

LET'S BUILD HOMES NOT PRISONS:

Submission to the Government of Victoria Parliamentary Inquiry on Homelessness
(March) 2020



Stock Image

First, we acknowledge the women with lived experience of homelessness – particularly our Indigenous Sisters - who have been in contact with Victoria’s criminal justice system. We thank them for their willingness to share their experiences, and to allow us to reproduce them here. They are daily required to find the kind of courage that most of us hope never to have to find, in facing a State that turns on them when they most need its protection and support. They act daily with more courage than most of us ever have to find, in facing a State that turns on them when they most need its protection and support.

We thank the following organisations for their insights and their collaborative spirit in the drafting of this submission: Fitzroy Legal Service; the Council to Homeless Persons; the North and West Homelessness Networks; The Federation of Community Legal Centres; Victoria Legal Aid; and Homeless Law Justice Connect.

The following Flat Out Staff contributed to this Submission (in alphabetical order): Ayla Hope; Caitlin Coleman; Denise Taylor; Elisa Buggy; Emma Law; Ria Jago; Rei Alphonso; Yasmine Jensen-Solyom.

About Flat Out

Flat Out Inc. is a state-wide advocacy and support service, founded in 1988 for women who have had contact with the criminal justice and/or prison system in Victoria. It is an independent, not-for-profit, community-based organisation that is managed by and for women. Flat Out Inc. leads and participates in research and community education, seeking to inform the wider community about the harms that occur for women in the criminal justice system. We build on the intrinsic connections between service delivery and social change work that have been present since Flat Out's inception.

Flat Out Inc. works directly with women who have experienced criminalisation and/or incarceration to improve the rights and conditions of women in prison. Flat Out Inc. aims to prevent women from going to prison and to keep women out of prison once they are released. Flat Out Inc. has a strong voice in the prison abolition movement in Australia and internationally.

Our vision is that prisons be widely understood as reflections of poverty, trauma and discrimination, as worsening crime, and serving elite financial interests. Flat Out Inc. seeks to work alongside diverse communities to end all forms of inequality and injustice, by creating evidence-based alternatives to incarceration.

Flat Out Inc. receives government funding through the Department of Health and Human Services (State) and the Department of Health (Federal), for the purpose of providing individualised support and advocacy for women (with or without children) to address homelessness, drug and alcohol treatment and a range of other support and advocacy needs, in order to address underlying causes of criminalisation. It has also secured grant funding through the Legal Services Board, and the Brian and Virginia McNamee Foundation.

A note on the use of "case studies" in this submission:

All of the work undertaken by Flat Out is grounded in, and accountable to, the expertise and wisdom of women with lived experience of criminalisation. We have endeavoured to center their voices in this submission and ask the reader to dignify the stories entrusted here. Doing this requires us to resist the rhetoric of the clinical "case study" and all its loading of pathologisation, victimisation and otherness. These are stories of strength and resistance, that highlight where the system (not the woman) is damaged, and damaging.

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Executive Summary:

“I became homeless escaping family violence. I had no resources, and I couldn’t get my head back together, there was no housing. The crimes I committed I would not have committed if I was housed. I wouldn’t have robbed people for money. I wouldn’t have been out galavanting with some random bloke I didn’t know and get arrested for aggravated burglary. He had gear and I was looking for somewhere to sleep. If I wasn’t homeless I wouldn’t have gone and stayed at that guy’s house, and then been raped. I wouldn’t have had to report that to police, and they wouldn’t have then wrongly picked me up as a suspect to a crime I had nothing to do with.

After I was criminalised for the aggravated burglary, and finally got housed, and got my children back, my support worker put me forward for a lived experience position in relation to homelessness. I got knocked back because of the WWC check. I had been charged with assaulting my own child in a situation where I was actually protecting him from my violent ex-partner. I didn’t give up. I asked myself: can I use my lived experience as a tool to help without being judged? I studied a Certificate IV in Community Services. My teacher helped me, she knew everything about me, and she still believed in me. She wants me to come to TAFE and speak. I am appealing the WWC finding. I’m really happy in my new job. I don’t need to hide who I am, and I’m helping others. I want to stay here forever.”

Kristin, Advocate, and Survivor of family violence, homelessness and criminalisation

“It is such a massive problem that people are homeless and criminalised because of it. These women are Mothers, Sisters, who have families to get back to, who are always victims in some way or another. Their criminalisation is everybody’s problem – the whole community is affected, though most people in our community are dissociated from that fact.”

Flat Out worker #1

“Many women have said to me ‘it’s too hard’ out of jail in the community, and they cite the barriers to accessing housing as their main difficulty.”

Flat Out worker #3

“With the right measures in place, we know that homelessness is preventable, early intervention achievable, and that keeping people housed is possible.”

Jenny Smith, CEO Council to Homeless Person

The rapid increase in rates of incarceration for women in Victoria (see below) is linked to a persistent, and preventable, public housing shortage. A chronic lack of funding available for proven responses to homelessness has continued in Victoria, despite well-documented and

compounding impacts on people experiencing homelessness. This also negatively impacts other service systems, that step in to pick up the pieces. Punitive public, media and institutional perceptions of women experiencing homelessness mirror their attitudes to criminalisation. The lack of accountability that ensues is likely contributing to the continued drift in government attention on both issues.

