

## Visible Homelessness in a “Liveable City”: Municipal Responses to Homelessness in Melbourne

James Petty\* and Alison Young†

**Abstract:** Despite considerable national and urban prosperity, significant numbers of Australians are homeless. How local governments engage with homelessness has significant implications for the homeless population. In recent years, municipal strategies have inclined towards the maintenance of public order at the cost of the rights of homeless individuals. In this article, we investigate the approach to homelessness proposed by the City of Melbourne in 2017, which centered on the expansion of powers to remove individuals and the confiscation of possessions, testing the council’s claims as to the impact of visible homelessness upon local businesses and upon other users of public spaces.

### Introduction

While patterns of homelessness differ across cultural, political, and geographic contexts, one of the most vexing aspects is its persistence in wealthy countries. How homelessness is responded to in economically prosperous countries offers insight into barriers to its resolution that are political rather than economic, but nonetheless intractable. Australia has for many years grappled ineffectively with homelessness, despite enviable economic prosperity, with the global financial recession appearing to have less impact than in other highly developed Western nations.

Despite Australia’s material wealth, homelessness is a serious and widespread social problem, experienced by as many as 1 in 200 individuals (Homelessness Australia 2016). All Australian cities host a substantial population of individuals experiencing homelessness of varying kinds and duration (Mechkaroff et al. 2018). In addition, there are numerous individuals enduring the kind of social or economic precariousness identified by Standing (2014). The scale of the problem directly contradicts assumptions about the quality of life in Australian towns and cities: as an example, Melbourne for several years running (2010-17)

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was awarded the accolade of “World’s Most Liveable City” by the Economist Intelligence Unit, but housing—a key element of “liveability”—is inaccessible to many of its inhabitants. (In 2018 and 2019, Melbourne has been ranked second to Vienna. For a critical view of Melbourne’s “liveability,” see Lucas (2018b).)

Provision of affordable housing constitutes the primary solution to homelessness (Kertesz and Johnson 2017). However, waiting lists are long. In Victoria, it is estimated that over 82,000 people are in need of housing. Around 90 percent of these annually are not assisted with housing needs (Incerti 2018). As a result, most individuals experiencing homelessness will endure living conditions that are temporary, unsafe, or unstable. Many will endure periods in which they appear visibly homeless through having to sleep rough or to seek donations in public spaces. Chamberlain and Johnson (2016) state that about 1.4 million Australians will have to sleep rough at some point.

\* Criminology, School of Social & Political Sciences, University of Melbourne, and Victorian Alcohol and Drug Association (VAADA) and

† Criminology, School of Social & Political Sciences, University of Melbourne, and Law School, City, University of London. Email: [ayoung@unimelb.edu.au](mailto:ayoung@unimelb.edu.au)

A persistent and complex social issue, homelessness demands well-coordinated and long-term strategies at federal, state and neighborhood levels. Over a decade ago, a federal government plan to end homelessness was proposed (DFHCSIA 2008). Since then, however, despite rising numbers of individuals experiencing homelessness, Australia’s policy responses to homelessness have diminished in scope, with the issue itself tending to be relegated to local government responsibility (Jacobs 2016). Local governments have thus been placed at the forefront of the challenges posed by homelessness. In themselves, they have a relatively limited capacity to effectively address the structural causes of homelessness. Nevertheless, the way in which local governments engage with homelessness has significant implications for local homeless populations.

In lieu of lasting solutions to the issue of homelessness, local governments tend towards balancing their commitment to clean and orderly public spaces with recognition of the rights of homeless residents to access those spaces. In recent years, that balancing act has inclined towards the maintenance of public order at the cost of the rights or needs of

individuals experiencing homelessness. Individuals who appear homeless in public places can undergo a number of adverse experiences. They are at risk of health problems, of being moved on by police, or of being the victim of a crime (Adams 2014b). They may engage in activities that amplify their vulnerability, such as drug use or sex work. At times, their mere presence may become the object of intense public debate and scrutiny. Our research in Melbourne examines a period in which such debate took place.

### **Visible Homelessness in the City of Melbourne**

In January 2017, following extensive and critical media coverage of issues relating to visible homelessness around Flinders Street Station in the central area of the City of Melbourne (CoM), the then Lord Mayor of Melbourne, Robert Doyle, announced plans to amend the council's Local Laws. The first proposed change was to extend the municipality's ban on camping, by rewriting the Local Laws' definition of camping, which had previously defined camping as taking place in "a vehicle, tent, caravan or any type of temporary or provisional form of accommodation." Instead, clause 2.8 would simply provide: "Unless in accordance with a permit, a person must not camp in or on any public place." This would allow council employees to clear encampments, which were areas where groups of homeless people were sleeping rough, usually without the kinds of vehicles or equipment that the "camping" definition had previously specified. The second proposed change was to include a new clause 2.12:

A person must not leave any item unattended in a public place. If an item is left unattended, an authorized officer may confiscate and impound the item, and can sell, destroy, or give away the item if a fee or charge is not paid within 14 days.

