

Local Law Guideline: Persons Experiencing Homelessness Camping Framework

Local Law (section and title):	Section 47 of <i>Camping on Public Land Local Law 2023</i>
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Purpose

The *Camping on Public Land Local Law 2023* prescribes that Council may establish a framework for assessing whether camping is Persons Experiencing Homelessness Camping (PEH Camping). This Local Law Guideline will be the Persons Experiencing Homelessness Camping Framework (the Framework) as specified within the *Camping on Public Land Local Law 2023*. The Framework assists Council's Authorised Persons to conduct enforcement of its *Camping on Public Land Local Law 2023* (the Local Law).

Council established the Persons Experiencing Homelessness Camping Framework to assist Authorised Persons determine whether camping is 'PEH Camping' and to inform the subsequent actions and timelines for these actions to be taken by Authorised Persons. Persons experiencing homelessness who camp on public land do not commit an offence against the Local Law if the camping is assessed as 'PEH camping'.

The Framework also sets out general principles for how Authorised Persons will approach and interact with persons experiencing homelessness. The framework aims to ensure that Authorised Persons, Council employees, and our communities understand that the application of the Local Law requires sensitivity and discretion to ensure that persons experiencing homelessness are engaged with compassionately and not immediately treated as illegal campers.

Guidance

City of Moreton Bay is committed to:

- Ensuring that persons experiencing homelessness are supported to find pathways out of homelessness.
- Upholding the rights of all community members to access Council services and public spaces, whilst maintaining the cleanliness, safety, and accessibility of these public spaces for the benefit of everyone.

PEH Camping

Camping is defined as 'PEH Camping' when:

- the camping is occurring in a public place such as a park or carpark; and
- the person camping is sleeping:
 - rough; or
 - in a tent; or
 - in a vehicle that is not:
 - a caravan; or
 - a camper trailer; or
 - in any other vehicle equipped for the purposes of camping; and
- the person does not keep an animal with them at any time while camping; and;
- the person camping informs an Authorised Person that they are experiencing homelessness; and
- the person provides an Authorised Person with requested personal information and consents to sharing it with the Queensland Government Department of Housing (DoH) and homelessness services providers for housing assistance; and,
- the person complies with the responsibilities when remaining on public land set out below.

Assessing PEH Camping

Notification

Council can be notified about someone experiencing homelessness through multiple channels. This includes reports from Council employees, the public, or by persons experiencing homelessness who seek help from Council.

Anyone can notify Council of suspected camping and homelessness by phoning Customer Service (07 3205 0555) or submitting a Customer Request through the Council's website.

Assessment

All Customer Requests about camping and homelessness are referred to the Local Laws Branch and allocated to an Authorised Person to investigate.

Authorised Persons will assess the location and circumstances of the person to determine if they are experiencing homelessness and are PEH Camping. The assessment requires Authorised Persons to attend the location and speak with the person, provided it is safe to do so.

The Authorised Person will ask the person if they are experiencing homelessness. If the person confirms that they are experiencing homelessness, the Authorised Person will:

- Request their personal information, providing them with a verbal collection notice and request verbal consent to share their personal information with the DoH and homelessness service providers for housing assistance;
- Inform the person of their responsibilities when staying in a public place; and
- Offer a Moreton Bay Homelessness and Housing Key Contacts Card.

It is recognised that many persons experiencing homelessness have experienced trauma in their lives, and this trauma can affect their behaviour and wellbeing. Authorised Persons will approach and interact with people in a way that is respectful and sensitive to the persons unique circumstances. It is recognised that Authorised Persons may need to make multiple visits and engagement attempts to complete the assessment.

If the Authorised Person is unable to safely engage with the person to complete the assessment, but reasonably suspects that the person is experiencing homelessness, the Authorised Person will raise the case with their team leader and the Community Development Unit.

The Community Development Unit will request immediate assistance and coordinated support from the DoH and specialist homelessness service providers.