The housing crisis, and the resulting spike in homelessness, has occurred at the same time as the State Government has increased funding for prisons. The Andrews Government allocated in its 2019/20 budget an additional \$1.8 billion dollars for prisons and corrections (then deferred for one year). This was despite the significant literature pointing to worsening outcomes globally for imprisoned populations, and their families, communities, and society. Victoria now spends more to keep each person in custody than any other jurisdiction globally (see below), while failing to allocate adequate funding for social housing. Aside from the social costs of Victoria's housing crisis, the use of public money to effectively provide prisons as a home of last resort amounts to a scandalously inefficient use of taxpayer funds – ostensibly in support of an electorally popular “tough on crime” political agenda.

Within this broader context, our submission considers the Inquiry's Terms of Reference from the perspective of women whom the State has criminalised. It examines homelessness as both cause and consequence of women's interactions with Victoria's criminal justice system. We have sought to centre the stories of criminalised women, and to ensure that the impacts on them, are visible to the Inquiry. Their recommendation to this committee is:

Build Homes, Not Prisons.

In this submission we also examine Promising Practices across the housing, health and justice sectors, in breaking the nexus between homelessness and the criminalisation of women in Victoria.

SUMMARY OF RECOMMENDATIONS

Broadly, we urge the Government to undertake reforms to the existing suite of policies and laws that disproportionately criminalise the poor and the homeless. We note and strongly endorse the extensive and careful submissions that sector colleagues have made in relation to law reform (Fitzroy Community Legal Service, West Justice Community Legal Service, the Federation of Community Legal Services, Victoria Legal Aid, Inner Melbourne Community Legal Centre), particularly around the need for urgent reform to the Bail Act.

Flat Out recommends: Let's Build Homes Not Prisons.

Additional Recommendations: That the State Government, including the Victoria Police, adopt policies and practice towards homelessness that are aimed at supporting transition into stable housing, rather than stigmatising and punishing people who are homeless.

That when a criminalised woman is referred to RAMPS, the panel includes specialised representation for her (i.e a nominated RAMPS co-ordinator from Flat Out).

That the link between women's increasing criminalisation and the upwardly spiralling numbers of children's homelessness, and children going into out of home care, be the subject of a Parliamentary Inquiry.

That women taken into custody be linked with services to help them maintain housing and personal belongings, and that services be funded to respond to these needs.

That service points develop policy and procedures to respond to, and address the needs of women who have experienced criminalisation.

That workers in service points such as Homelessness, the Orange Door, and in PARCs, undertake appropriate training and capacity building, which should include legal needs analysis and best practice competencies, such as instruction on how to avoid prejudicing a woman's access to services by eliciting disclosure of criminalisation.

That local access points and hospitals establish liaison processes to facilitate the transition between hospital and social/ community housing.

That at the very least, exemptions be made to the Victorian Housing Register to enable all visa holders to access housing (and emergency accommodation) in Victoria.

That the Parliamentary Inquiry explore options for replacing mandatory sentencing for minor offences with mandatory bed policies.

That the Bail Act be amended to specify that lack of adequate accommodation cannot be used as a reason to refuse bail to any person

That the risk of re-offending be addressed by providing accommodation and other supports for people leaving jail, rather than by keeping them in jail.

That the Government follow global and local political trends, including under the Trump Presidency, away from “Tough On Crime” policies in recognition of their unsustainable drain on the public purse (as well as their disproportionate impact on people in poverty).

That emergency housing, including rooming houses and hotels, be appropriately regulated, and non-compliant operators be held accountable.

That instead of its “tough on crime” agenda (noted above), that the government embrace instead evidence-based social housing and crime prevention solutions.

That the government fund or provide a service whereby criminalised women are assisted with all paperwork needed to re-enter society.

That dedicated, stable housing be offered with holistic, multi-agency, client-centred support.

That the Government fund the development of social enterprises, offering a user-focus, to establishing post-release stable accommodation for criminalised women.

That the Government tie its spending on public housing to population growth, and measure the adequacy of any increases in spending against this metric.

Introduction and Outline of this Submission:

The Legal and Social Issues Committee of the Legislative Council of the Parliament of Victoria has been tasked to inquire into, consider and report on the state of homelessness in Victoria, and in particular to:

Question 1. Provide an independent analysis of the changing scale and nature of homelessness across Victoria.

Question 2. Investigate the many social, economic and policy factors that impact on homelessness. (We have expanded this also to consider the impacts of homelessness on women whom the State has criminalised).

Question 3. Identify policies and practices from all levels of government that have a bearing on delivering services to the homeless.

It must be noted that Flat Out Inc. is a specialist service provider (including housing services) for women who have been criminalised. Therefore, in responding to each of these questions we have sought to highlight for the Committee the nexus between homelessness and the criminalisation of women in Victoria.

A note on terminology: We use the term ‘criminalised women’ to encompass women who have been imprisoned, in contact with police, and/or who engage in survival crime (such as theft, trespass, and illicit drug use). The submission highlights how criminalised women do not have equal access to housing and other critical services, and are functionally denied the right to live safely in the community. These women encounter stigma and discrimination daily, from community members, service providers and police.

Existing police approaches to family violence are continuing to fail criminalised women, and the overwhelming majority of women who end up in prison are victims/ survivors of family violence.

