

Reduction of Hostile Architecture Bill 2023

A Bill for an Act to reform public spaces by removing hostile architecture in Victoria. This Bill shall primarily focus on the suitability of benches within public spaces. Currently, architecture is being created or modified so that public spaces are less accessible for those experiencing homelessness. This Bill shall seek to address the issue of public spaces being unsuitable for those who use it the most. This Bill shall focus on a short-term and effective solution by creating more safe spaces for those experiencing homelessness. Anti-homeless and hostile architecture is a cruel solution to addressing people experiencing homelessness and only results in forcing people to either sleep on floors or to be forced into more secluded and unsafe places. Considering that a large portion of those experiencing homelessness in Australia are youth, it is dangerous to force people into places where they are more likely to fall victim to crimes and unjust behaviour.

This Bill shall require local councils to make their respective public spaces more accessible to those experiencing homelessness through the removal or modification of pre-existing hostile architecture. Councils shall also be required to follow specific architectural guidelines when implementing new benches in public spaces.

A Bill for an Act relating to the Reduction of Hostile Architecture.

To be enacted by the Y's Victorian Youth Parliament.

PART I – Preliminary

Clause 1 Purpose

The main purposes of this Act are;

- (a) To make public spaces accessible for the people experiencing homelessness who rely on them;
- (b) To create more safe spaces for those experiencing homelessness;
- (c) To reduce the risk of people experiencing homelessness being forced into less safe areas.

Clause 2 Commencement

This Bill shall commence after receiving assent from the Youth Governor of Victoria.

Clause 3 Definitions

In this Bill;

- (a) **Audit** means the review and inspection of councils' progression and prevalence of hostile architecture at various stages of the phases of implementation;
- (b) **Contract management plan** means the creation of a structured and comprehensive plan for the construction of new public architecture such as benches and public transport stops;
- (c) **Hostile architecture** means architecture designed to purposefully limit people experiencing homelessness' use of it, through designs that restrict its functions;
- (d) **Local councils** means governing bodies that represent and manage local areas;
- (e) **People experiencing homelessness** means people lacking stable housing as well as those who have the potential to end up living on the street;

Sponsor: Overnewton Anglican Community College
Refuter: Mildura Rural City Council

- (f) ***Public areas*** means areas freely accessible to the public at all times of the day.

PART II - Establishment

Clause 4 Long-Term Implementation Structure

- 4.1 The removal of hostile architecture shall occur in stages which shall each target the removal or modification of one type of hostile architecture. The stages shall resemble the following;
- (a) Stage 1 shall target the removal of hostile benches;
 - (b) Stage 2 shall target the removal or modification of indirect deterrents, such as sprinklers;
 - (c) Stage 3 shall target any publicly available shelters, such as bus shelters.
- 4.2 Upon the commencement of each stage, the following processes shall be adhered to;
- (a) Each local council shall conduct an audit of existing constructions of the type specified by the occurring stage;
 - (b) Local councils shall assess the most appropriate manner in which to remove or modify each type of hostile architecture.
- 4.3 The implementation of any form of hostile architecture shall be strictly prohibited by the Victorian State Government.

Clause 5 Process for Council Audits

- 5.1 Annual audits of Local Councils shall be carried out by the State Government.
- 5.2 In the process of audits, state actors shall;
- (a) Carry out a review of all newly installed architecture within a local council's jurisdiction;
 - (b) Assess hostile architecture in place prior to the passing of this Bill;
 - (i) Any hostile architecture shall be marked for removal or modification.
- 5.3 A local council shall be considered to be in violation if an audit concludes any of the following;

- (a) Insufficient action taken to remove pre-existing hostile architecture;
 - (b) Newly installed architecture not adhering to all guidelines.
- 5.4 Should local councils not meet the criteria of the audit, the following shall take place;
- (a) Local councils shall be notified within 2 weeks of the audit if they are in breach of public use architecture guidelines;
 - (b) Local councils shall be given a three month period from the date of being notified to ensure architecture adheres to guidelines;
 - (c) A secondary audit shall then take place to assess the state of architecture marked for removal or modification;
 - (d) For any architecture found to not have the necessary changes made, the local council will incur a fine.

Clause 6 Removal of Hostile Architecture by Local Councils

- 6.1 Local Councils shall be required to oversee and adhere to architecture guidelines.
- 6.2 Local councils shall receive a copy of the annual audit which shall outline;
- (a) The location of hostile architecture in breach of public architecture guidelines;
 - (b) The public architecture guidelines in breach;
 - (c) The commencement date of the next audit.
- 6.3 Local councils shall create a contract management plan (CMP), adhering to the following criteria;
- (a) The CMP shall be created in consultation with key local stakeholders, which include;
 - (i) People experiencing homelessness;
 - (ii) People who have previously experienced homelessness;
 - (iii) Youth representatives;
 - (iv) Volunteers and owners of homeless shelters.

- (b) The CMP shall;
 - (i) Identify the locations where a breach in the guidelines for public architecture has occurred;
 - (ii) An objective date on which the removal of the hostile architecture shall occur.
- 6.4 Local councils shall oversee the removal of this architecture according to the state government's annual audit and the CMP.
- 6.5 Local councils shall implement new public architecture according to the set of guidelines.

Clause 7 Public Use of Architecture Guidelines

- 7.1 A set of guidelines shall be provided to local councils.
 - (a) The guidelines shall outline the acceptable state of items and hostile architecture.
- 7.2 Guidelines shall be created in conjunction with the appropriate phase outlined in Clause 4;
 - (a) Guidelines for phase one of implementation, shall target benches;
 - (b) Guidelines for phases two and three shall be created in collaboration with the CMP stakeholders.
- 7.3 A local council shall be considered to be in line with the guidelines if and when benches which have been marked for removal or modification satisfy the following criteria;
 - (a) Dividers or armrests of any kind that are placed along the bench are removed;
 - (b) The bench's seat is level, and not constructed at a significant angle;
 - (c) The bench's seat is a flat surface;
 - (d) Benches are without significant gaps along the seat.
- 7.4 Any objects or architecture which cannot be modified to satisfy the relevant criteria shall be replaced.

Clause 8 Incentivising Adherence to the Proposed Guidelines for Private Business

- 8.1 Private businesses in metropolitan Victoria who own publicly accessible outdoor areas shall qualify for a grant if the following criteria are met;
- (a) Allowance for the gathering of individuals on the publicly accessible property after hours and overnight where;
 - (i) Individuals cannot be issued a move on order form local police;
 - (ii) Individuals shall not be charged with a loitering offence;
 - (iii) Individuals shall not be prosecuted for trespassing.
 - (b) Businesses shall consent to participating in the local council audits of their architecture;
 - (c) Any architecture shall fulfil the relevant architecture guidelines for each phase following the audit.
- 8.2 Grants shall be in the form of a direct payment and shall be proportional to the amount of publicly accessible space provided by the business.