Response

The Authorised Person will notify Council's Community Development Unit of PEH Camping within two business days who make the referral to the DoH and specialist homelessness service providers.

Council does not provide housing for persons experiencing homelessness.

If a person is not experiencing homelessness or declines assistance, the matter may be one of illegal camping, and will be managed by Council according to the Local Law.

Monitoring

Authorised Persons will **revisit the location at regular intervals** to ensure it remains clean, safe, and accessible to the public, and to monitor the maintenance of responsibilities when remaining on public land.

The Community Development Unit will facilitate regular communications with the DoH and specialist homelessness service providers with the objective of exchanging authorised information to support the person's application for housing assistance and regulation of the Local Law.

If a housing outcome is not facilitated within three months and a person continues to sleep in a public place, the Community Development Unit will request a written update from the DoH and specialist homelessness service provider.

If a person no longer meets the requirements of PEH Camping, the matter will be managed by Council in accordance with the Local Law.

Responsibilities when remaining on public land

If persons experiencing homelessness remain on public land they must:

- maintain camping consistent with the definition of PEH Camping in this framework;
- keep the area clean, safe and tidy;
- ensure that all temporary structures (i.e. tents) are safe and that personal belongings do not impede reasonable access or use of the public space by other members of the community;
- ensure that temporary structures are contained to a reasonable size and that all personal belongings are kept within this space;
- follow local parking rules; and
- enable Council officers to undertake their duties.

If any person is engaging in illegal activity in a public place, for example, committing a public nuisance (behaviour that interferes with someone peacefully being in and enjoying a public place), urinating or defecating, exposing their genitals, or are intoxicated in public, the person will be reported directly to Queensland Police Service.

All people have a right to enjoy and feel safe in public places, and Council will seek to find the right balance between protecting public safety, access and amenity and supporting some of our most vulnerable community members.

Compliance approach

At first instance, any compliance action taken against a person that is determined to be PEH Camping will be one of education and assistance.

Authorised Persons will consider the circumstances of the person, the impact of the structure and/or personal belongings on the public space before deciding how to respond.

If the camping is not PEH Camping or the person experiencing homelessness is not complying reasonably with the responsibilities when staying on public land, the situation will be managed by Council in accordance with the Local Law and other applicable local laws.

Illegal camping

If, after the assessment, it is determined that the person is not experiencing homelessness or the camping is not assessed as PEH camping, but is instead illegally camping, the situation will be managed by Council in accordance with the Local Law.

Other parties

Council works with the Queensland Department of Housing (DoH), Queensland Police Service, and specialist homelessness services to support people that are experiencing homelessness in public spaces.

Council relies on these agencies to provide assistance to people experiencing homelessness and respond to instances of crime and public safety.

The Queensland Department of Housing (DoH) is the lead agency responsible for reducing homelessness in Queensland. DoH provide public housing and funding to housing and homelessness service providers. For more information, visit www.qld.gov.au/housing

The Queensland Police Service is the primary law enforcement agency for Queensland responsible for preserving peace and good order, preventing and detecting crime, and protecting and supporting the Queensland community. For more information, visit www.police.qld.gov.au

Specialist Homelessness Services (SHS) are services funded by Government specifically to assist people who are homeless or at risk of homelessness.

More information

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Visit Council's website for more information about how Council is responding to homelessness in the Moreton Bay region.

Related Documents

Relevant legislation

- *Camping on Public Land Local Law 2023*

Council documents

- *Camping on Public Land Local Law 2023 Explanatory Notes*

Definitions

Term	Definition
Authorised Person	Authorised person as defined under the Local Law
Camping	Staying, or intending to stay, in an area overnight
City of Moreton Bay or Council	Moreton Bay City Council
CEO	Chief Executive Officer of Moreton Bay City Council
Local Law	<i>Camping on Public Land Local Law 2023</i>
PEH Camping	Camping assessed as PEH camping under the PEH camping framework.
Public land	Public land as defined under the Local Law

Document Control

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