Response to Question 1: Independent analysis of the changing scale and nature of homelessness and nexus with the criminalisation of women in Victoria

Our submissions in response to this question reflect the experiences and insights of our case workers, and of women with lived experience of homelessness and criminalisation. We briefly outline the scale and nature of homelessness (including causes) in the following section. We then examine the rapidly increasing rates of imprisonment of women in Victoria, and homelessness itself as a cause of criminalisation. We also examine the consequent impact of homelessness on women, and their children, that the State has criminalised. It is our hope that their stories serve as a cautionary tale for governments seeking to sharpen a “tough on crime” political agenda, and that it provides evidence for the many - including members of the Parliamentary Committee - who are in a position to influence both public perceptions about homelessness, as well as government decisions about where public funding is allocated.

i) Scale of homelessness in Victoria linked to lack of housing:

Victoria’s confronting statistics in relation to homelessness are by now well-known. Despite overall increased public investment in social housing, the latter continues to decline as a proportion of all housing:

“(B)ecause Victoria’s population is...growing rapidly, social housing as a proportion of all housing has continued to fall, even as the numbers of social housing properties has increased” (our emphasis).

The link between the shortage in affordable housing, and the rise in homelessness is self-evident. In 2018, the Department of Health and Human Services told the Parliament of Victoria that there were 82,000 people on the waiting list for public housing. Infrastructure Victoria estimated in 2016 that there was a shortfall of up to 100,000 affordable properties in Victoria, and that this shortfall would likely increase. Australian Institute of Health and Welfare data from 2016-17 showed that almost 50,000 Victorians had experienced homelessness. It cited housing affordability, and financial difficulties, as major causes.

These data - both in terms of scale and cause - are triangulated by homelessness services themselves. Melbourne’s North and West Homelessness Networks report [Crisis in Crisis](#) (15 February 2019) notes that the Homelessness Service System across Victoria only has access to 423 government-funded crisis beds. For each person able to access a bed, 7 are turned away. This sees consumers having to seek crisis accommodation, and public funds being spent, in expensive and unsafe low-end hotels and private rooming houses. These unregulated businesses are, quite lawfully, able to increase profit margins by reducing the quality of accommodation they provide. Consumers therefore, experience significant lack of safety in often “[appalling conditions](#)” while they wait for more secure, affordable, and stable accommodation.

For criminalised women, the picture is even more stark. FlatOut’s own reporting offers a sobering profile of the women we walk with:

- For the 6 month period 1 July 2019 – 31 December 2019:

- 100% of clients currently experience or have experienced homelessness
- 24.3% of clients were Aboriginal and/or Torres Strait Islander
- 40% of our clients were culturally and linguistically diverse (up from 32% in the previous 6 month period)
- Almost all Flat Out clients have a dual diagnosis (mental health & AOD).

ii) [Scale of homelessness in Victoria also linked to family violence:](#)

Frontline services, including Flat Out Inc., have identified through decades of frontline service delivery, that family violence is the second major cause of homelessness. Among other things, a lack of affordable housing severely limits the options for women seeking to flee a violent relationship. As Kristin’s story (Executive Summary) demonstrates, family violence can see women evicted, or otherwise forced, from housing. We refer the Committee to the submissions of our colleagues at *Justice Connect CLC* in this regard, and to the significant recommendations in the Royal Commission on Family Violence in relation to homelessness prevention. Despite some additional funding for women’s crisis housing, the Government’s overall responses to the continued housing crisis is weak. This, we consider to be contrary to the Government’s commitments, made post Royal Commission, to invest in social housing.

Illustration 1: Family Violence Justice Project

The **Family Violence Justice Project** (FV Justice Project) was piloted in 2019 in response to the findings of the Royal Commission into Family Violence (RCFV) which identified that criminalised women experience high rates of family violence, yet have very poor engagement with the service system. Family Safety Victoria (FSV) funded Flat Out to undertake this project with the aim of improving the accessibility and responsiveness of the service system for women who are criminalised and experiencing family violence. The link between Family Violence and Homelessness was highlighted strongly during the research phase of this project. The Project identified that abuse perpetrated by exploiting systemic disadvantage was a significant risk factor for criminalised women. For example, a woman’s offending could be facilitated by an abusive partner in order to deter her from calling police as a response to incidents of family violence. Homelessness, or the threat thereof, was found to function in the same way - to keep a woman in an abusive relationship, or force her to return. In addition, workers consistently reported that being unable to support a woman to access secure housing was a significant stress resulting in feelings of collusion with the system/perpetrator against the interests of the women they were working with.

iii) [Public perceptions don’t reflect actual causes of homelessness:](#)

Public and service sector data around the causes of homelessness (above) contrast sharply with the broader public perception in Victoria that mental health and drug abuse are the major causes of homelessness. The violent police removal - presumably at the request of Government - of the homelessness protest, which occurred while the Australian Open Tennis Tournament was played in Melbourne in 2017, also revealed deeply problematic and conflicted official attitudes to homelessness in Victoria.

Below is a selection of media reporting of this protest, which fed the narrative that homeless people are bludgers, and slouches who are “ripping off the system”:

Illustration 2: Media Reporting on Homeless Protest



Punitive policing and media responses are significant because as long as homelessness is stigmatised in Victoria, with the blame for homelessness placed squarely on people experiencing homelessness, the public is unlikely to hold the government accountable for its weak responses.

“People think that using drugs, not wanting to work, mental health and being a criminal are the causes of homelessness. Family violence was the main reason. I had a house. I left it because he threatened me. And then when I came back they wouldn’t give me another one because I owed rent and stuff like that. They didn’t care that I left because of family violence, because I was forced to.”

