



**Family &  
Community Services**  
Housing NSW

# Protocol for Homeless People in Public Places

Participant Guide

October 2012



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## Introduction

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This guide is designed to introduce the NSW Government *Protocol for Homeless People in Public Places*.

The guide includes information about:

- What the Protocol is, why it was developed and who it is for;
- How to identify homelessness;
- What you should do to implement the Protocol;
- Assistance available to homeless people (including children and young people), and to you in assisting them; and
- Principles underlying the Protocol.

This information is intended for new and existing staff of NSW Government organisations who work or come into contact with homeless people.

It is also useful for non-employees of these organisations (e.g. contractors, security staff) who come into contact with homeless people in the course of their work.

## What is the Protocol and why was it developed?

Homeless people are marginalised within the community and experience barriers to participation in social, recreational, cultural and economic life. There are particular issues faced by homeless people who use public spaces to sleep, store their personal belongings and gather together.

The NSW Government introduced the *Protocol for Homeless People in Public Places* (the Protocol) to help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their situation. The Protocol aims to assist homeless people to receive services if they need, or request them. It is an important element in the NSW Government's strategy for responding effectively to homelessness.

Implementation of the Protocol is expected to be consistent with current legislation and each organisation's policies and procedures. Many organisations already abide by its principles.

The Protocol includes guidance on what officials should do if they encounter people who appear to be homeless and some underlying principles regarding the rights and responsibilities of homeless people, other members of the public and officials.

The term 'officials' refers to members of staff employed by Government organisations. It may also include any contractors or volunteers who may come into contact with homeless people. It is recommended that contracted security staff who come into contact with the public should be made familiar with the Protocol and encouraged to abide by its principles.

The Protocol acknowledges that, like all other members of the public, homeless people have a right to be in public places and to participate in public events, at the same time respecting the right of local communities to live in a safe and peaceful environment.

## Who is the Protocol for?

The Protocol has been endorsed by a number of NSW Government organisations that are responsible for public places, come into contact with homeless people and/or provide services to them.

The current signatories to the Protocol are:

- Housing NSW.
- Community Services.
- Department of Premier and Cabinet
- NSW Police Force.
- Office of Environment and Heritage
- NSW Health.
- RailCorp.
- State Transit Authority NSW.
- Sydney Harbour Foreshore Authority.
- Sydney Olympic Park Authority.
- Aboriginal Affairs NSW.
- Ambulance Service of NSW.

## Principles underlying the Protocol

The Protocol is based on the following principles:

- Homeless people have the same entitlement as any member of the public to:
  - Be in public places, at the same time respecting the right of local communities to live in a safe and peaceful environment;
  - Participate in public activities or events; and
  - Carry with them and store their own belongings.
- Organisations that work in areas where their responsibilities are likely to bring them into contact with homeless people will receive sufficient information to enable them to assist homeless people if required, or help homeless people 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 Aboriginal homeless people and those from a culturally and linguistically diverse background;
  - Many homeless people have complex needs such as mental health and/or drug and alcohol issues, or cognitive impairment. These issues may result in behaviour that is seen to be antisocial; and
  - Homeless people may have experienced other 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.
  - The Protocol does not override existing laws, statutory requirements or regulations. It does not reduce the powers of organisations or their authority to enforce specific laws and regulations.
- Homeless people have the same access to a right of reply and appeals/complaints mechanisms as all members of the public.



## What is homelessness?

The most common homelessness definition identifies three types of homelessness<sup>1</sup>:

- **Primary homelessness** includes people without conventional accommodation, such as people living on the streets, sleeping in parks, squatting in derelict buildings, or using cars or railway carriages for temporary shelter;
- **Secondary homelessness** includes people who move frequently from one form of temporary shelter to another. It covers people using emergency accommodation; teenagers staying in youth refuges; women and children escaping domestic violence staying in women's refuges; people residing temporarily with other families or with friends (because they have no accommodation of their own); and those using boarding houses on an occasional or intermittent basis; and
- **Tertiary homelessness** includes people who do not have security of tenure provided by a lease and lack access to private facilities such as people living in boarding houses.