In addition to this "retrieval fee," leaving belongings unattended would attract a \$250 fine. In support of the proposed amendments, Mayor Doyle (2017) made two key claims: first, that the belongings of homeless people constituted impediments to movement within public space and access to the amenities of the city for its other users; and, second, that local businesses were adversely affected by the presence of rough sleepers. Accompanying such claims were more general assumptions regarding the aesthetic impact of visible homelessness upon the city. These assumptions were based on a broader tendency to construct people experiencing homelessness as a corrosive influence within contemporary societies (Parsell 2011; Parsell and Phillips 2013). In a gesture consonant with that tendency, Mayor Doyle stated in the media that homelessness had become "a blight on our city" (Preiss and Choahan 2017).

The proposals generated a great deal of criticism (Boarder Giles and Carlson 2017). Consultation meetings were held. Alongside the meetings, comment was solicited by means of an online survey and through an invitation to submit written responses to the proposals. This resulted in 1,637 responses to the online survey, 717 written submissions, and consultation with 202 selected stakeholders. A petition, containing 2,000 signatures, was also submitted by a service provider located in the neighboring municipality of the City of Yarra. The public response was overwhelmingly opposed to the proposals: 84 percent of responses rejected the extended definition of camping and the power to confiscate possessions; 98 percent rejected the proposed fines disguised as “retrieval fees” (City of Melbourne 2017a). In September 2017, the CoM decided not to adopt the amendments, opting instead for a formal Operating Protocol developed in conjunction with Victoria Police and homelessness service providers (City of Melbourne 2017b). We will return to the Operating Protocol at the end of this article.

Although not implemented, the 2017 proposal provided an instructive example of the ways in which social anxieties about publicly visible homelessness can manifest in debates about municipal policies and practice, often via unsubstantiated claims regarding social impact. In this instance, it was claimed that visible homelessness was a problem for users of public urban spaces, had an adverse effect upon local businesses, and generated waste and litter within the city streets. Our research project, begun during the months in which the CoM debated whether to adopt the proposed amendments and continuing for 2 months after its adoption of the Operating Protocol, sought to test these claims. We began by comparatively contextualizing the City of Melbourne’s approach, through consideration of contrasting municipal policies elsewhere (Young and Petty 2019). We then conducted fieldwork at a total of 29 sites within Melbourne’s central business district (CBD) in the City of Melbourne, and within the neighboring municipality, the City of Yarra.

### **Contextualizing the City of Melbourne Proposals**

As mentioned at the outset of this article, homelessness is an issue addressed by most municipal authorities, which develop policies, strategies, response mechanisms, and partnerships in relation to it. These exist within a matrix comprising state protocols and strategies, federal policies and directives, human rights charters, and state or national criminal

law. The CoM is not alone in having attracted critical attention for its policies on visible homelessness. Illustrative examples of other approaches that have been adopted in cities in the United States, the United Kingdom, and elsewhere in Australia, will briefly be considered. The locations were selected for their exemplification of distinctive policy approaches: the City of Sydney's strategies show a tendency towards indirect criminalization of visibly homeless individuals; in the United States, Seattle city authorities adopted a strategy of limited legalization of encampments, and in Britain, Manchester City Council has implemented a combination of welfarist strategies along with regulation and prohibition of particular activities deemed problematic in public places.

### *Sydney: Indirect Criminalization*

The regulation of homelessness in Sydney is informed by the New South Wales Government's (2013) *Protocol for Homeless People in Public Spaces*. The purpose of these guidelines is to "help ensure that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their situation" (NSW Government 2013: 4). The protocol identifies the right of people experiencing homelessness to be in public space and to participate in public events and life. In addition, the protocol delimits the grounds on which police and city officers can approach homeless people. However, the protocol specifies that it only applies "to homeless people who are in public places and acting lawfully," with the implication that the rights of those who seem to be acting unlawfully are not protected (NSW Government 2013: 6). In addition, despite the stated right of visibly homeless people to be in public space, the City of Sydney employs public space liaison officers for the express purpose of responding to public order issues arising from visible homelessness in public places (City of Sydney 2018).

Unlike in Victoria, begging is not a criminal offence in New South Wales. Police and authorized municipal officers are not able to respond directly to this specific behavior associated with homelessness. However, a range of regulatory responses by the police to homelessness still occur, resulting in an *indirect criminalization* of homelessness through targeting behaviors likely to be engaged in by people experiencing homelessness. A wide array of public order provisions can be used to this end, including amendments added in 2011 to the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) to expand police powers to move people on: when a person is obstructing another person, if their presence

“constitutes harassment or intimidation” or “is likely to cause fear in a person of reasonable firmness,” irrespective of whether another person is in the vicinity, or if a person is intoxicated and their intoxication is disorderly or gives rise to a risk to public safety (§§ 197, 198, 198a). This expanded power was backed up by amendments to the *Summary Offences Act 1988* (NSW), creating a new offence of failing to comply with a police directive. These sorts of discretionary powers in public order provisions have been shown in numerous jurisdictions to disproportionately affect people experiencing homelessness (Adams 2014a, 2014b; Australian Human Rights Commission 2009; Barak and Bohm 1989; Lynch 2003; Quilter and McNamara 2013; Walsh 2008, 2011).

