



Community
driven justice.

Fitzroy Legal Service Feedback on the Draft Melbourne 2050 Vision (M2050 Vision) and Council Plan 2025–29

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submission:*

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About Fitzroy Legal Service

Fitzroy Legal Service (FLS) is a community legal centre providing state-wide legal advice, casework, community legal education, and advocacy. Each year, FLS supports thousands of Victorians to access justice and assert their legal rights. FLS has provided legal support, education and advocacy to Victorians for over 50 years.

FLS's current specialist programs relevant to this submission include:

- Family violence and family law services, delivered through partnerships with the health and community sectors, across multiple courts and jurisdictions;
- The Drug Outreach Lawyer Program, operating for over 20 years on an outreach basis through health justice partnerships in the local government areas of Melbourne, Yarra, and more recently, Darebin;
- Duty lawyer services at the Neighbourhood Justice Centre, providing legal support and representation since the Court's inception in 2007, with co-located mental health, alcohol and drug, and housing services — addressing the root causes of crime and social disorder by promoting community harmony and reducing recidivism;
- The Women's Integrated Legal Outreach Program, delivering holistic, integrated legal and social work services to criminalised women, and recognising and addressing the gendered drivers of injustice, including family violence, homelessness, disability and socio-economic disadvantage;
- The St Vincent's Health Justice Partnership Program (in partnership with the Acute Liaison Early Referral Team), providing an integrated model of legal and allied health support for people experiencing, or at risk of, homelessness and other forms of social and economic exclusion; and
- Long-term commitments to providing legal representation, advice, information and advocacy regarding civil and political rights to political communication and demonstrations, including via the management of the Activist Rights website.

FLS has a long-standing commitment to harm reduction, health and human rights, and is equally proud to stand in solidarity with people experiencing homelessness — among the most disadvantaged Victorians, and at greatest risk of human rights violations. FLS also sits on the Law Institute of Victoria's Homeless Law Working Group, who have been engaged in long term advocacy seeking to have the offence of begging decriminalised.

Fitzroy Legal Service acknowledge that our offices are located on the lands of Wurundjeri People of the Kulin Nation whose sovereignty was never ceded. We pay our respects to their Elders past, present and emerging.

Summary and Recommendations

We welcome the Melbourne City Council's invitation to provide feedback on the draft M2050 Vision and Council Plans. We share the principles identified in the *Draft M2050 Vision* ('Draft Vision') and *Draft Council Plan 2025-2029* ('Draft Plan'), in particular:

From the Draft Plan

- **A people-centred city** that prioritises equity and inclusion for all and puts people at the centre of solutions to meet the needs of an evolving community;
- **Always consider public health and wellbeing** recognising that education and prevention initiatives are fundamental in contributing to public safety, health and wellbeing;
- **Safe and accessible by design** including that the Council should ensure that the city is accessible and safe for all people, especially the most vulnerable; and
- **Deepening connection to country** by creating intergenerational and intercultural belonging through caring for Country and harnessing collective intelligence; and

From the Draft Vision

- **People-first, diverse, creative** – a city for people, embracing intercultural connection, celebrating diversity and creative spirit;
- **Inclusive growth that delivers for everyone** – designing for dignity and connection, supporting wellbeing, opportunity and belonging; and
- **Bold leadership** – governing with transparency, fairness and optimism.

We also recognise Council's commitment to the United Nation's Sustainable Development Goals as a guiding global framework to ensure Council activities achieve holistic sustainable development. In particular priority number 1 'End Poverty in all its Forms Everywhere', number 2 'End hunger, achieve food security and improved nutrition', number 3 'Ensure Healthy Lives and Promote Well-being for All' and number 16 'Promote peaceful and inclusive societies...provide access to justice for all and build effective, accountable and inclusive institutions at all levels.'



