

TANGENTYERE COUNCIL

Submission to the Alice Springs Town Council in relation to the Draft Alice Springs (Management of Public Places) By Laws 2009

Introduction

The Tangentyere Indigenous Case Management Service (ICMS) has operated since October 2007.

The Tangentyere ICMS works with those individuals who are:

- Sleeping Rough
- Homeless
- 'At Risk' of Homelessness
- Escaping Violence
- Public Drinkers
- Remote Community Visitors
- Released Prisoners

The Tangentyere ICMS provides the following broad categories of assistance:

- Photographic Identification¹
- Emergency Relief³
- Advocacy
- Return to Country²
- Referrals
- Case Management

Referrals, Advocacy and Case Management are concerned but not limited to the following processes, desirable outcomes and presenting reasons:

Territory Housing Applications	AOD Issues
Crisis Accommodation	Transport
Transitional Accommodation	Domestic Violence
Financial Exclusion	Income Support
Priority Housing Applications	Court Support
Medical Issues	Tenancy Issues

The Tangentyere ICMS provided assistance to in excess of 4500 clients during the period July 2008 to June 2009. Many of these clients have been forced to camp in public spaces due to a lack of accommodation.

The issue of homelessness is complex and it should be recognised that homelessness isn't limited to people sleeping rough.

¹ The ICMS issues the Tangentyere Card; since March 2008 the ICMS has received 4927 applications for the Tangentyere Card with 4314 applications being finalised.

² Travel Assistance is provided to people who have become stranded in Alice Springs. Return to Country assistance was provided to >520 people during the 2008/ 2009 financial year.

³ Financial Assistance is provided for food, accommodation, clothing etc

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The Homelessness Australia website describes the diversity of homelessness using the Mackenzie and Chamberlain definition as follows:

1. *Primary homelessness* is experienced by people without conventional accommodation (e.g. sleeping rough or in improvised dwellings).
2. *Secondary homelessness* is experienced by people who frequently move from one temporary shelter to another (e.g. emergency accommodation, youth refuges, and "couch surfing").
3. *Tertiary homelessness* is experienced by people staying in accommodation that falls below minimum community standards (e.g. boarding housing and caravan parks). This definition was adopted by the Commonwealth Advisory Committee on Homelessness in 2001 and is widely used in our sector.

The following figures help to highlight the issue of homelessness in Alice Springs:

Public Housing Waiting Times

Dwelling Type	June 2007	May 2009
1 bedroom (Pensioner)	9 months	30 months
1 bedroom	38 months	59 months
2 bedrooms	12 months	36 months
3 bedrooms	27 months	49 months
4 bedrooms	(not stated)	68 months (quoted)

Public Housing Stocks⁴

Dwelling Type	Quantity
1 bedroom	265
2 bedrooms	272
3 bedrooms	391
4 bedrooms	41
6 bedroom	3
Total	972
Industry Dwellings	77 ⁵

⁴ Figures from May 2009

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Town Camp Demographics

i. Dwellings

Dwelling Type	Quantity
2 bedrooms	31
3 bedrooms	91
4 bedrooms	68
6 bedroom	1
Total (2004) ⁶	191
Additional Dwellings (since 2004) ⁷	13
Total (2009)	204

ii. Resident verses Service Population

	Total Individuals	Individuals/ dwelling
Resident Population	1950	9.5
Service Population	3300	16

It should be noted that in part the difference between the 'Resident Population' and the 'Service Population' is suggestive of the quantity of 'temporary accommodation' provided by the Town Camps (to remote community visitors).

Tenancy management reforms proposed as part of the Alice Springs Transformation Plan may result in increased levels of people sleeping rough (as the number of individuals per town camp dwelling decreases prior to additional houses being built).

⁵ The 77 industry dwellings are included in the total number of 972. The NTG media release 'Accommodation Boost for Alice Springs' suggested that Alice Springs was to receive additional accommodation when in reality 27 Territory Housing dwellings were to be transferred to Anglicare.

⁶ The figure of 191 has been augmented by an additional 13 dwellings since 2004

⁷ At the time of writing this submission the author did not have a quantitative description of the dwellings.