Indirect criminalization can be combined with forcible removal of groups of homeless people, as occurred in the municipality of the City of Sydney in August 2017. A “tent city” of homeless people evolved in Martin Place in the Sydney CBD. In response, the NSW Parliament passed the *Sydney Public Reserves (Public Safety) Bill 2017* (NSW) for the express purpose of its removal. Although the Lord Mayor of the municipality, Clover Moore, refused to order the camp’s removal, the Bill was nevertheless introduced by the State Premier, Gladys Berejiklian. Despite the existence of guidelines against discrimination in the City of Sydney’s *Protocol*, the Bill was passed, granting police additional powers to remove individuals deemed to be unlawfully occupying Crown land—that is, everyone in the encampment. In this instance, the tent city’s occupants left voluntarily shortly after the Bill was passed, presumably to avoid forceful removal by police.

#### *Seattle: Limited Legalization*

Removal is a tactic attractive to many city authorities. In Seattle, in the United States, there has been a struggle over homeless people’s occupation of public space for more than ten years. Authorities have focused their efforts at control, first, on the formation of encampments, and, second, on the restriction of activities associated with homelessness, such as begging. In 2005, the city authorities announced a 10-year plan to end homelessness in the city; despite this, rates of homelessness continued to climb, thanks, it is said, to a persistent lack of affordable and social housing (Sparks 2017).

In 2015, the city council’s response to the worsening situation was unusual, taking what seemed initially to be a supportive and constructive approach, by *legalizing* homeless

encampments on city property, one of a very few cities in the United States to do so (Sparks 2017). However, the ostensibly supportive move had repressive consequences: while this move undoubtedly stabilized and legitimized homeless camps, it also made them directly subject to governance and regulation by the city. For example, the camps are mandated to allow regular access to city officials, and representatives from various social and housing services, as well as being required to maintain city-defined standards of upkeep.

Legalization of the camps also does little to address the lack of affordable and built-for-purpose accommodation. Camps continue to emerge, but only some are designated as “approved”; others remain “unapproved,” and vulnerable to enforcement-based approaches such as “sweeps.” These are carried out by city officials and involve the removal and sometimes disposal of belongings, and the forcible eviction of people and the destruction of their temporary shelters. Sweeps are supposedly regulated by the Taskforce on Unsanctioned Encampment Cleanup Protocol; however, there has been intense criticism of how sweeps have been carried out (Bernard 2017; Davila 2017).

The activities that may be associated with homelessness have also been subject to specifically repressive regulatory interventions. Seattle also has a range of public order ordinances relating to panhandling, begging, loitering, “pedestrian interference,” nuisance (relating to noise, public urination, intoxication, obstruction of access, and solicitation), trespassing on government land, sitting in the street and loitering with intent to engage in drug-related activity, all of which have been used against people experiencing homelessness and which are more likely to be used in and near unsanctioned homeless encampments (Columbia Legal Services et al. 2018). In short, the legalization of certain areas for use by people experiencing homelessness appears to have produced a stronger incentive to intervene when homelessness is encountered outside of sanctioned spaces.

#### *Manchester: Welfarism/Prohibition*

In the United Kingdom, behaviors associated with homelessness such as begging, willfully obstructing passage, or causing alarm or distress have long been outlawed (*Vagrancy Act 1824; Highways Act 1980; Public Order Act 1986*). In addition, the United Kingdom has been at the forefront of more recent public order and quality-of-life legislation (exemplified by the anti-social behavior order, or ASBO, which has been frequently used against people

experiencing homelessness) (Winford 2006). Despite this discouraging broader context, some British cities have attempted to enact constructive and sympathetic policy frameworks in respect of homelessness. One of these is Manchester, which has aimed for a *welfarist* approach, albeit one that has been combined with *prohibition* of designated activities.

Manchester City Council has a strategic framework aiming for a steady reduction in the numbers of homeless through a coordinated service effort, including the implementation of ambitious standards like “No Second Night Out” (Manchester City Council 2013). However, in the last several years, Manchester has experienced a significant increase in homelessness, with the number of rough-sleepers in the city quadrupling since 2010 (Perraudin 2017). The backdrop to these increases includes a lack of affordable housing, the widespread closure of hostels and boarding rooms, and cuts to social services at both national and local levels. In response to an ongoing protest by homeless people, a court injunction defined acceptable forms of shelter that homeless people could use. Doorways, cardboard boxes, bus shelters, and sleeping bags were approved, while structures such as tents were banned, in an attempt to evict protestors without removing rough-sleepers (Williams 2015).

