

Local laws impacting people experiencing homelessness

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Acknowledgement of Country

I would like to acknowledge over 65,000 years of continuous custodianship and care by the the Bunurong/Boon Wurrung and Wurundjeri people of the Kulin nation, the traditional and rightful owners of the land we meet on today, whose sovereignty has never been ceded.

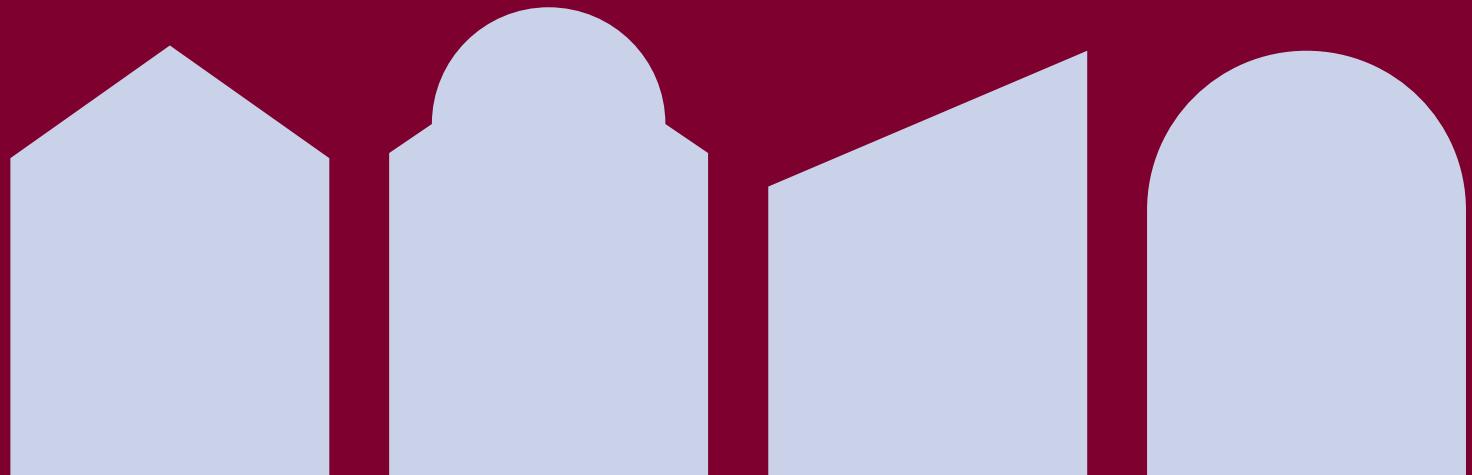
I pay respect to elders past and present and all Aboriginal and Torres Strait Islander people, recognising their ongoing leadership and the strength of the world's oldest living culture.

Aboriginal people are significantly over-represented among those experiencing homelessness as a result of colonisation.



About Southside Justice

- A generalist place-based community legal centre serving LGAs of Port Phillip, Stonnington and Bayside. A member of the Vic Federation of CLCs & VCOSS;
- Serving people living in & linked with services in our catchment on low incomes & deliver state-wide sex worker legal program, most clients are referred through our community partnerships
- High proportion of clients experiencing/at risk of homelessness linked to their legal issues (50% last yr excluding our FV duty lawyer service)



Local laws & homelessness



- What are local laws? A legislative instrument authorised under the Local Government Act 2020 to enable Council's to carry out their functions – including “amenity”.
- All LGAS across Metro Melbourne have a “**camping ban**” clause prohibiting “camping” on council land. Camping defined broadly.
- Most councils use a **protocol to guide implementation** to avoid direct systematic enforcement against people for sleeping rough –this would be incompatible with the Vic **Human Rights Charter**.
- **Port Phillip and Merribek** both have a camping ban clause but are the only LGAs with a legal exception to explicitly protect people experiencing homelessness and complex needs from enforcement action.
- **Enforcement action** is limited to issuing fines and confiscation of items (including personal belongings). There are no direct ‘move on’ or arrest powers under local law.
- Local laws include prohibitions that disproportionately impact people forced to live their lives in public space, banning: public consumption of liquor, public toileting, creating a “nuisance”, behaving in a manner that “unreasonably interferes” with another’s enjoyment of council land.
- Local laws have been used and have the potential to be increasingly used to harass & push unhoused people out of public space & increase criminalisation & contact with police and the justice system.

Developments in Melbourne

- **City of Melbourne** – security guards program expansion 2025– security guards patrolling together with local laws officers during their enforcement activities, focused on public liquor consumption and begging – but according to oral testimonies of unhoused people in the CoM, in reality, intimidating and moving people on: “boots on the ground”, “broken windows” – CoM Mayor.
- **Cities of Maribyrnong and Wyndham** – security guard pilot program 2025
- **City of Port Phillip** – Local law amendment proposals 2025: introduction of “temporary no encampment areas” – a means of selectively removing the camping ban protection for people experiencing homelessness and complex needs in order to dismantle “encampments” by impounding people’s belongings.
- **Impacts of enforcement activities on people experiencing homelessness:**
 - [Bunjil's Fire feat. HPUV homelessness testimonials - YouTube](#)

What can we do?

Community legal centres like us can challenge local laws and enforcement actions that conflict with the Charter of Human Rights – talk to us when you see or hear about examples. Reach out if you have questions –

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Follow & support the work of those speaking out including peer organisations like the [Homeless Persons Union Victoria](#)

Collect testimonies and support people to share their living experience of these evolving policies and practices

(Continue to) advocate for the human rights of unhoused people, for ending homelessness, and for [alternative first responders](#), through your own sector-based channels.