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Transitional, Medical Transitional and Crisis Accommodation Stocks

i. Aboriginal Hostels

Ayiparinya Hostel ⁸	Transitional
Hetti Perkins	Aged Care
Sid Ross	Medical Transitional
St Mary's	Primary Education
CAAAPU	Substance Use Rehabilitation
Tangentyere Safe Families ⁹	Homeless
Topsy Smith	Medical Transitional

ii. Stuart Lodge

Stuart Lodge ¹⁰	Medical Transitional
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iii. Red Shield Hostel

Red Shield Hostel ¹¹	Supported Accommodation (Homeless Men)
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iv. Alice Springs Women's Shelter

Alice Springs Women's Shelter ¹²	Domestic Violence
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v. Transitional Housing Program

Medium term accommodation- maximum period of 2 years

Bloomfield Street Flats	THP- couples and families ¹³
Bill Braitling Flats	THP- single people ¹⁴

⁸ Ayiparinya can accommodate a maximum of 94 clients, for a maximum of 3 months.

⁹ The Tangentyere Safe Families House can cater for approximately 6 families per year who have become homeless due to violence.

¹⁰ Stuart Lodge can accommodate a maximum of 68 people in 33 rooms. The demand for transitional medical accommodation has increased since the closure of Mount Gillen Safe House earlier this year.

¹¹ Maximum number of men that can be accommodated at present is 21 individuals

¹² Maximum number of women and children that can be accommodated at present is 30 individuals.

Demand for accommodation has increased due to the closure of Mt Gillen Safe House.

¹³ Territory Housing will head lease 27, two bedroom units to Anglicare as the properties become vacant.

Anglicare has a case manager to support the tenants acquire the skills necessary to maintain housing.

¹⁴ 18, single bedroom units, Anglicare has a case manager to support the tenants acquire the skills necessary to maintain housing.

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Sleeping Rough

How many people are sleeping rough in Alice Springs?

	Period	Contacts
Alice Springs Town Council	April 2009	768 ¹⁵
Tangentyere Council	2008/ 2009	1754 ¹⁶

Supply and Demand

i. Public Housing

According to Territory Housing Annual report 2007/2008

1. Target for 'new households' compared with actual 'new households' assisted a 70% (520/729) success rate across the NT (i.e. numbers of new public housing tenants).
2. Medium and longer term tenancies are increasing.
3. Target for 'new households' assisted with 'bond assistance' compared with actual 'new households' assisted with bond assistance showed a 75% (302/429) success rate.
4. 520 households were assisted with public housing across the Territory in 2007/2008.
5. Targets for 'New Households' to be assisted with public housing and bond assistance for 08/ 09 were set as 70% and 75% respectively of targets for 07/ 08.

It is the experience of Tangentyere that the majority of so called 'illegal campers' are on the Territory Housing waiting list. Some of these individuals will wait for a period of up to 68 months for accommodation.

Homelessness on its own isn't generally grounds for a 'priority application'.

¹⁵ The Centralian Advocate Article 'Alice Springs Dawn Patrols' stated that 768 'illegal campers' were encountered during April by the ASTC Rangers.

¹⁶ The number of 1754 represents the number of contacts and doesn't reflect the actual number of clients encountered.

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ii. Transitional Accommodation and Crisis Accommodation

At present the most appropriate accommodation providers available to those 'sleeping rough' are as follows.

- Ayiparinya
- Alice Springs Women's Shelter
- Stuart Lodge
- Red Shield Hostel

In reality on the majority of occasions that a referral is made to these providers they are at capacity.

It is difficult to obtain accommodation for homeless clients and in the majority of instances people will be forced to return to a circumstance of sleeping rough or an overcrowded dwelling.

Where individuals have access to family with a Territory Housing dwelling the tenant will be placed in a position of being required to either risk their tenancy due to over crowding or turn family away (in favor of 'illegal camping').