In 2017, a plan to end homelessness in Greater Manchester formed a key pillar of the election campaign of the new mayor, Andy Burnham. Burnham announced he would donate 15 percent of his personal salary to establish a mayor’s homelessness fund, and encouraged the local business community to join in; monies were to be distributed to homelessness services. In this vein, Burnham publicly opposed national reforms to welfare payments (termed “Universal Credit”) as likely to further double the numbers of rough-sleepers (Halliday 2017). Reform of laws directly affecting homeless people, such as those targeting behavior associated with homelessness, does not appear to be part of the strategy, with prevention instead envisioned as the key.

### **Researching Visible Homelessness in Melbourne**

With these contrasting approaches in mind, while the CoM debated its intended responses to visible homelessness, we conducted a study designed to test some of the assumptions upon which the council’s proposals had been based. The study was carried out in two municipalities, the CoM and its neighbor, the City of Yarra. Within the CoM’s geographic area, we focused upon the CBD because of its prominence within the debates about CoM

policy, and because of the symbolic importance given to the CBD as an area used by approximately 854,000 people each day. However, we also wished to include a neighboring, but distinctive, municipality. We opted to do so for two reasons. First, we wished to generate comparative data, allowing different localities to reveal potentially distinctive views of traders in other areas and to document a wider range of sites than might be found if focusing only on the CBD with its central grid of streets. Second, because we acknowledged that some visible homelessness might have been displaced from the CBD to an adjacent municipality by virtue of the CoM's proposals, we considered it important to include a municipal neighbor. As a result, the City of Yarra was included in the study.

Both Yarra and Melbourne are highly diverse municipalities, with historically longstanding populations of homeless people and other marginalized groups in public spaces. Yarra explicitly recognizes the rights of homeless people to be in public space whereas Melbourne does not. Both municipalities have protocols determining when and how people should be approached. In both municipalities, when the presence of a homeless person or their belongings are deemed to constitute a hazard or impediment to amenity, city officials will remove a person's belongings and move them to another area. During 2017, however, the municipal approach in each was very different. As noted already, the City of Melbourne was considering toughening its Local Laws in order to justify the removal of people and their belongings; in contrast, the City of Yarra regarded public homelessness as a welfare issue, with council staff performing outreach work in the municipality to connect people experiencing homelessness to a range of support services. Our research aimed to elucidate the ways in which the visible presence, activities, or possessions within the two municipalities of visibly homeless individuals and their activities were interpreted by members of the public. This was investigated by means of qualitative interviews with managers or owners of local businesses regarding homelessness and how it affects them, and through observational fieldwork regarding the physical spaces and belongings connected to those visibly experiencing homelessness.

In our research design, we acknowledged the heterogeneity of the population of homeless individuals, as noted by Jahiel (1992), a fact often overlooked in policy or media discussions of "the homeless" as a group. We also accepted that rough sleeping is but one element of what Murphy and Tobin (2011: 4) refer to as the "housed continuum" and that, as Arnold (2004) points out, whether or not someone engages in practices such as begging does

not necessarily reveal the nature of their current living conditions. However, following Gerrard and Farrugia (2014), who emphasize the importance of the dynamic through which the homed person attributes homelessness to someone engaging in practices such as begging or rough sleeping, “visible homelessness” was defined to mean the presence of individuals who appear to be homeless (for example, by sleeping in public places, or by displaying signs stating they were homeless) or of goods that appear to belong to homeless individuals. Visibility was interpreted to mean that the individuals or their belongings could be seen by members of the public during the course of everyday activities (walking along the pavement or sidewalk, for example). Some sites were more obviously public than others. Main thoroughfares, for example, provided highly visible locations in which the homeless person or their possessions could be seen by many individuals at a given time. Others were sites that were visible to fewer individuals, such as laneways or alleys at the rear of commercial or residential premises.

### **A Qualitative Ethnography of Visible Homelessness**

The project was designed around documentation and investigation at selected sites within each municipality, first by discreet on-site observation and then through on-site interviews with nearby traders or store-owners. We consulted with key service providers in both municipalities in order to arrive at a list of “active” sites. These were locations at which people were currently engaging in activities such as rough sleeping, asking for donations, leaving possessions, or some combination of these. An initial working list of 10 sites in each municipality was created; this was adapted and added to during the course of the study. A total of 29 sites were investigated.

Many of the sites were situated in high-visibility commercial areas. In these cases, the people observed were usually seeking donations of money or food—an activity that requires a level of visibility in order to achieve its objectives in soliciting donations. However, other sites were well-hidden and were being used solely for living and sleeping. In the latter sites, data collection was much more difficult, and was often curtailed by our wish to respect the privacy of the individuals using the site. The main locales for observation in the City of Yarra were along Brunswick and Smith Streets in Fitzroy, and on Victoria Street in Richmond in

the City of Yarra. In the City of Melbourne, locations on Collins, Swanston, Bourke and Flinders Streets in the CBD were observed by means of repeated visits.