Our submission is focussed on the key activities identified in Appendix A to:

- “Expand the visible safety presence in the city through community safety officers” and how the substantive reality of the implementation of this activity is at odds with and undermines Council’s principles; and
- “Advocate to the State and Federal Governments for a coordinated review across all levels of government to establish a framework that safeguards the right to protest while reducing disruption to the functioning of the city and maintaining a safe environment for the community” and the importance of the CBD as a site of political expression.

Security / safety officers and people experiencing homelessness and other marginalisations

We support the Council’s efforts to improve safety for everyone in the City of Melbourne whether they be homeless residents or housed residents, visitors, service providers, business owners and their employees, and council staff. However, the initiative to engage private security contractors in the City of Melbourne in practice does not uphold the above principles of inclusion for all, is not a people centred solution, does not prioritise prevention initiatives nor does it support a city that is safe and accessible for the most vulnerable people. We have already seen negative legal and human rights issues presenting through the pilot of the private security program and believe that this program firmly undermines the principles and goals of the Council’s plan.

Our services encourage the council to take an evidence-based approach that draws on research, lived experience and holistic community consultation to respond to safety concerns within the City of Melbourne. We understand that we all have a part to play in ensuring a healthy community response and would welcome the opportunity to engage more directly with council to discuss the following recommendations.

Key recommendations:

1. The City of Melbourne immediately suspends the engagement or employment of security/safety officers to enforce or assist the enforcement of local laws against people experiencing or at risk of homelessness, psychosocial distress, AOD users, and people with disability to prevent further harm.
2. The City of Melbourne incorporate in the Draft Council Plan targeted community engagement and consultation directly with community members who are experiencing or have lived experience of homelessness, who use drugs or alcohol, and who are experiencing psychosocial distress as well as consultation with First Nations and other racialised communities specifically on the contracting and /or employment of security guards to engage the local law.

3. The City of Melbourne redesign their approach to create safety through preventative health-based responses and harm reduction, working collaboratively with service organisations within the council area and taking a people centred approach.
5. The City of Melbourne publish a human rights assessment conducted by an independent third party in relation to this operation, legal risk and its impact on people experiencing homelessness and other marginalisation including poverty, racism, psychosocial distress and alcohol and other drug use.
6. The City of Melbourne complete and publish an assessment of the occupational risks experienced by council staff; risks of authorised officers and security guards breaching law and policy when engaging the local law with marginalised people; and the efficacy and risks in employing or contracting security guards to address safety concerns.
7. The City of Melbourne does not alter its current approach to political demonstrations and maintains its compliance with the Charter, the Australian Constitution, and international human rights laws.



Case Studies

We are grateful to our clients, colleagues, and community for trusting us with their stories. The case examples in this submission are drawn from the work of Fitzroy Legal Service. All identifying details have been changed or omitted.

Case study – George*

George is experiencing homelessness and is connected to several outreach services in the City of Melbourne. Over past months, George has been increasingly, repeatedly targeted by safety/security and council officers.

George has had repeated interactions with security/safety and council officers where his belongings have been taken and thrown away. This has taken place in situations where George has left his belongings unattended to conduct everyday needs like obtaining food or using restrooms as well as when he has been present and given little to no warning.

George has been told by security/safety and council officers that only items such as wallets will be stored and that anything deemed not valuable by the officers will be thrown away. George has watched his belonging discarded in bulk without any inspection of or with complete disregard for their contents or value to George. George has had personal documents, sleeping gear, food, clothing and items essential to him thrown away by these officers multiple times.

On one occasion, George was resting in a public place and attending to his belongings when council officers approached and ordered George to pack up and leave within the time frame of 20 minutes. George was compliant and requested more time to allow him to properly pack and gather his belongings. At this request for more time, the council officer threatened George that they would call the police if he did not leave the area immediately. The council officer then did call the police and, in the absence of any trespass, obstruction or other misconduct, issued George with a formal notice to leave the area which banned George from returning for seven days. The council officer told George

that if he returned before the expiry of the seven days, George could be sued by the council. When police attended, they spoke to George acknowledging his situation and confirmed that George was not causing any harm. They informed George that once the council officers left, George could return to the location as long as he remained peaceful and that if George was sued by the council, it was likely that a court would likely understand his situation and dismiss the matter.

