

# Mobile Voluntary Services Policy

## Purpose

The purpose of this policy is to:

- describe the ways in which the City of Sydney (the City) works with and advises mobile voluntary services;
- outline legislation that is relevant to the operations of mobile voluntary services in public places, and;
- detail service delivery principles that the City expects mobile voluntary services to follow when delivering services in public places in the City's local government area.

## Background

Mobile voluntary services are an important element within the range of services provided to people facing disadvantage, including people experiencing homelessness in the City's local government area.

Mobile voluntary services operate at times when many other services are unavailable. They also represent an opportunity for service providers to engage with disadvantaged people, and provide the opportunity for them to be linked with appropriate supports that can lead to potential pathways to secure housing.

## Scope

This policy applies to the operation and management of all mobile voluntary services operating on public land as defined by the *Local Government Act 1993* and certain roads under the *Roads Act 1993*.

This policy also applies to City employees and contractors carrying out activities outlined in this policy.

## Definitions

Term	Meaning
<b>Littering</b>	It is an offence under the <i>Protection of the Environment Operations Act 1997</i> to deposit litter in or on any place not used as a lawful receptacle for waste. This applies whether or not the material has any value when or after being left in the place.
<b>Mobile voluntary service</b>	<p>A service, group or program that provides food and material support, social contact, and access to spiritual support to people who are homeless as well as other disadvantaged groups.</p> <p>Services are typically volunteer led, however some services have professional oversight or are delivered by professional not-for-profit organisations working in the homelessness sector.</p>

Term	Meaning
	<p>Mobile voluntary service refers to the fact that these services are not provided from a building or other fixed place but are provided from vans or other vehicles.</p>
<p><b>Offensive noise</b></p>	<p>Is defined in the <i>Protection of the Environment Operations Act 1997</i> as noise:</p> <ul style="list-style-type: none"> <li>a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances: <ul style="list-style-type: none"> <li>i. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or</li> <li>ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or</li> </ul> </li> <li>b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.</li> </ul>
<p><b>Public place</b></p>	<p>Is defined in the <i>Local Government Act 1993</i> as:</p> <ul style="list-style-type: none"> <li>a) a public reserve, public bathing reserve, public baths or public swimming pool, or</li> <li>b) a public road, public bridge, public wharf or public road-ferry, or</li> <li>c) a Crown reserve comprising land reserved for future public requirements, or</li> <li>d) public land or Crown land that is not: <ul style="list-style-type: none"> <li>i. a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or</li> <li>ii. a common, or</li> <li>iii. land subject to the <i>Trustees of Schools of Arts Enabling Act 1902</i>, or</li> <li>iv. land that has been sold or leased or lawfully contracted to be sold or leased, or</li> </ul> </li> <li>e) land that is declared by the regulations to be a public place for the purposes of this definition.</li> </ul> <p>Note that public reserve is defined to also include public parks as outlined in the <i>Local Government Act 1993</i>.</p>
<p><b>Public road</b></p>	<p>Is defined in the <i>Roads Act 1993</i> as:</p> <ul style="list-style-type: none"> <li>a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and</li> </ul>

Term	Meaning
	<p>b) any road that is declared to be a public road for the purposes of this Act.</p> <p>Is defined in the <i>Local Government Act 1993</i> as a road which the public are entitled to use.</p>
<b>Safe food</b>	<p>Is defined in the <i>Food Act 2003</i> as food that has been produced, manufactured, handled and transported in a way that does not cause physical harm to a person who consumes it.</p>
<b>Service provider</b>	<p>Refers to individuals or groups that deliver a mobile voluntary service. They may be paid employees or volunteers.</p>
<b>Service user</b>	<p>Refers to people who access mobile voluntary services. Some service users may be homeless and sleeping rough. Some may be seeking support because they face other forms of disadvantage, such as low income, rental stress and or job insecurity.</p>
<b>Waste</b>	<p>Defined in the <i>Protection of the Environment Operations Act 1997</i> as including:</p> <ul style="list-style-type: none"> <li>a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or</li> <li>b) any discarded, rejected, unwanted, surplus or abandoned substance, or</li> <li>c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or</li> <li>d) any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or</li> <li>e) any substance prescribed by the regulations to be waste.</li> <li>f) A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.</li> </ul>

## The City’s role

The City takes a compassionate approach to responding to homelessness in Sydney. We support the guidelines of the NSW [Protocol for Homeless People in Public Places](#), which acknowledges that, like all other members of the public, people experiencing homelessness have an equal right to be in public places.