Supplementing these were additional sites where data was collected from one-time observations. The dynamic nature of the practices of people experiencing homelessness meant that several areas that had been named as highly active sites, such as Swan Street in Richmond, turned out to yield few opportunities for data collection. Those using the site had moved on or had been moved by the police. This highlights an important issue arising from the nature of homelessness: transience and instability. Areas with high activity at the beginning of data collection later became inactive, and other areas, not initially slated for observation, were added later when they emerged as significant locations. Homelessness and rough sleeping (and consequently, the materials associated with them) are characterized by impermanence, meaning that researchers need to adapt to a changing terrain of study.

The second element of the study design involved qualitative interviews. Thirty were conducted with representatives of businesses operating in Yarra and in the CBD, in order to discover existing or emerging types of engagement with the site by people experiencing homelessness and traders' views as to the ways these locations were being used. Most interviewees were proprietors, managers, or employees; one business owner was also the president of a registered business association representing an entire commercial area in the suburb of Richmond in the City of Yarra.

The number of interviews was split evenly between municipalities. Interviewees were approached at their place of work. Where possible, researchers sought to interview the owner or a manager. Where that was not possible, the interviewee's length of employment at the business was established. No interviews were conducted with employees who had been employed there for fewer than six months. Interviews were primarily conducted in the business areas along Victoria Street in Richmond, Smith and Brunswick Streets in Fitzroy and along Swanston, Collins, Flinders and Bourke Streets in Melbourne's CBD. These areas were prioritized for their high concentration of businesses as well as a noticeable presence of people experiencing homelessness and other marginalized groups. Business types varied widely, and included restaurants, grocery and food stores, retail clothing, travel agents, supermarkets, convenience stores, and a tattoo-removal parlor.

The project's methods were reviewed by the University of Melbourne Human Research Ethics Committee, and protocols were agreed in order to ensure that the privacy of all individuals was paramount. First, observation of sites involved discreet documentation only, confined to determining the characteristics of each site, the ways in which it was being used, and their potential impact upon those using the space. Our aim was to ascertain only the occurrence of public interaction with individuals and/or their belongings, and whether materials appeared to impede the access to amenities or services of other street users.

Observations occurred at different times of day and lasted varying lengths of time: usually 30–60 minutes, though some were significantly shorter, if, for example, an individual packed up belongings and left the area. Documentation was made using written notes, and, when it was possible to do so unobtrusively, by photographing the site. Researchers photographed sites only when they could ensure that the identity of individuals was not made apparent (for example, by not including faces in any shots), and photographs indicated only the ways in which sites were being used, and their relationship to the rest of the sidewalk or other parts of the locale (such as shop doorways). The researchers did not declare themselves to any homeless people using these sites, since the lengthy periods of observation could be experienced as oppressive by a homeless person, even though observation was not of the homeless individual themselves but rather of the ways in which members of the public were utilizing the space in which the homeless person or their belongings were visibly present. The project also did not seek the views of homeless individuals, since its aims were to investigate the foundation for claims made by the council regarding occupation of space and the impact of homeless peoples' activities or possessions within urban places. The researchers decided, as a matter of research ethics, that conducting the project unobtrusively, without interruption of homeless individuals' use of these spaces, was the most appropriate approach and one least likely to add to any stress experienced by individuals living without secure accommodation.

## **Public Homelessness in Melbourne: Some Findings**

### ***Impact Of Visible Homelessness on Members of the Public***

One of our aims was to test claims that visible homelessness had various adverse impacts upon the public, including the notion that sites used by homeless people constituted an impediment for other users of public places. The selected sites of visible homelessness, and their associated materials, varied dramatically. Some locations consisted of a single person sitting on the street against the wall of a building, sometimes on a folded blanket or piece of cardboard, arms and legs pulled in close with nothing but an upturned cap in front of them. Other sites had multiple people, mattresses, milk crates, animals, blankets, food, bags and even homely decorations and utilities in them. Belongings were usually, highly organised and neatly arranged, with minimal impact on other street users. Pedestrians had to avoid stepping on or running into the person seated on the pavement, though this is the same amount of care required for any non-homeless person encountered on the street.

A few sites were more haphazard, or arranged in such a way as to occupy more space on the footpath. Some sites were positioned on corners or were characterized by spread-out and disorganized belongings. In these sites, pedestrians were required to proactively navigate the materials to avoid stepping on them, or to step around the people using the site. All those observed managed this with ease, and the degree of impediment presented was no different than that caused by any group of people pausing mid-footpath to consult a map, make phone-calls, or converse. The main difference worth noting is that a group of homeless individuals or a cluster of their belongings, occupies a section of the footpath for what may be an extended period of time. These sites were more common in the CBD.