These repeated interactions are causing George significant stress, instability, and fear. Because of his fear of being targeted and losing his belongings, George now avoids certain public spaces, including spaces where he has been able to rest or sleep in relative safety and where he is able to access meals and other support services. The ongoing effects of loss of his belongings, and repeated loss of belongings when replaced, has created incredible difficulties for George included barriers to health and recovery support, proving identity, accessing Centrelink, and maintaining hygiene and safety.

*a pseudonym

Case study – Malik*

Malik has a long history of homelessness. Recently Malik had been sleeping in one spot in the City of Melbourne for almost two months without any issue.

One morning, Malik left his belonging to get a coffee and when he returned just a short time later, all of his belongings had been taken. This included his identification documents, his phone, his sleeping bag, and his clothing. Left on the ground was a laminated council notice directing Malik to leave the area. Apart from this notice left on the ground, there was no other way that Malik would have known who had taken his belongings. Malik was not able to retrieve his belongings.

Malik has experienced and witnessed repeated threats from safety/security and council officers that he and other rough sleepers and committing the offence of trespass coupled with threats of calling police. Many people experiencing homelessness have had traumatic experiences with the police as well as

with legal process, including arrests and longer deprivations of liberty, and often disperse as quickly as they are able when these threats are made.

*a pseudonym

Case study – Frank*

Frank is in his 60s and has been experiencing homelessness for several years. Frank sleeps rough in the CBD where he can be close to community organisations that provide meals, medical assistance, and community services that are sometimes able to offer shelter accommodation and other referral supports.

Frank puts considerable effort in to maintaining his dignity while sleeping in public areas.

Since the implementation of the pilot and establishment of the safety/security officers, Frank has experienced repeated harassment and targeting by these officers contracted and employed by the City of Melbourne.

In one particularly terrifying incident, Frank was awoken by a security officer who was flicking a lighter close to Frank's face. The security officer was laughing while doing this and threatened to set Frank's sleeping bag on fire with him still inside it.

This terrifying experience has had a profound impact on Frank and he has had continued difficulties sleeping for fear of harassment and injury by security officers.

Council officers have levelled horrific verbal abuse and humiliation towards Frank. On one occasion, a council officer told Frank to move on and said that he "shouldn't be hanging around like a stray dog" after which council employed security officers forcibly took Frank's belonging and threw them in to a nearby bin. Among the items thrown in the bin was a photograph of Frank's late daughter. Frank was not able to retrieve this photograph.

The impact of this incident on Frank has been profound and is difficult to capture in words.

Over a period of eight weeks, Frank had his belongings taken without consent by council and security officers on five separate occasions. The items confiscated from Frank included his medication, identification documents, sleeping items, winter clothing, and food items. Frank was not provided with any receipts or formal notices on any of these occasions nor was he provided instructions on how to reclaim his property. Frank understands from these officers that his belongings were disposed of.

In addition to all of the above, on multiple occasions security officers have woken Frank up while sleeping, and approached him when he has been resting or simply sitting with his belongings and threatened to call the police.

The cumulative impacts of these experiences have been severe on Frank's mental and physical health exacerbating his chronic health conditions and anxiety symptoms. Frank no longer feels safe sleeping in the same place more than once and has to constantly relocate to avoid being targeted by council staff and security officers. This makes it incredibly difficult for outreach and health workers to locate and provide support services to Frank.

*a pseudonym

Recommendation 1: The City of Melbourne immediately suspends the engagement or employment of security/safety officers to enforce or assist the enforcement of local laws against people experiencing or at risk of homelessness.

We know from our clients who have had direct engagement with the security/safety officers and our partner organisations providing services to those experiencing homelessness in the City of Melbourne, that the program is causing significant harms and risks to safety for our client base.