Kristen, Survivor of family violence, homelessness, and criminalisation

Broadly speaking, the causes of homelessness are complex. One of our Outreach Workers describes this complexity as follows:

“Beyond the housing crisis, and family violence, other factors can include children being placed in OOH, loss of home from fires, drought, break up, death, divorce, incarceration, mental health, childhood trauma, sexual abuse, alcohol and drug addiction, loss of income, being kicked out of home, car or motorcycle accident, or disability. If any one goes through any of these it will change their life and lead to

added stress, trauma, and then addiction - which leads to a breakdown in their life. It can happen to anyone. Homelessness is the result of these things.”

Outreach Worker #2

Recommendation: That the State Government, including the Victoria Police, adopt policies and practice towards homelessness that are aimed at supporting transition into stable housing, rather than stigmatising and punishing people who are homeless.

iv) Victoria’s increasing incarceration rates

Incarceration rates of women in Victoria are skyrocketing. This is concurrent with the public housing crisis - in part, because social housing provision has not kept up with foreseeable population growth. At the same time, at an increased scale family violence has entered the public domain. Recently released Crime Statistics Agency research paints a complex, and sobering picture:

- Between 2002 and 2018, the number of women entering prison went from 333 to 825, an increase of 492 women, or 147 percent.
- Half of the women who entered prison on remand during 2018 were charged with one of two new breach of bail offences first introduced in December 2013. (This occurred during the Napthine Liberal Government’s tenure).
- Less than two thirds of women who enter prison on remand are eventually sentenced to jail, though more than 90% have at least one charge proven in court.
- The number of women charged for breaching a family violence intervention order almost doubled from 4.8% in 2012, to 9.3% in 2018.
- Among female remand receptions:
 - 65% had been victims of family violence; and
 - 61% had used drugs daily prior to their incarceration.

Significantly, and despite evidence to the contrary, the stigma that society attaches to the homeless mirrors the stigma that surrounds criminalised women.

Homelessness increases risk of criminalisation, and criminalisation increases risk of homelessness:

Our caseworkers note that homelessness routinely compounds our clients’ vulnerability within the justice system, and increases risk of criminalisation - as well as loss of children into out-of-home-care (OOHC), and worsening addiction. The link between homelessness and criminalisation is reinforced in the literature, in existing Government of Victoria policy responses to homelessness, and in the media. *The Conversation* recently noted that:

Homeless people are over-represented in Australia’s prisons, and previously incarcerated people are over-represented among the homeless. Experiencing homelessness increases the risk of criminal justice system involvement, and experiencing imprisonment increases the likelihood of homelessness.¹

¹ Sophia Russell, (February 20, 2018) “[How Can We Put a Stop to the Revolving Door Between Homelessness and Imprisonment?](#)”, *The Conversation*. Other research finds a correlation between homelessness and incarceration (but not a causal link), and a causal link between criminalisation and homelessness: Guy Johnson and Julie Moschion, (April 4, 2019), “[Ex-Prisoners are more likely to become homeless but the reverse isn’t true](#)”, *The Conversation*.

This article cited national research (2012) which found that “more than half of women in prison had been sleeping rough or living in short term accommodation in the month prior to being incarcerated”.

As the preceding section shows, the social, economic and policy factors that impact or cause homelessness both directly and indirectly can be simple and complex, as well as mutually reinforcing. For more detailed analysis of these factors, we refer the Inquiry to the Submissions of our partner Fitzroy Legal Service; of Council to Homeless Persons; and of the Victorian Homelessness Election Platform 2018 (among others).

Our submissions in response to this question have sought to share the expertise of our caseworkers, and the experiences of women with lived experience of both homelessness and criminalisation. As a result, while we examine causes in the following section, we have focussed on homelessness as a cause of criminalisation, and the impact of homelessness on women the state has criminalised. It is our hope that their stories serve as a cautionary tale for governments seeking to sharpen a “tough on crime” political agenda, and that it provides evidence for the many - including members of the Parliamentary Committee - who are in a position to influence both public perceptions about homelessness, as well as government decisions about where public funding is allocated.

Homelessness as causing criminalisation:

We term-searched the CSA research for analysis in relation to homelessness and found just one statistic:

- Approximately one quarter of women entering prison reported homelessness or housing instability before entering prison.

The overall lack of transparency within Victoria’s prison system means, among other things, that there are significant gaps in its available performance data.

Our anecdotal data, including case studies in this submission, demonstrate a strong correlation, and in some cases, a causative link, between homelessness and criminalisation, and the extent to which family violence is implicated. The literature also notes the overwhelming nexus between family violence and incarceration; and that women’s physical, sexual or emotional abuse as children and/or adults exposes them to psycho-social vulnerabilities and extreme disadvantage. This necessarily leads to survival behaviours including offending and, therefore, criminalisation. Women already known to police because of complex mental health or other issues, or who do not present as “model victims” in family violence incidents, are more likely to be criminalised through family violence intervention order processes.² Flat Out Inc. explored these issues at length in our submission to the Royal Commission on Family Violence. VicPol’s efforts to remediate its response to family violence are ponderous, and ensuring women are able to accessing a full raft of services (including legal), is essential.

² Madeleine Ulbrick and Marianne Jago, (July 2018) [“Officer She’s Psychotic and I Need Protection”: Police Misidentification of the “primary aggressor” in family violence incidents in Victoria](#)”. Women’s Legal Service Victoria Policy Paper 1.