Sites marked by the presence of many material possessions resulted in more obvious impact on the physical space of the street and the other users of the space. The more belongings present at a site, the more space was rendered unavailable for others. It was noted, however, that sites with a lot of belongings were less likely to be in prime commercial spaces or on major pedestrian through-routes. The few locations that both had a considerable amount of materials and a location on busy pavements were generally maintained to a high degree of neatness. One site, observed on a main street in the City of Yarra (Brunswick Street), was decorated with a palm frond. The person using the site had also stuck plastic hooks on the wall from which she had hung bags, perhaps to raise them off the ground or perhaps to minimize the impact of her belongings on the space available to others.

However, a few sites, notably on Elizabeth Street in the CBD, were large and highly disorganized. At one such site, researchers observed two mattresses (both occupied), and a large collection of backpacks, shopping bags, blankets, crates and other miscellaneous goods spread around them. While this site was not located near a building's entrance, its size did mean the space available for pedestrians was noticeably reduced. At one site, in the City of Yarra, rough-sleeping and solicitation of donations were present but were overshadowed by a highly dynamic illicit drug trade. This site was marked by intense activity sometimes involving approximately a dozen individuals, some of whom manifested volatile moods and behaviors. We will return to this issue later.

An important distinction that emerged from the research data is the difference between sleeping rough and seeking donations. These distinct behaviors may co-occur and tend to be conflated with one another. However, a person may be begging in one area but sleeping elsewhere; further, begging does not in itself indicate that a person will be sleeping rough rather than couch-surfing, or sleeping in a car, or in temporary accommodation. The differences between these may appear minor but are important: the type of activity often determines where it is taking place as well as what kind of possessions are present. For example, many people engaging in begging had very few belongings with them, while sites with many belongings were often in isolated areas or were hidden away.

Some sites were marked by low activity, with people either sleeping or huddled up. In others, people engaged actively with passers-by, chatting, calling out, or displaying a variety of signs. Researchers observed the public interacting with the people inhabiting observation sites many times, usually to donate. Donations usually appeared to be money, with food or drink observed as an alternative donation. No interactions were observed that appeared to be unsupportive or aggressive. Members of the public either continued their activities apparently unaffected, or engaged in an apparently supportive interaction with the homeless person. The relative frequency of donations, whether of money or food, and of conversations indicates that many hold a sympathetic perspective on homelessness and wish to engage in a helpful or positive manner.

To that extent our research meshes with the findings generated in a survey of public attitudes conducted by the Victorian Department of Health and Human Services (2018), in which 28 percent of the 1,010 respondents indicated that they “want to help.” However, there

was in our study a notable difference between the two municipalities in respect of the frequency with which homeless people received donations. Donation of any kind was more common in Yarra than in the Melbourne CBD. In Yarra, researchers observed numerous occasions on which people received multiple donations, and it was uncommon for donations not to be made. In the CBD, donations were less frequent, and some periods of observation saw no donations made—perhaps a little unexpected given that many passers-by carried shopping bags filled with purchases and were thus demonstrably in possession of funds themselves. It may well be that extensive consumerist activity such as an afternoon spent shopping makes individuals less inclined to generosity towards the homeless.

### *The Impact of Sites of Visible Homelessness Upon Local Traders*

Our other main objective was to test whether claims as to the adverse effects of visible homelessness upon local businesses were well-founded. As elicited by our interviews, the views of business owners, managers or employees about visible homelessness were highly diverse. All interviewees acknowledged the visible presence of homelessness and rough-sleepers and regarded it as relevant to the operation of their business. The relevance of the issue, however, was not correlated to its having an adverse impact upon the business: 83 percent of interviewees (n=25) said that homelessness had no impact on the business or that the impact was small or manageable. Investigation of the specific characteristics of traders' attitudes to the homeless individuals outside their premises and to homelessness more generally revealed a range of responses, most of which evinced sympathy for the homeless individual. A slight majority regard the homeless community positively and empathize with their situation; an identical proportion (56 percent, n=17) additionally report having positive or friendly interactions with homeless people on a regular basis.

The data resulting from interviews in one area of the City of Yarra (Victoria Street), swiftly revealed that homelessness was difficult to separate from the activities engaged in by other individuals, both for interviewees and, at times, for the researchers. Observed sites were being used both for the activities conventionally associated with homelessness, namely rough sleeping and seeking donations, and for activities connected with street dealing and use of drugs. Observations indicated that some individuals in this area were engaging in the activities of visible homelessness and illicit drug sale, purchase, or use; others were engaging in one or the other but not both. In this particular locale, homelessness and street drug use

profoundly overlapped and were difficult to distinguish. Interviewees in this area frequently conflated homelessness with drug use, discussing the issues and individuals as though co-terminous. Such areas clearly present intensified challenges, for police, local residents and traders, and council staff. These situations validate the emphasis of Hopper and Baumohl (1996), Standing (2014), and Wacquant (2009) on the connections between homelessness and other manifestations of social disadvantage.

