



55A. Introduction

Purpose of this Section

This section sets out the procedures and protocols to be followed by Authorised Officers when exercising powers under Part 4A of the Local Law relating to encampment equipment.

This Part must be read in conjunction with:

- The balance of the Local Law
- Council's homelessness and housing initiatives, including Port Phillip Zero
- The Operating Protocol with Victoria Police (as amended from time to time)
- The Charter of Human Rights and Responsibilities Act 2006

Guiding Principles

Authorised Officers must:

1. Recognise that persons affected by this Part may be experiencing homelessness, trauma, family violence, chronic illness, addiction, or other complex vulnerabilities.
2. Apply a **trauma-informed, culturally safe and human rights-based approach**.
3. Prioritise engagement, support and referral over enforcement.
4. Use enforcement and impoundment powers strictly as a **last resort**, consistent with clause 55A of the Local Law.
5. Ensure that actions taken are proportionate, necessary and reasonable in the circumstances.

Nothing in Part 4A is intended to criminalise poverty, homelessness or social disadvantage.

Training in trauma-informed practice will be provided to Authorised Officers exercising these powers.



55B. Definitions (i.e. encampment equipment)

For the purposes of enforcement procedures, “encampment equipment” has the meaning set out in clause 55B of the Local Law and includes:

- mattresses
- tents
- shelters (including cardboard structures)
- any other chattel obviously intended or adapted to facilitate camping or sleeping

Personal belongings, such as identification, medication, clothing, phones, or documents, are not to be treated as encampment equipment unless clearly abandoned.

55C. Direction by Authorised Officer

Engagement and Welfare-First Response

Initial Assessment

Before any direction is considered under clause 55C, the Authorised Officer must:

1. Assess whether the person appears to be experiencing homelessness or vulnerability.
2. Consider whether there is:
 - An immediate risk to safety;
 - A serious and ongoing amenity impact;
 - A public health concern; or
 - A risk to the welfare of the person or others.

Mandatory Welfare Engagement

Authorised Officers must, as a first step:

1. Engage respectfully and explain Council’s role.
2. Offer referral to appropriate support services, including:
 - Outreach services;
 - Housing and homelessness providers;



- Health or mental health services;
- Family violence services (where appropriate).

3. Where possible, notify or request attendance of relevant outreach providers.

4. Record the supports offered and the individual's response.

Where practicable, officers should:

- Allow reasonable time for engagement by outreach services;
- Coordinate with Council's housing-first or homelessness response teams;
- Consider other options, including voluntary relocation.

Removal of encampment equipment must not be pursued while meaningful welfare engagement is actively underway, unless there is an urgent safety risk.

Issuing a Direction to Remove Encampment Equipment

A direction under clause 55C may only be issued where:

1. The elements in clause 55C(1) to (3) are satisfied; and
2. Welfare engagement and non-punitive options have been exhausted; and
3. The adverse amenity, safety or welfare impact or risk is ongoing or likely to continue.

Requirements Before Giving a Direction

The Authorised Officer must:

- Clearly explain the reason for the direction;
- Explain the impacts identified (amenity, safety or welfare);
- Provide a reasonable time within which to comply (unless urgent circumstances apply);
- Explain what will occur if the direction is not complied with; and
- Explain that a failure to comply does **not** result in a fine or offence under clause 55D(2).

Where practicable, directions should be given in writing and documented.



55D Obligation to Comply with Direction (i.e. no offence or fine)

In accordance with clause 55D(2) of the Local Law:

- Failure to comply with a direction is **not** an offence.
- No infringement notice is to be issued for non-compliance.
- Enforcement action is limited to removal and impoundment of encampment equipment where appropriate.

This Part does not authorise the imposition of fines.

55E. Power of impoundment (i.e. removal and impoundment as a last resort)

Threshold for Removal

Removal and impoundment under clause 55E may occur only where:

1. A lawful direction has been given;
2. The person has failed to comply within the reasonable timeframe provided;
and
3. Welfare engagement has been undertaken and documented; and
4. The adverse amenity or safety impact remains.

In urgent circumstances (e.g., immediate danger), the power may be exercised without delay, consistent with Part 8 of the Local Law.

Handling of Property

When removing encampment equipment, Authorised Officers must:

1. Treat all property with dignity and care.
2. Separate encampment equipment from personal belongings.
3. Avoid removal of:
 - Identification;
 - Legal or medical documents;
 - Medication;
 - Essential clothing;



- Personal keepsakes of obvious sentimental value, unless abandoned.

If personal items are inadvertently removed, reasonable efforts must be made to return them promptly.

Storage and Return of Items

Impounded items must be:

- Catalogued and photographed where appropriate;
- Stored safely and securely;
- Made available for collection without unreasonable barriers.

Fees may only be applied in accordance with clause 78 of the Local Law and any applicable Council policy. Consideration must be given to waiving fees where hardship is evident.

If items appear abandoned but contain identifying material, reasonable attempts must be made to contact the owner before disposal.

Coordination with Victoria Police

Where:

- There is risk of violence;
- There are serious public safety concerns;
- There are serious concerns for the safety of Council staff when conducting their duties; or
- Criminal matters arise.

Council's role remains welfare-focused and distinct from criminal enforcement.

Documentation Requirements

For every interaction under Part 4A, Authorised Officers must record:

- Date, time and location;
- Observed amenity or safety impacts;
- Engagement steps taken;
- Services contacted or referrals made;
- Whether outreach attended;

**PART 4A ENCAMPMENT EQUIPMENT ON COUNCIL LAND,
ROADS AND FOOTPATHS**

(DRAFT procedures applying to clauses 55A to 55E of the Local Law)



- Details of any direction given;
- Time allowed for compliance;
- Items removed and impounded;
- Storage details;
- Any follow-up arrangements.

Accurate record-keeping is essential for accountability and compliance with the Charter of Human Rights and Responsibilities.