Recommendation: That when a criminalised woman is referred to RAMPS, the panel includes specialised representation for her (i.e a nominated RAMPS co-ordinator from Flat Out).

Response to Question 2: Investigate the many social, economic and policy factors that impact on homelessness, and the impacts of homelessness on women the state has criminalised.

Through exploring the scale and nature of homelessness in Victoria in our responses to Question 1, we also canvassed key social, economic and policy factors that impact on homelessness. In this section we deepen this analysis by focusing on the criminalisation of women and its impact on their homelessness. We then reverse this lens to examine the impacts of the housing crisis on women that the state has criminalised. We also look at the impact on sector workers of the unrelenting gap between housing needs, and available housing, for women they are attempting to assist.

i) Women and children becoming homeless through women’s criminalisation:

Incarceration has severe impacts on women’s housing, and the living circumstances of their children. LACW’s Elena Pappas recently noted that “even one day in prison can derail a women’s life – she may lose her house, her job, her children, her connections to support services.”³

The link between criminalisation, and women’s loss of contact with children is severely underexamined in public policy in Victoria.⁴ Put bluntly, the link between criminalisation and the upwardly spiralling numbers of children becoming homeless and going into out of home care, is worthy of its own Parliamentary Inquiry.

There is no current provision made for short-term criminalised women, and their belongings, to remain housed, despite decades of our advocacy on this issue:⁵

“When women are taken into custody and put into jail on the same day what happens to their things and housing? They lose it. No-one is there to hold their things or collect for them and their possessions are then thrown out on the street. What’s needed is funding for storage shed cages to hold their personal belongings to reduce buying new things. Having familiar things reduces mental health issues, because it is one less thing to stress over. People who do community services could pick up and deliver possessions to a storage shed.”

FlatOut Outreach worker #3

³ Hayley Gleeson, (3 Feb 2020) [“Jamming the Revolving Door of Women in Prison, Jill Prior is putting a new spin on Lady Justice”](#), ABC Online News.

⁴ For a historical overview of this issue, see FlatOut and VACRO June 2006 Discussion Paper [“Children: Unintended victims of legal process – A review of policies and legislation affecting children with incarcerated parents”](#).

⁵ See FlatOut Inc, 2008, [A Brief Herstory](#), p.47.

Recommendation: That the link between women’s increasing criminalisation and the upwardly spiralling numbers of children’s homelessness, and children going into out of home care, be the subject of a Parliamentary Inquiry.

Recommendation: That women taken into custody be linked with services to help them maintain housing and personal belongings, and that services be funded to respond to these needs.

ii) Women exiting prisons into homelessness:

If access to Victoria’s public housing system is already restricted, access for criminalised women is all but non-existent. Over the last five years, prisoner exits into homelessness have grown by 188 percent. The lack of housing available to them is chronic, at a time of personal crisis and heightened vulnerability.

For criminalised women facing homelessness, there are barriers at all points in the service system (support, health and housing services). It impacts their eligibility, intake processes, assessment, engagement/ treatment/ receiving assistance, and what happens when they exit. As a result, our outreach workers find that women who have been criminalised rapidly lose faith in services that are supposed to help them find housing.

“Women we work with are sick of trying to get help with housing...then getting nothing. They are required to tell their harrowing story again and again, to no avail.”
FlatOut Outreach Worker #3

“If they do engage initially, trusting us to work with them, we often lose them due to their homelessness. They have no address, therefore day to day life is chaotic; I can’t contact them or find them and it is complicated to meet up when they don’t know where they will be hour by hour. If they can be found/ contacted and manage to attend a service that they are referred to, it is so much trouble undertaking the onerous intake/ assessment/ planning/ referral/ follow up processes.”
FlatOut Outreach Worker #2

“These processes usually involve multiple stages, requiring appointments, often with different workers, requiring documentation which is hard to obtain and retain while homeless (eg. Vicroads require a home address on a driver’s license). If women are not excluded due to their criminalisation, their behaviour (escalating by being retraumatised by services), their inability to attend at the allocated time slot, lack of documentation, lack of identification, on-going poverty (have previously received help, and are therefore ineligible), being uncontactable, they can tend to give up anyway, as it’s all just too much. As a client said the other day: “this is what my life is, no-one can help me”.”
FlatOut Outreach Worker #3

Support, health and housing services in Melbourne already exist to serve people with complex needs, ostensibly including criminalised women. In practice, we have found that workers at those services are often not willing, or may feel unable, to work with criminalised

women. In a context of high demand for scarce services, workers cite risk and the overburden of the woman's challenges and complexity, to screen out our clients. This is particularly so for women who have had intervention orders made against them (even though where the respondent on the intervention order is female, the police name the wrong person over half the time) or with violent charges/crimes.

At service points such as the Orange Door, and Homelessness Service Points, workers should seek to identify legal issues and make referrals to appropriate legal services. In our experience, many workers have inadequate skills in legal needs analysis, and have wrongly asked for disclosure of criminal history. They may then become unnerved and find the woman ineligible for services including accommodation in a scarce market. Disclosure of AOD use can have the same effect. PARCs (mental health Prevention And Recovery Centres) can also be reluctant to accept people who are homeless, so as to avoid being 'stuck with them'. We have provided further anecdotal evidence in Attachment A.

Hospitals (general and mental health units) regularly discharge women to primary homelessness, when it is clear that this will exacerbate their condition. The response of hospitals to our advocacy is — predictably — that they are not a homeless service and the client's health that led to admission, is stable. Clients still in need of acute care and support are discharged from hospital, often in the afternoon after medical clearance, merely being advised to attend their local housing access point. These housing access points usually have no funds left, even for one-night emergency accommodation, after midday.