The Australian Bureau of Statistics<sup>2</sup> recently reviewed the above definition of homelessness to create a new broader definition that identifies a homeless person as someone who does not have suitable accommodation alternatives and their current living arrangement:

- is in a dwelling that is inadequate (e.g. improvised dwellings)
- has no tenure, or if their initial tenure is short and not extendable (e.g. boarding houses)
- does not allow them to have control of, and access to space for social relations (including overcrowding)

For the purpose of the Protocol, the primary homelessness definition is most relevant, whereby *'a person lives on the streets, sleeps in parks, squats in derelict buildings, or uses cars or railway carriages for temporary shelter'*.

Staff from Government organisations should use their own discretion to identify whether a person may be homeless based their interaction with the person.

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<sup>1</sup> Chamberlain, C and MacKenzie, D. (2008) *Counting the Homeless 2006*, Canberra: Australian Bureau of Statistics, no. 2050.0.

<sup>2</sup> Australian Bureau of Statistics (2012) *A Statistical Definition of Homelessness*, no 4922.0, Canberra.



## What should you do?

Firstly, remember that a homeless person has a right to be in a public place, or to join in any public event, providing they are behaving lawfully.

If staff from a NSW Government organisation encounter homeless people in public places such as parks, they should not be approached unless;

- the person requests assistance,
- they appear to be distressed or in need of assistance,
- the staff member seeks to engage with the person for the purpose of information exchange or provision of a service,
- their behaviour threatens their safety or the safety and security of people around them,
- their behaviour is likely to result in damage to property or have a negative impact on natural and cultural conservation of environment, including cultural heritage, water pollution and fire risks,
- they are sheltering in circumstances that place their or others' health and safety at risk (e.g. staying in derelict buildings, high risk areas),
- they are a child who appears to be under the age of 16,
- they are a young person who appears to be 16 to 17 year old who may be at risk of significant harm, or
- they are a child or young person who is in the care of the Director-General of the Department of Family and Community Services or the parental responsibility of the Minister for Family and Community Services.

If assistance is requested or needed you may:

- directly provide the service requested if it is within your area of responsibility, or
- arrange an appointment at the local Housing NSW office, or
- refer the person to the Homeless Persons' Information Centre, or
- give the homeless person information or contact numbers for appropriate services, or
- make a report to the Child Protection Helpline where the child or young person may be at risk of significant harm.



### Activity 3

Working with a partner, or in a small group, identify a scenario in which a homeless person (or concerned member of the public) might request or need assistance from you.

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Explain your scenario to the larger group (or to another small group/pair), and ask them to identify what action should be taken, if any.

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## Self-Check Quiz

Are the following statements True or False? Circle T for True and F for False:

1. When a homeless person is seen in a park, police should be called to remove them.	T / F
2. If a homeless person wishes to occupy your garden shed, the Protocol prevents you from removing them.	T / F
3. The Protocol is designed to clarify how you should respond to homeless people in public places.	T / F
4. If a member of the public telephones Housing NSW to report a distressed homeless person, you should refer them to the police.	T / F
5. Homeless people seeking information can be referred to the Homeless Persons' Information Centre.	T / F
6. Homeless children and young people require different responses to adults. The appropriate response will depend upon their age and other factors and may include a report to the Child Protection Helpline.	T / F
7. The Protocol increases your work responsibilities and authority to take action about homelessness.	T / F
8. The Protocol defines a homeless person as anyone who identifies themselves as homeless.	T / F
9. The Protocol applies to homelessness wherever it might occur.	T / F
10. If you see a homeless person in a public place endangering the safety of others, you should call the police.	T / F
11. Homeless people have all the same legal rights and responsibilities as any other member of the community.	T / F

## Appendix

- Protocol for Homeless People in Public Places

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