While risks to safety can be posed by people across the community, people experiencing homelessness, psychosocial distress, AOD use and other trauma and marginalisation are significantly vulnerable and are at a disproportionate risk of being the victims of harm and violence. Many local laws and criminal offences target behaviours inherently connected to poverty (begging or sleeping in public) and the substantive reality of being homeless in circumstances where there are no risks to safety (having possessions in public spaces or encampments). Further, council has not identified the specific contexts in which local law officers have and are experiencing occupational risks to health and safety, and has not identified an evidentiary basis that this operation is or will mitigate those risks.

The language Council is using around the introduction of this program such as "boots on the ground", "broken windows", are symptomatic of a militarised approach that is not evidence-based and is in direct conflict with the principles in the Draft plan, including *Always consider public health and wellbeing recognising that education and prevention initiatives are fundamental in contributing to public safety, health and wellbeing*; and *Safe and accessible by design including that the Council should ensure that the city is accessible and safe for all people, especially the most vulnerable*.

We are concerned that in its current form, the program may be unlawful and proposes to utilise unlawful strategies, such as arrest for bylaw offences and use of handcuffs. These strategies can potentially cause irreparable harm to individuals whilst exposing Council to legal consequences.

An immediate suspension of this program is necessary to prevent further harm pending consideration of the legal and human rights impacts of these community safety officers and more meaningful engagement with service providers and people with lived experience to create an inclusive and preventative safety solution.

Recommendation 2: The City of Melbourne incorporate in the Draft Council Plan targeted community engagement and consultation directly with community members who are experiencing or have lived experience of homelessness, who use drugs or alcohol, and who are experiencing psychosocial distress as well as consultation with First Nations and other racialised communities on specifically on the contracting and /or employment of security guards to engage the local law.

We highlight that the Draft Plan does not identify any targeted community engagement and consultation directly with community members who are experiencing or have lived experience of homelessness, or other communities the program is likely to disproportionately affect, including people who use alcohol and drugs, people experiencing psychosocial distress, and people from racialised communities who are likely to be affected by discriminatory enforcement and intervention. Community engagement with lived experience is critical to the success and credibility of a community safety plan and ensures the safety of all members of the community and considered.

We draw attention to the demographics of people who are experiencing homelessness within the City of Melbourne that include a significant proportion of First Nations people, women, children and people who have experienced family violence, and people with histories of significant trauma included experiences of physical and sexual child abuse. To support this goal, we have provided case studies of clients who have had negative experiences with the private security program pilot and demographic research to help the council better understand who is most impacted by this program.

Demographics of people experiencing homelessness

A short review of publicly available sources reveals critical features of the homeless population (the Target Population) in the City of Melbourne ('the City') as follows.

- **First Nations** - People identifying as Aboriginal and Torres Strait Islander comprise 0.55 of the City's total population but represent 17% of those sleeping rough within the municipality¹.
- **Women** - Over 25% of people sleeping rough in the City are women.² Family and domestic violence is the leading driver of homelessness among women. In 2022–23, nearly 45% of women seeking assistance from homelessness services cited domestic and family violence as the primary reason.³ In Victoria, 70% of employed individuals seeking homelessness assistance are women, highlighting the intersection of inequity and housing instability.⁴ Nationally, homelessness among women is increasing at a rate six times faster than among men.⁵
- **Children** - The 2021 Census indicates that one in four people experiencing homelessness in Victoria is aged between 12 and 24 (Council to Homeless Persons, 2023).⁶ A snapshot by Melbourne City Mission highlights that 82% of homeless young people aged 15–24 have experienced family violence, over half have been involved with child protection, and 55% have self-harmed or contemplated suicide (MCM Youth Homelessness Snapshot, 2024).⁷
- **Family and domestic violence** - Family and domestic violence is a leading cause of homelessness in Victoria. Data from the Australian Institute of Health and Welfare indicates that 44% of individuals seeking homelessness assistance cited family and domestic violence as the primary reason. This issue disproportionately affects women and children, often forcing them into unsafe living conditions or homelessness.⁸
- **Experiences of trauma** – In Australia, between 91% and 100% of people experiencing homelessness have experienced at least one major trauma in their lives (compared with 57% of the general population).⁹ As high as 84% of people experiencing homelessness have experienced child sexual abuse and as high as 77% of people experiencing homelessness have experienced child physical abuse.¹⁰ People experiencing homelessness are at increased risk of experiencing traumatic events during time spent homeless.¹¹