Recommendation: That service points develop policy and procedures to respond to, and address the needs of women who have experienced criminalisation.

Recommendation: That workers in service points such as Homelessness, the Orange Door, and in PARCs, undertake appropriate training and capacity building, which should include legal needs analysis and best practice competencies, such as instruction on how to avoid prejudicing a woman's access to services by eliciting disclosure of criminalisation.

Recommendation: That local access points and hospitals establish liaison processes to facilitate the transition between hospital and social/ community housing.

Centrelink seems particularly poorly equipped to understand the challenges that homeless people face:

A woman we support found herself a bedroom in a private rooming house - she was not given receipts for her rent, which was \$220 per week. Without receipts she was not able to obtain rental assistance from Centrelink, leaving her with \$15 per week leftover from her Centrelink Newstart allowance, for all other expenses.

For women with additional barriers, such as disability, or non-citizen status, the picture gets even worse:

“A woman we support has severe mental illness, and chooses not to access the NDIS, despite having been assessed as having an intellectual disability. She is barred from housing due to her traumatised acting out, and in the words of the Magistrate, in her case, prison is being used as accommodation for her. The Occupational Therapist’s assessment is that she needs 24/7 stand-up support. Instead, she is in jail without assistance”.

FlatOut Outreach Worker #3

As New Zealand Prime Minister Jacinda Ardern recently pointed out, not all Australian visa holders are treated equally.⁶ Many of FlatOut’s clients are ineligible for welfare, including public housing. Our Outreach Team have noted that women on certain visa categories may be released on parole without access to welfare funding. If they are not eligible for Centrelink, they cannot get on the Victorian Housing Register, which provides government-subsidised housing, or access to emergency accommodation assistance, subsidised medications and other material assistance programs. If they can’t get housing, and other support, they are at heightened risk of family violence, and of losing their children into out-of-home care. Over decades, Flat Out Inc. has identified that women leaving prison say they can contemplate nothing other than finding housing and reunification with children.⁷

Recommendation: that at the very least, exemptions be made to the Victorian Housing Register to enable all visa holders to access housing (and emergency accommodation) in Victoria.

iii) Women kept in custody due to homelessness:

According to the Australian Institute of Criminology, people exiting prisons into homelessness are more likely to reoffend. This phenomenon is not uniquely Australian. UK research notes that people leaving prison may re-commit crime to avoid homelessness, and that “having stable accommodation can reduce the risk of re-offending by 20%”.⁸ It also notes the cost of re-offending to the public purse. Reform efforts that stop re-offending are clearly needed in Victoria and Australia more broadly. The conservative Australian think tank, the Institute of Public Affairs (IPA), has recently signalled a shift in what it describes as the “politics of community safety”. In what appears to be a move away from the tough on crime agenda that has come to dominate political discourse in Australia, the USA and elsewhere, the IPA notes that “new approaches to criminal justice are needed, and that the focus of reform efforts should be on (stopping) re-offending”. It cites reforms that US President Donald Trump has recently enacted through the First Step Act.⁹

Magistrates and parole boards seem well aware of the link between homelessness and re-offending - and must refuse bail if re-offence is a risk. In considering risk, the bail decision-maker must consider the person’s home environment. In other words, homelessness can be a determining factor in a bail decision maker’s decision to refuse bail. This effectively sees

⁶ Emily Jane Smith, (28 February 2020) “[NZ’s Jacinda Ardern has described this Australian law as corrosive. She is going to raise it again](#)”, SBS Dateline.

⁷ FlatOut, A Brief Herstory, p.51.

⁸ Crisis UK, “[Prison Leavers](#)” Web report accessed 03 March 2020.

⁹ Bushnell, Andrew (9 February 2020), “Like Trump, Australia Must Focus On Re-offending to Make Communities Safer”. IPA Today, Media Release.

the conflation of homelessness and criminality. As a result we have seen an increase in cases where bail decision-makers have kept women in custody, to avoid exits into homelessness.

“When we offer to support an application for bail by a woman who is homeless, we can only offer one or two nights’ emergency accommodation, then they need to present at a housing access point. As we present this in a submission to court, Magistrates will regularly note how ineffectual this is to a woman’s chances of rehabilitation and successful reintegration into society. Prosecutors submit that our clients are more likely to reoffend if homeless. When they are on the streets, women are certainly more likely to be under the gaze and in the grasp of authorities.”

FlatOut Outreach Worker #3

Emerging good practice in the USA – where rates of incarceration are started to come down in many states – mandates the State to provide beds for people leaving custody. The Parliamentary Inquiry may wish to explore such mandatory accommodation policies further.

Recommendation: that the Parliamentary Inquiry explore options for replacing mandatory sentencing for minor offences with mandatory bed policies for people leaving custody.

Recommendation: Stop re-offending by providing holistic supports for people leave jail

Recommendation: Amend the Bail Act to specify that lack of adequate accommodation cannot be used as a reason to refuse bail to any person.

Recommendation: Follow global and local political trends away from “Tough On Crime” policies in recognition of their unsustainable drain on the public purse (as well as their disproportionate impact on people in poverty).

iv) Homelessness post-release, and risk of re-criminalisation:

Lack of housing, including crisis beds, make the provision of effective support even more difficult. As noted above, without effective supports, women are more likely to be ensnared again in the criminal justice system.

