them into contact with homeless people will receive sufficient information and training to enable them to assist homeless people, and help them make contact with appropriate services.

Homeless people have diverse backgrounds and needs, these should be considered in any response:

- Cultural sensitivity and respect should be applied when engaging with homeless people and those from different cultural, linguistic or religious backgrounds. Council officers should use interpreter services to assist with referring people to relevant services as required.
- Homeless people may have experienced issues that affect their needs. For example, they may have experienced domestic violence or left custody or statutory care, or they may be asylum seeking refugees with no contacts in the community.
- Many homeless people have complex needs and these issues may result in behaviour that is seen to be antisocial.
- Homeless people have the same access to a right of reply and appeals / complaints mechanisms as all members of the public.

This policy does not override existing laws, statutory requirements or regulations. This policy does not prevent Council from taking appropriate action where health and safety is at

risk or a breach of the peace or unlawful behaviour has occurred. It does not reduce Council's powers or authority to enforce specific laws and regulations. If homeless people require assistance, Council officers should:

- involve appropriate services directly;
- provide advice or information on available services;
- provide a contact point that the homeless person can either call or go to for further advice or help.

## **5. Related Legislation**

Local Government Act 1993

Residential Tenancies Act 2010

Commonwealth Disability Discrimination Act (DDA) 1992

National Housing and Homelessness Agreement (NHHA) 2018

NSW Disability Inclusion Act 2014

NSW Anti-Discrimination Act 1997

NSW Law Enforcement 2002

NSW Liquor Act 2007

## **6. Compliance**

This policy does not replace Council's obligations under the *Local Government Act 1993*, legal obligations and its existing governance and policy framework. This policy does not replace other tiers of government's roles and responsibilities in the homelessness sector. Specific responsibilities for Council departments will be identified in the associated action plan.

## **7. Review Period**

This policy will be reviewed in line with Council's integrated planning and reporting framework and/or in line with associated strategies and associated action plan. This policy will be reviewed in collaboration with internal stakeholders and with the Tweed Shire Housing and Homelessness Network (TSHHN). This policy will be reviewed within 12 months following election of a new Council.

## **8. Useful Links**

[Tweed Shire Homelessness Issues Paper 2013](#)

[Tweed Shire Homelessness webpage](#)

[Homelessness Australia](#)

[Housing NSW](#)

[Anti-Discrimination Board of NSW](#)

[Australian Human Rights Commission](#)

[Tweed Shire Community Strategic Plan](#)

**Version Control:**

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
1.0	Adopted by Council	22 October 2015
2.0	Version 2.0 includes the following updates: data; superseded documents and policy; affordable housing section converted to new policy; and action plan to be incorporated in to new Community Development Strategy with clear monitoring and evaluation framework in 2018/19.	Draft - 20 September 2018
	Final policy adopted by Council.	13 December 2018