Recommendation 3: The City of Melbourne redesign their approach to create safety through preventative health-based responses and harm reduction, working collaboratively with and funding service organisations within the council area and taking a people centred approach.

We highlight the evidence-based research that demonstrates health-based responses have better community safety outcomes than policing style responses to homelessness.¹²

We understand that one part of the objective for the implementation of the security/safety officers is to target begging.¹³ For those experiencing homelessness and severe poverty, begging is a necessity, a survival mechanism, and a life-sustaining activity. Begging does not constitute a safety concern.

The European Court of Human Rights has found that blanket bans on begging violate the European Convention on Human Rights. The United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights reports that the criminalisation of life-sustaining activities such as begging can be in violation of several human rights.¹³ We urge the City of Melbourne to come along as a leader and be at the forefront of the important human rights development to abolish the offence of begging in Victoria. As the municipality with the highest proportion of people rough sleeping, the City of Melbourne is a critically important part of this development.

We also understand the other objective for the implementation of the safety/security officers is to target public consumption of alcohol.¹⁴ We recognise the prevalence of alcohol related harms and support health-based, harm reduction responses to address these issues. As was well documented and evidenced through the decriminalisation of the summary offence of 'drunk in a public place', criminal and other punitive responses to alcohol consumption do not have long-term effects on reducing or preventing alcohol related harms.

We recommend the City of Melbourne to take a similar response to the issue of public consumption of alcohol as the Victorian Government and prioritise a health based, trauma informed and preventative approach. By working with existing service providers and community organisations operating in the City of Melbourne, a people centred solution could be designed with safety for all rather than safety at the expense of some.

Recommendation 4: The City of Melbourne publish a human rights assessment conducted by an independent third party in relation to this operation, legal risk and its impact on people experiencing homelessness and other marginalisation including poverty, racism, psychosocial distress and alcohol and other drug use.

All people who are and will be affected by this program have human rights protected under the *Charter of Human Rights and Responsibilities Act* including the right to enjoy human rights without discrimination – s 8(2); The right to life – s 9; Freedom of movement – s 12; Privacy and reputation – s 13; Property rights – s 20; and Right to liberty and security of person – s 21. As Council is well aware, with these rights engagements, the Council has obligations under s 7 and s 38 of the *Charter*.

Whilst Council has published a human rights compatibility assessment in the minutes of Council's meeting on 17 June 2025, it appears incomplete and does not specifically detailed considerations of how each right is engaged and how the security guards' activities, behaviours and strategics are Charter compliant or balance human rights considerations of individuals with program design. To ensure transparency and accountability, the City of Melbourne should engage an independent third party to conduct a human rights assessment and make this publicly available.

We note that the implementation of the pilot to engage private security contractors has already raised concerns about breaches of the Charter and other serious legal concerns including actions of safety/security and council officers that may amount to the commission of criminal offences and tortious conduct. It has been apparent from our clients and sector partners that the security guards engaging in this behaviour are inadequately trained or skilled.

As noted above, we are concerned that in its current form, the program may be unlawful and exposes Council to legal claims for breach of its obligations. We strongly recommend that Council obtain legal advice to assess the lawfulness of these measures and the program as a whole.