We note that failures to support men with housing post-encarceration can also have fatal impacts on their intimate partners. The QLD Coroner’s review of family violence homicides in QLD found “there were systemic barriers that precluded the provision of effective supports including:

- a lack of service availability or beds in local facilities
- competing needs or priorities, particularly homelessness or family violence
- a lack of understanding by services of the cyclical and chronic nature of substance dependency
- a lack of appropriate referrals for support to specialist services, even where such referrals were requested”.

Recommendation: that emergency housing, including rooming houses and hotels, be appropriately regulated, and non-compliant operators be held accountable.

v) Crisis response: Impact on staff in homelessness sector:

As noted above, Flat Out Inc.'s support services include linking criminalised women to homelessness services. The impact on staff of having to refer traumatised women either into unsafe, unregulated housing, or to seek alternatives, is significant. Workers resist discussing vicarious trauma, out of concern that it centres them, when what is needed is an authentic government response to problems that have known, effective public policy solutions.

“The lack of safe and secure public housing creates tremendous strain across the board. I think it is an ethical imperative to center the experiences of women and children directly impacted, but of course workers are affected - by the daily grind of wrestling with systemic inequity, of being denied the ability to provide the best services and support because the resources necessary to do so are not at your disposal, the forced collusion in a violent and inaccessible system, the cognitive dissonance created by the unethical, top-heavy distribution of capital even within the sector itself... and then your “burnout” is individualised and commodified and sold back to you as “vicarious trauma training” - it’s maddening.”

FlatOut Project Worker

“It makes me feel inadequate in doing my job. I feel hopeless as my hands are tied by the system. The trust you build up with her is fractured.”

FlatOut Outreach Worker #2

“We try to be helpful to women and ask for their trust, so we can help their situation improve. But what good are we, when all we can say is ‘sorry, the system is broken and can’t offer you what you need’....?”

FlatOut Outreach Worker #3

Even where adequate professional debriefing and supervision is provided, staff continue to feel impacted.

“It is such a massive problem that people are homeless and criminalised because of it. All the support in the world is not going to help me process that injustice”.

FlatOut Outreach Worker #1.

The appalling state of some crisis housing in Victoria has led services in some cases to refuse to refer people in, following client feedback that it is sub-standard, dehumanising, and traumatising (above).

“As a sector we are no longer prepared to refer people into substandard crisis accommodation, nor are we willing to participate in continuing to harm vulnerable people seeking our assistance.”

The North and West Homeless Networks.

Question 3 Response: Identify policies and practices from all levels of government that have a bearing on delivering services to the homeless.

As is clear from our submissions, homelessness and criminalisation interact in complex ways. Ideally, policy and practice responses focus on prevention. This approach would see a suit of policy and practical measures (that centred the person) designed and implemented in Victoria. These would span the justice, health and other service sectors, and would also engage the expertise of the private sector where doing so improved outcomes for people in crisis. Importantly, it would be evaluative, and make sure that government responses were nimble enough to respond accordingly to poor, and promising, outcomes. The role of the Productivity Commission here is critical - a process of accountability is needed to ensure the implementation of its findings.

Rather than canvas the full range of policy and practice responses that have bearing on reducing homelessness and criminalisation (unnecessary), we focus in this section on perhaps the most significant policy constraint that the government will need to address if it is to move beyond a punitive, stigmatising response to homelessness. Specifically, this exploration examines how a “tough on crime” agenda (which sections of the media also feed, as set out above), has coincided with increased costs of housing prisoners, and the privatisation of prisons in Victoria. In an attempt to move policy discussions forward, we then identify Promising Practices, drawing on global and local successes, in breaking the nexus between criminalisation and homelessness. This summary is not exhaustive: rather, it offers an insight into how well-designed service delivery can succeed in helping reverse the trend toward criminalisation.

i) Government’s tough on crime agenda is expensive, and expansive for prisons:

We are aware that the Minister for Corrections is devoting significant resources to preventive efforts. At the same time, the Government’s allocation of an additional \$1.8 billion dollars for prisons and corrections was made to accommodate Victoria’s dramatically increasing prisoner population. This increase is directly linked to government policy and law reform in relation to criminalisation that can only be described as myopic. Specifically, Crime Statistics Agency data shows that the Government’s Bail Act reforms are strongly implicated in skyrocketing rates of women’s incarceration in Victoria. Government officials have told us privately that while they are aware of the link between Bail Act reforms and increased criminalisation, law reform on this issue is not compatible with the government’s “tough on crime” stance, and that their hands are therefore effectively “tied”. This suggests that the criminalisation of Victoria’s population is a known consequence of the Government’s “Tough on Crime” Agenda, and may be considered as necessary, if lamentable.

