

Via Email: [Homelessness.Strategy@facss.nsw.gov.au](mailto:Homelessness.Strategy@facss.nsw.gov.au)

27 January 2023

**RE: Homelessness NSW feedback on the NSW Government Protocol on Homeless People in Public Place Implementation Guidelines**

Thank you for providing Homelessness NSW the opportunity to provide feedback on the NSW Government Protocol on Homeless People in Public Place (the Protocol) Implementation Guidelines (the Implementation Guidelines).

Homelessness NSW would greatly welcome further opportunities to part of the next phases of stakeholder engagement with respect to the implementation and any planned refinements of the Protocol. Please review themed comments below as well as minor comments in the attached draft document for your consideration.

- 1. Require participating agencies to implement:** The arrangements prescribed by section 5 relating to the governance of implementation in each agency currently contain the caveat “it is recommended”. To ensure agencies implement the protocol in practice, agencies should instead be *required* to undertake the activities currently prescribed, otherwise there is no incentive for implementation to occur in practice. This includes training of frontline staff who are likely to engage with people experience homelessness about how to follow the protocol in practice in the context of discharging their role and duties with respect to people experiencing homelessness.
- 2. Conduct a review every two years:** A review of the protocol every four years and ad-hoc review of feedback about implementation is potentially too infrequent as such a long-period could permit deficiencies within implementation to continue for a prolonged period to the detriment of people experiencing homelessness, particularly where trends with respect to homelessness can greatly vary over such a period. As such, a review of the protocol every two years, including its implementation, may be considered more appropriate.
- 3. Mandate reporting:** The Implementation Guidelines should require all agencies who are likely to engage with people experiencing homelessness (such as NSW Police, NSW Health and the Department of Justice and Housing, and Transport) to monitor and publicly report on their compliance with the protocol. The Implementation Guidelines should include a monitoring and reporting framework each agency is required to use (which should be standardised where practicable across agencies), with established metrics to report against, rather than generally stating that “departments, agencies, organisations and business are responsible” and that “it is recommended that each entity record how and where the protocol is used”. Without government agencies who are party to the protocol being required to demonstrate how the protocol is being used (and to track whether the protocol remains fit-for-purpose), there is little incentive for agencies to not only report against trackable metrics, but ultimately even implement the protocol in practice at all.
- 4. Implement a complaints mechanism:** The Implementation Guidelines should prescribe a complaints mechanism for to adopt and report on (that could be integrated into the abovementioned reporting framework). While the Implementation Guidelines states that “complaints-handling process” are listed at Appendix U, it is noted that no actual complaints processes of agencies are currently listed under such an attached. By merely stating that “it is also recommended that each entity to record and report to DCJ”, there is

little incentive for agencies to adopt a complaints-handling process specific to people experiencing homelessness, and as a result, the natural justice and due process of people experiencing homelessness may be compromised. A central complaints process administered by a central agency would offer the most streamlined solution and is strongly recommended by Homelessness NSW.

5. **Include reporting metrics:** The opportunity to implement mandatory reporting and complaints mechanisms as part of the Implementation Guidelines would amount to a major opportunity for the NSW Government to make significant traction in the implementation of the protocol, in addition to streamlining the reporting of informative data. Reporting metrics could include the number of complaints made to agencies about their interactions with people experiencing homelessness relating to their rights under the Protocol; along with the percentage of frontline agency staff trained in how to implement the protocol in practice.
6. **Powers to issue move-on directions as a last resort:** The Implementation Guidelines should explicitly state that “move on” directions by Police or local government officers are captured by the protocol and are an action of last resort by Police under sections 197 and 198 of the Law Enforcement (Powers and Responsibilities) Act 2002 (NSW) or local government officers. Last resort should mean that other possible cause actions available to Police should be exhausted first unless they are not applicable in the circumstances.
7. **Ensure whole of government engagement:** To avoid any risk of confusion about whether successor government agencies following future machinery of government changes are party to the protocol (and Implementation Guidelines), the protocol should mention that successor agencies will become party to the protocol; and that the next iteration of the protocol will reflect any developments in machinery of government changes.
8. **Appendices not included in draft:** There is currently no information included in appendices at this stage. Homelessness NSW would welcome the opportunity to comment on the content of such appendices once included.
9. **Engage Local government:** Local government is noticeably absent from the Implementation Guidelines. Despite the current protocol mentioning that non-signatory organisations are able to use the protocol there is a missing stakeholder map of who should be included e.g. Local Government. There is an opportunity to advocate for the adoption of the protocol and create greater consistency amongst local governments. Local governments are the key interface engaging with people sleeping rough our panhandling (begging) in the public space.
10. **Private security, crowded places operators:** While the Protocol does not apply to private land or spaces, the Implementation Guidelines make no mention in how private operators in being contracted to undertake security patrols of public areas (such as special precincts such as Darling harbour or private/ticketed events on public land), are trained in understanding and implementing the Protocol. Spaces like shopping centres are often refuges for people street sleeping and needing respite from the heat. These operators, while not required to support people, often have vastly varied responses. Standardising expectations through training and awareness raising is a missing feature and should be included.
11. **Practical examples vs general principles:** Individuals may derive greater meaning from understanding best practice principles within the context of their specific role. Given the diversity of roles to which the protocol applies, there may be merit in outlining implementation for specific staff (such as health care professionals, police and housing

staff). At the very least, this could include simply providing case studies relating to relevant roles, rather than only listing general principles from sections 4.3-4.5.

**12. Community languages and accessibility:** Given the diverse composition of people experiencing homelessness and the wider community, the protocol should be promoted in community languages. Including a plain English summary version that can be shared with people experiencing homelessness e.g., a Rights and Responsibilities document.

If you have any questions or comments on our feedback, please contact Hamish McIvor, Senior Policy Officer, [Hamish@Homelessnessnsw.org.au](mailto:Hamish@Homelessnessnsw.org.au)

Kind Regards,



Trina Jones

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Homelessness NSW