In areas without a street-based drug trade, many respondents reported being affected by homelessness emotionally, in that they wanted to see a solution for the problem; others talked about the effect of homelessness on the area or city generally. For example, one interviewee stated: “This is such a rich city and country, what does it say about us that we’re unwilling to share that?”

Significantly, some interviewees differentiated between wanting a reduced presence of visibly homeless people and supporting stronger interventions on behalf of homeless people: they did not want people simply to be “moved away” from outside their business. Rather, they expressed a desire for affordable housing to be provided—a longer term solution than simply moving people from the street. Traders frequently reported encountering homelessness on a daily basis, and the majority saw this as a result of inadequate support systems and government action.

Some business managers actively tried to assist and support homeless people. For example, the manager of a business located on Flinders Street said that while he believed homelessness did have an adverse impact on the business, he still donated cardboard boxes for use as bedding and allowed homeless people to use the toilet. Others were also keen to emphasize that they do not blame homeless individuals but, rather, the failure of government to support them. As one (anonymous) interviewee said:

Of course there’s an issue with homelessness here, you can’t ignore it. It’s just part of being on Smith Street: it just blends into the background. ... What causes it doesn’t matter though: drugs, mental health, whatever, that shouldn’t be the focus. They just need more support and housing.

In respect of our investigation of the CoM’s contention that unattended belongings caused problems for businesses through the accumulation of litter and waste, 30 percent

(n=9) reported that materials associated with homelessness did create a problem for the business. But the situation was more complicated than might be initially apparent. One interviewee, who regularly has people sleep in the doorway of her business, said that each morning she clears away unwanted donations made to homeless people by members of the public:

They sleep in my doorway at night but are usually gone by the time I arrive. But people leave things for them while they're sleeping but it's stuff they don't want or need, so obviously they don't take it with them. So, I end up clearing away other people's donations.

However, she had also found that the presence of a homeless person had some unexpected benefits: "I know this is a terrible thing to say, but someone sleeping in my doorway stops drunk people pissing and vomiting in it."

Those that did postulate a negative effect on their business noted that their sense of its effect could not be quantified as lost revenue. As one interviewee put it: "You can't count the money you don't make or the customers that don't come in."

The problems they could identify were also hard to quantify: time spent cleaning up what they perceive as mess, finding interactions with homeless people emotionally difficult, or a generalized sense of frustration. For example, one manager said:

It's not a problem exactly, but if someone homeless is in distress, dealing with that person can be difficult or upsetting for my employees so I have to manage that really proactively.

Only three respondents, all located in the Victoria Street area of Richmond, in Yarra, reported a significant negative impact. However, all associated homelessness with drug use in the area. One interviewee stated: "They have homes, they're all using drugs. They pretend, so they cannot work and not pay taxes, that's how they get government money and free housing: using drugs." Another respondent in the same area said: "All homeless, all use drugs. Very, very bad." Such responses clearly manifest frustration with a range of public order issues, but also demonstrate that homelessness is easily conflated with visible drug dealing, with negative associations from one situation spilling over into attitudes to the other.

However, in other respects, respondents showed a facility for distinguishing between ostensible effects of homelessness and those of other activities. Two-thirds (n=20) reported that issues such as theft, drug use, public drunkenness, or the deterrent impact of loud or unmusical busking had a more serious impact on their business than homelessness. Several noted drunk people on weekends as a major problem for their businesses, causing a number of problematic behaviors such as public urination, vandalism, and disruptive behavior. One store clerk reported that young intoxicated men come in and steal from the store during the evening trading hours; others constitute a nuisance through drunken pranks (such as bringing traffic cones into the store). Another business in Melbourne's CBD reported persistent problems with buskers:

Most of our job is communication and when someone is right outside doing a bad Oasis cover, you just can't do your job. ... We have reported it to the council and they do move elsewhere but then someone new sees the spot and starts up. It's a regular thing we have to deal with.