Response to Specific Draft By laws

This submission is submitted by the Tangentyere Council and responds specifically to:

No camping	26
Continued breach	27
Demonstrations and protests	34
Fire	37
Other activities	42
Drinking liquor in a public place	49
Open liquor container in a public place	50
Public intoxication	52
Urination and defecation	53
Begging	57
Impounding and disposal	71
Authorised persons requiring information	80
Proof of identity	81
Moving on persons	83
Persistent breach	89

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Tangentyere is concerned that the by laws indicated above will have a significant impact on those individuals who are forced into the condition of 'sleeping rough' due to a lack of appropriate accommodation.

The implementation of these by laws is a contradiction to the Alice Springs Transformation Plan which recognises that homeless people are disadvantaged and 'at risk'.

It is our recommendation that the above by laws not be implemented until those action strategies being developed by the Alice Springs Transformation Plan are fully implemented. The relevant strategies include:

- | | |
|-------------------------|--|
| Deal with social issues | - expand alcohol rehabilitation, family support and family violence services and early childhood facilities. |
| Transform town camps | - improve housing and other infrastructure in town camps.
- implement tenancy management reforms. |
| Reduce homelessness | - establish managed short term accommodation facilities for Aboriginal visitors to Alice Springs.
- establish transitional accommodation facilities for homeless Aboriginal people awaiting access to public housing. |

Response to specific sections:

No camping Part 2.5, 26

Tangentyere understands concerns in relation to people camping in public spaces; however we are concerned about moving people on as response homelessness.

The introduction of this submission establishes the following issues:

- The number of people who are 'sleeping rough'
- The definitions for primary, secondary and tertiary homelessness
- The lack of suitable accommodation (crisis, short term, transitional and permanent)
- The length of Territory Housing waiting times
- The lack of housing stock

The proposed by laws would appear to further disadvantage the people who need the most support in our community.

It appears unfair to fine people who have no other option but to sleep out in public spaces. The people who will be affected by this by-law are some of the most vulnerable people in our society.

There are already regulations in place around camping and it seems unnecessary to extend those regulations.

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Urination and defecation Part 3.3, 53

The provisions in this section are already in force under the Summary Offences Act and there is no need to duplicate them.

The simple solution to 53 is to make all public toilets in Alice Springs freely available to the public. Doing this would make reasonable the offence of urinating and defecating in public. Not everyone has 50 cents every time they need to go to the toilet.

Begging Part 3.3, 57

There are already laws to cover the type of behaviour intended to be addressed by this by-law included within the Summary Offences Act (NT). A member of the Police can direct a person to cease loitering where that member has reasonable grounds to suspect among other things that the individual is interfering with the reasonable enjoyment of other persons using the public place.

It is difficult to understand what will be achieved by fining people, who have to resort to begging in the first place.

It is imperative that as a community we work to address the underlying causes of poverty and disadvantage, rather than further punish those who are already doing it tough.

The proposed fine system is a very harsh one which we believe will disproportionately target Aboriginal people and will also be very difficult to enforce. Even if people can somehow pay their fine, their income will be further reduced, and they may have to again resort to begging.

Approaches are required which engage with people in a positive manner and acknowledge all people as valued members of our community and address underlying issues of poverty and disadvantage.

The ASTC needs to support community initiatives which support rather than penalise people who are financially vulnerable.

Impounding and disposal 4.3, 71

It seems reasonable for ASTC to dispose of items considered abandoned the concern is that this by-law will be used to remove blankets, bags and food left for later collection.

It is acknowledged that at times items are delivered to Tangentyere by ASTC employees. This practice is however inconsistent at best.

The loss of fundamental material possessions such as food and blankets places individuals at further risk.

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Authorised persons requiring information Part 5.3, 80

Tangentyere Council has the position that the power to demand information should be left with members of the Police (Territory or Commonwealth).

If ASTC workers are entitled to demand name and address, then there should be a provision requiring ASTC workers to provide their name and address if requested.

Making it an offence to fail to supply this information is problematic. In addition to the fact that it is unreasonable to expect people to supply this information the question needs to be asked of the ASTC how it intends to provide explanations to people who may speak little or no English.

Many people do not have an address, many individuals cannot supply their DOB and in many cases people will have varying nomenclature (i.e. the name that is held by differing service providers may vary). How then will the ASTC determine when a person is wilfully providing false information?