The City aims to ensure that public places in our city are safe, amenable, and can be used and enjoyed by everyone, including people who are homeless. The City’s role is to:

- ensure equitable access to public places;

- balance the needs of all users of public places including mobile voluntary services, people experiencing homelessness, pedestrians, local residents and businesses;
- provide public places that are clean, safe with high level amenity;
- encourage responsible behaviour by all people in our public places, whilst acting to ensure that disadvantaged people are not discriminated against and are treated with compassion and respect;
- investigate and respond to community feedback and complaints about the improper use of public places, and;
- consider appropriate action using the City's regulatory powers and the City's Compliance Policy to ensure that public places are safe and accessible to all users.

## **Policy Statement**

The City recognises and values the contribution made by mobile voluntary services within the inner city in supporting people experiencing homelessness, food insecurity and disadvantage.

The City will work with mobile voluntary services to facilitate the delivery of effective and responsible services that meet the needs and rights of service users, while using public places in a responsible and respectful manner.

The City will work with mobile voluntary services to encourage them to provide services in accordance with the following service delivery principles.

### **Service Delivery Principles:**

Mobile voluntary services should:

- be offered in a manner that upholds the rights, dignity and autonomy of the service user;
- work with the City of Sydney and other services in a coordinated effort to offer services that are delivered at the times and locations needed;
- provide service users with relevant information regarding specialist support, where required;
- provide safe and nutritious food;
- use public places responsibly and minimise the impact of the service operations on local residents and businesses;
- be delivered using approaches that reduce reliance on crisis services over time and support the empowerment of service users, and;
- be delivered in accordance with the City of Sydney's Mobile Voluntary Services Guidelines.

Mobile voluntary services must:

- be delivered in accordance with all relevant legislation including requirements for parking, temporary structures, noise and waste, and where required with appropriate permits.

To facilitate effective and responsible service delivery by mobile voluntary services, the City will:

- provide guidelines that set out the expectations and responsibilities of mobile voluntary services;
- work with mobile voluntary services to improve coordination to ensure that services meet the needs of the service users, including encouraging services to operate in different ways, and at different locations, and times where relevant and appropriate;

- implement and evaluate strategies to build the capacity of mobile voluntary services to provide services that are safe and targeted to need;
- encourage mobile voluntary services to use public places in appropriate ways that respect and balance the needs of all users, and where required with appropriate approvals;
- encourage practices that work within the principles outlined in the City's Mobile Voluntary Services Guidelines;
- encourage service users to seek alternative and sustainable means of accessing food in the longer term that are less reliant on crisis food services;
- monitor community feedback about the operation of mobile voluntary services, and work constructively with mobile voluntary services and the community to minimise any negative impacts;
- where appropriate, take appropriate action in accordance with the City's regulatory powers and the City's Compliance Policy:
  - Under the *Protection of the Environment Operations Act 1997*, the City has the authority to issue fines for littering or dumping where it is demonstrated that items are 'waste' and have a 'harmful element'.
  - Under the *Roads Act 1993*, the City has the authority to issue fines for illegal parking or other breaches of road rules.

## Responsibilities

The City's Manager Social Programs and Services is responsible for implementing strategies in collaboration with other key stakeholders to encourage and facilitate effective and responsible service delivery by mobile voluntary services.

The Manager City Rangers, along with NSW Police, is responsible for the enforcement of parking controls in the City's local government area.

The Manager City Rangers is also responsible for issuing penalties in relation to the management of public places.

The Manager Cleansing and Waste is responsible for keeping the City's roads, lanes and footpaths clean. This includes emptying garbage bins and ashtrays, collecting syringes, picking up items that have been illegally dumped, and removing posters, stickers and graffiti.

The review of this Policy is the responsibility of the Manager Social Programs and Services.

## Consultation

This policy has been developed in consultation with the following organisations:

- NSW Police
- NSW Department of Communities and Justice
- NSW Health
- NSW Food Authority
- St Vincent's Homeless Health Service
- Homelessness NSW

## References

### Laws and Standards

- Local Government Act 1993
- Food Act 2003
- Roads Act 1993
- Protection of the Environment Operations Act 1997

### Policies and Procedures

- [Compliance Policy](#)
- Mobile Voluntary Services Guidelines
- [Prosecution and Civil Enforcement Policy](#)
- NSW [Protocol for Homeless People in Public Places](#)

## Review period

This policy will be reviewed every 4 years.

## Approval Status

Council approved this policy on 29 June 2020.

## Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	29 June 2020	Approved by Council. Replaces Mobile Free Food Services Policy 2007	2020/341476
Commence Review Date	29 September 2023		
Approval Due Date	29 June 2024		

## Ownership and approval

Responsibility	Role
Author	Senior Social Programs Officer
Owner	Manager Social Programs and Services
Endorser	City of Sydney Executive
Approver	City of Sydney Council