In each municipality, the majority of respondents stated that the effect of homelessness on their business was low. There were, however, some notable differences between the two areas. In Yarra, 73 percent (n=11) of businesses reported holding the homeless community in a positive regard, whereas only 40 percent (n=6) in the CBD reported the same. In Yarra, 66 percent (n=10) regarded local government efforts on homelessness positively, compared with just 26 percent (n=4) in Melbourne. In the CBD, 73 percent (n=11) reported holding some negative views of the area compared to 26 percent (n=4) in Yarra. Around 86 percent (n=13) of participants in Yarra saw increased support and assistance as their preferred solution, whereas 60 percent (n=9) in Melbourne thought the same. It should be noted that during the CoM's consultation process relating to the proposed changes in its Local Laws, specific effort was made by the council to engage the views of traders in the municipality. Consultation findings align with our research: unattended belongings (which our interviewees identified as litter that required the effort of removal) was the issue on which council proposals received some support. Out of 38 respondents in the CoM consultation, 19 opposed the expanded definition of camping, 19 supported a system of confiscation of unattended belongings, and 27 opposed the imposition of financial penalties. Our research illuminates the complexity underlying responses in the broad categories addressed by the CoM proposals. Traders might support confiscation because when homeless people leave behind unwanted donations of food or clothing, these can become "litter" that traders feel they need to clean up; however,

traders do not necessarily support the removal of all unattended belongings, especially valued personal property. As such, traders' responses in our research indicated recognition of homeless people as individuals with attachments to property and place. The traders' co-occupation of space with visibly homeless people thus gives rise to particular challenges and is deserving of careful and sensitive responses.

## **Conclusions**

Our study aimed to test claims about the impact on users of public space and impact upon commercial operators that have been made as foundational justifications for the proposed changes to the CoM Local Laws. Regarding impact on general users, people who engage in some of the activities associated with homelessness occupy public space in a variety of ways. They may be neat or messy, quiet or loud; sites can be small and contained, spread-out, or disorganized. Regardless of the manner in which homeless people occupy space, its impact on other street users was shown in this study to be minimal. Regarding the impact on commercial interests, few businesses reported direct negative impacts from the presence of homeless people. More commonly, respondents identified a range of ancillary effects, including the stress of concern for the welfare of homeless people, a desire for more to be done to "solve the problem" of homelessness at all levels of government, and high levels of frustration at the intransigence of the situation. The generosity shown to people inhabiting the street by traders and passers-by suggests that encountering homelessness does have an emotional effect on others. Thus, we found that claims as to the impact of visible homelessness on businesses and other members of the public were ill-founded and overstated. That does not mean that nothing should be done about visible homelessness by councils such as the City of Melbourne, only that the proposed approach was based on false premises about the effects of visible homelessness on community life.

### **Coda: The More Things Change, The More Things Stay the Same**

In September 2017, the CoM announced that it would not adopt the proposed revisions to its Local Laws: in fact, Mayor Doyle admitted they might not have been compatible with Victoria's Charter of Human Rights and Responsibilities. He added that, if adopted, "any change to the local law would be tested in the courts, which would tie [the council] up in expensive legal proceedings, potentially for more than a year" (Mills and Dow 2017).

Instead, it seemed there was to be a change in approach, in the form of a new Operating Protocol on homelessness (City of Melbourne 2017b).

But, as the saying goes, *plus ça change, plus c'est la même chose* (the more things change, the more things stay the same). In fact, little changed from the proposed Local Law amendments to the new Protocol. Just as the amended Local Laws would have installed enforceable limits on conduct and possessions, these are similarly present in the Protocol. The conduct, appearance, and material belongings of homeless individuals within the City of Melbourne will still be judged according to notions of what is “appropriate” and “reasonable” in the public spaces of the city. The Protocol prohibits the gathering of groups of people sleeping rough in close proximity, specifies a “reasonable” amount of possessions (namely, “two bags which can be carried” and “bedding like a sleeping bag, blanket or pillow”), and stipulates that ensuring unimpeded movement within and enjoyment of public space by members of the public is its primary aim. The Protocol’s partners, Victoria Police, within one month of it coming into operation had used its guidelines to arrest 18 people in the CBD (Masanauskas 2017). The Protocol seems to have functioned as a Trojan Horse, achieving, without any public outcry, the outcomes that were being sought via the abandoned proposals.

The year 2018 saw the election of a new Mayor in the City of Melbourne: Sally Capp, who campaigned around issues of support for people experiencing homelessness in the municipality. Once again, it seemed as though the council’s approach to homelessness might change: after Mayor Capp’s investiture, the council announced that the “Doyle-era crackdown” on homeless people was to be abandoned. But the reasons given were not that the policy had been harshly restrictive of the rights of individuals living without housing. Rather, according to a report by council officers, “groups of people sleeping rough in close proximity have been positively managed by local laws officers and police, as has the amount and types of belongings left unattended in public spaces” (quoted in Lucas 2018a). Whatever the substance of the policy approaches formally adopted within the City of Melbourne, their implementation and enforcement are driven by a desire for control of the appearance and experience of urban spaces within the municipality.

More broadly, the recent history of policy within the City of Melbourne provides paradigmatic exemplification of the consequences of political abandonment of the issue of homelessness at the federal and state levels in Australia. Despite its relative economic

prosperity, Australia has failed to provide meaningful financial investment in social housing or to enact tenancy reforms that might make housing more affordable and secure. Instead, Australia continues to respond to homelessness by relegating the problem to those with the least capacity to implement appropriate, substantive, and system-wide changes: local governments and street-level police.

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