People will at times provide the name of a locality where they were born or where they grew up as they have no fixed address at present. In the absence of language speaking staff it is likely that information that is collected will support an incorrect notion that people camping illegally have somewhere else to go.

Proof of identity Part 5.3, 81

The requirement that people provide proof of identity documents to ASTC employees is extremely problematic. Tangentyere Council has the position that the power to demand proof of identity should be left with members of the Police (Territory or Commonwealth).

In addition there are further issues with demanding proof of identity including the following:

1. Many homeless individuals don't possess identity documents
2. Many homeless individuals are unable to obtain a birth certificate readily as they were born interstate
3. Significant numbers of individuals were born outside of the clinic/ hospital system and hence cannot obtain a birth certificate as their births weren't registered
4. Without photo identity documents it isn't possible for the authorised person to positively identify an individual
5. What constitutes a reasonable excuse?
6. Will authorised persons communicate in Central Australian Aboriginal languages to identify the reasons that an individual has for not possessing photo identity documents (and hence determine the validity of an excuse)?
7. Where a person fails to provide identity documents, that individual is directed to provide identification to the ASTC within a specified period. How does the ASTC propose to check that the individual has provided this documentation (if identity verification wasn't sighted then the person's identity isn't known)?

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Moving on persons

5.3, 83

Tangentyere is concerned that this draft by-law will bring people in contact with the law that may be doing nothing intrinsically wrong. The execution of this by-law is likely to create circumstances that could lead to altercations between people being targeted and the ASTC.

The ASTC should not be authorised to use physical restraint in the execution of this or other by laws.

The ability of the ASTC to determine that an individual is likely to engage in activities that may breach the by laws is questionable. The execution of this by-law has the potential to be discriminatory in nature and the notion that a person can be directed not to return to a public space without reasonable grounds is also of issue.

Persistent breach

Part 5.4, 89

The provision to enforce harsh penalties for persistent breaches is problematic and unfair.

The notion that for example someone who is persistently homeless could attract excessive fines for continuing to commit the offence of camping without a permit in a public place is clearly lacking in humanity or reason.

Conclusion

According to the Local Government Act (NT) by laws should:

- Be consistent with other legislation
- Not place unreasonable burdens on the community
- Not restrict competition
- Not duplicate or overlap with other legislation
- Conform to the basic principles of justice and fairness

In addition the legislation makes the following point clear:

- By laws cannot relate to a function that the council does not have such as the Army, the Customs Service or Police (as these are functions of the Commonwealth or Territory Government).

Tangentyere is concerned that many of the by laws addressed in this submission are not fair, consistent with other legislation (or contemporary policy) and that several of the by laws do indeed overlap or duplicate other legislation.

Finally if these by laws are implemented the powers of the authorised persons will overlap and duplicate the powers of the Police.

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Tangentyere recommends that the adoption and implementation of by laws directly affecting homeless people or those 'sleeping rough' should be delayed until after the implementation of the Alice Springs Transformation Plan.

Once the Alice Springs Transformation Plan has delivered additional housing, accommodation and other essential services perhaps the notion of fining people for 'sleeping rough' and associated activities may not be so abhorrent as there will be viable alternatives to 'sleeping rough'.

Having suggested a delay in the implementation of the by laws any future implementation should be carried out once the efficacy of the Alice Springs Transformation Plan has been determined.

Adoption of these by laws will only seek to further exclude the homeless members of our society. The aim of all levels of government should be that of the social inclusion of all members of our society regardless of race, language, culture and social status.

Strategies for addressing 'anti-social behaviour' should include positive uses of public spaces. Such uses could include events that are free, accessible (regardless of language and culture) and foster participation, collaboration and friendship.

It appears that in large part these by laws are aimed at creating a positive impression of Alice Springs to visitors from interstate and overseas. It should be recognised that many guide books like to present information such as the history and contemporary social issues of destinations. What this means is that people will consider the quality of a place before deciding to travel to it. What will tourists think of these by laws? What will tourists think of the way that the homeless people are treated in Alice Springs? How will tourists perceive a society more interested in presenting a positive impression to tourists than a positive reality to its disadvantaged people?