We note that arrests for breaches of local laws are expressly prohibited under s 458(2) of the *Crimes Act 1958* (Vic) and flowing from this, any use of force including the use of handcuffs for offences against the local law would likely constitute criminal offences and tortious conduct.

An independent third-party legal and human rights assessment would provide transparency and confidence in the public that the City of Melbourne has carefully considered the legal implications and human rights impact of their plan, for all people in the city. This practice would give credibility to City of Melbourne programs and ensure that the plan is aligned and working towards the principles and vision of the council.

Recommendation 5: The City of Melbourne complete and publish an assessment of the occupational risks experienced by council staff; risks of authorised officers and security guards breaching law and policy when engaging the local law with marginalised people; and the efficacy and risks in employing or contracting security guards to address safety concerns.

Despite the goal to create public safety, there is an inherent risk in creating policing-style responses where council officers and security contractors do not have the training or expertise and are not the appropriate workers to effectively respond to people requiring support. Unlike existing specialist service providers, security guards and authorised officers have inadequate de-escalation training, are not trained in providing culturally appropriate and trauma informed services and lack the ability to assess behaviours witnessed or reported against legislative and policy constraints and protections.

The use of security guards and authorised officers to respond to marginalised people and people experiencing distress is creating an environment of increased risk of discriminatory actions and human rights violations, as well as responses that in the long-term entrench the marginalisation that Council needs to effectively address to enhance safety for everyone in the area.

We note that the security contractor, Crownland Security, who Council have engaged were found to be displaying symbols used in white supremacist ideology on their uniforms. We are extremely concerned about the appropriateness of this contractor and their training in cultural safety and human rights, especially where they are delegated additional enforcement powers. As highlighted in the case studies provided, there are already concerns that conduct of the security contractors are escalating conflicts and inconsistent with a trauma informed, accessible and inclusive approach to people within the city.

We recommend the City of Melbourne complete a risk assessment of the efficacy of engagement of security staff and contractors to reduce safety risks to council staff and the community against the potential risk of conduct that might breach legal obligations of the council including human rights and safeguards to public safety.

Recommendation 6: The City of Melbourne does not alter its current approach to political demonstrations and maintains its compliance with the Charter, the Australian Constitution, and international human rights laws.

As the central place meeting place and the location of parliament and other sites of institutional power, the CBD has always been a site for political expression and demonstration.

The City of Melbourne and everyone living, working, studying and visiting the CBD should feel proud of the continuing history political movements demonstrating in the CBD. Protests for issues such as First Nations land rights, Aboriginal deaths in custody, suffrage, women's liberation rights, anti-nuclear, anti-war, workers rights including the 8-hour day, anti-apartheid, queer and trans liberation, and refugee rights all have long histories of public demonstrations on the streets and parks in the CBD.

Political communication is the fundamental foundation of a free and democratic society. Disruption to streets and roads are an unavoidable aspect of tens, hundreds, and thousands of people gathering together to share their political views. The tolerance of disruption is an inherent part of what it means to live in a free and democratic society.

The City of Melbourne is well respected in the legal and human rights sector for its acceptance and facilitation of political demonstrations. The City of Melbourne's current approach to political demonstrations is a leading example of compliance with the Australian Constitution, the *Charter*,

and international law including the United Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the ICCPR's comment 37 which provides guidance on the right to peaceful assembly.

We note that over the past two years there has been increased political communication activity in Melbourne, as well as across Australia and the world, in response to acts of genocide – as held by the International Court of Justice – being committed by Israel on the people of Palestine. We also note that there has also been increased demonstrations around far-right ideologies and anti-immigration movements, some of which have been met with counter demonstrations. To address the rise of hate speech and communications that incite hate, strengthened anti-vilification laws and legal protections against hate speech and actions have recently been introduced in Victoria. These are the appropriate legal protections and not limitations on protests.

We recommend that the City of Melbourne maintain the current approach to political demonstrations and we urge extreme caution in introducing new laws that reduce political communication and free expression.