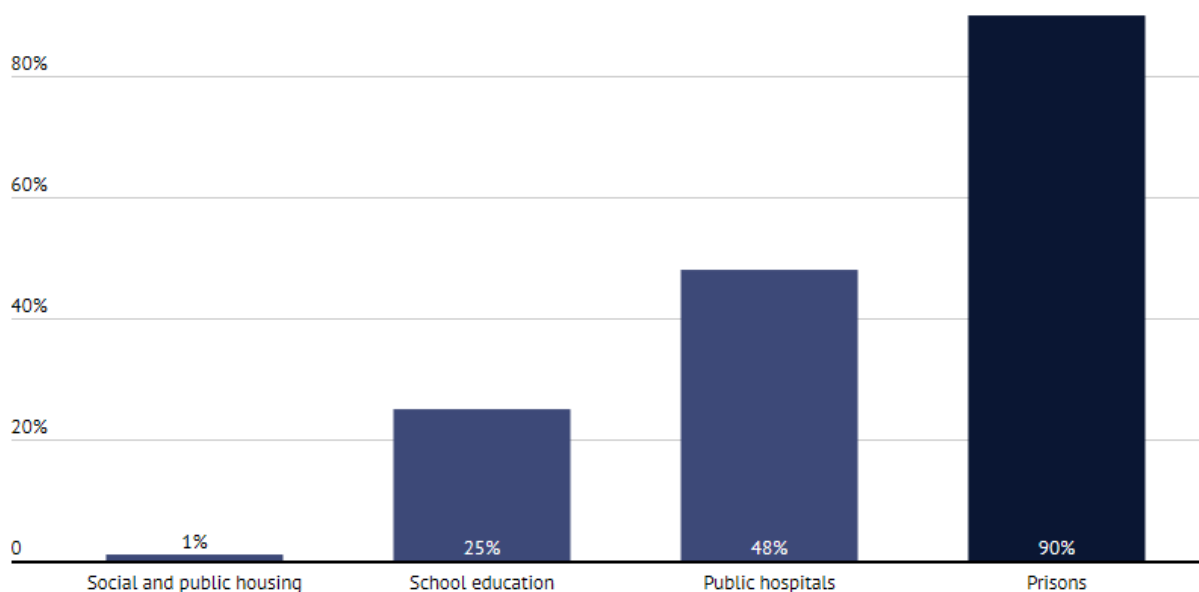
Having caused this increase in prisoner numbers, the Government has also asked services to justify why it should not build more prisons – while expressing concern at the social impacts that flow. To use the parlance of family violence, this may be considered gas-lighting, in which the sector is made to feel responsible for the harm that the government’s policies have— foreseeably — caused. It also creates a greater advocacy burden on a sector already unable to meet the needs of women it seeks to support – who are, as their testimony

shows, left with less and less meaningful assistance in the long journey back from homelessness and criminalisation.

The move toward the privatisation of prisons in Victoria brings an additional element of concern. A recent Monash University study noted that “Victoria has the largest proportion of privately managed prisoners in Australia, while Australia has the largest proportion in the world”. It also noted that “annual expenditure per prisoner in Victoria has increased considerably since the opening of private prisons”. It cites the Productivity Commission finding that “Victoria now spends more per prisoner than any other state or territory in Australia”. The graph below¹⁰ shows the comparison in State Government of Victoria spending growth in prisons, compared with housing (and education and hospitals) over the seven financial years to 2017/18.

Growth in Prison Spending Compared to Education, Hospitals & Housing

Growth data is 2011-12 to 2017-18



Source: Productivity Commission and Commonwealth Grants Commission, compiled with the assistance of RMIT emeritus professor David Hayward

Recommendation: that the government move beyond its tough on crime agenda (noted above), to embrace instead evidence-based social housing and crime prevention solutions.

ii) Promising Practice:

Solutions to Victoria’s homelessness epidemic are within reach, and in the best case, would span health, housing and justice sectors. The women we work with tell us, almost invariably, that housing gives them a base to start again. This is reflected in global good

¹⁰ Royce Millar and Chris Vedelago (30 June 2019) [“Women Prisoner numbers explode amid state crackdown on male violence”](#).

practice literature and action research, which provide abundant evidence for ‘Housing First’ approaches to harm reduction and holistic health interventions for people who experience chronic homelessness and the associated social impacts. In Norway, for example, there has been a strong decline in the number of homeless people – a decline equivalent to 36% - from 2012 to 2016. National research attributes this improvement largely to housing:

“The most important explanation for the sharp decline in the number of homeless people is (a) long-term and broad focus on residential social work and the development of residential social skills.”

Evelyn Dyb at the NIBR City and Regional Research Institute at Oslo and Akershus University of Applied Sciences.¹¹

‘Housing first’ models are those where the first thing addressed is a person’s need for stable, secure, long term housing; providing low-barrier, non abstinence-based, immediate, supportive and permanent housing to chronically homeless people who often have co-occurring substance-use and/or psychiatric disorders. Once housing is stable, this provides the space for an individual to start to unpack other aspects of their lives, in their journey to recovery. This approach has been successfully implemented in communities in New York, Canada, Melbourne, Brisbane, Europe, and Scotland. Significantly, when combined with assertive outreach, this approach has repeatedly demonstrated measurable positive impacts on health and wellbeing; prevented reoffending; improved physical health; decreased substance use; improved mental health and social connection; and increased family cohesion.

Care should be taken in interpreting these successful findings: they were contingent on an inclusive, human-centred design approach. In other words, the research shows that dedicated, stable housing is preventive of reoffending within the specified circumstances. Significant and ongoing worker and community support appears critical. Sector workers suggest that a “one stop shop” is needed where they can assist women who have been criminalised to sort out all paperwork they need, so they can get help instead of running around to different places.

Recommendation: the government fund or provide a service whereby criminalised women are assisted with all paperwork needed to re-enter society.

There are significant promising practices emerging from Indigenous Healing Centres, which offer sector-leading, holistic responses to mental, physical emotional and spiritual needs. These approaches centre the person, and see communities themselves tailor responses to local circumstances and needs.

“One of the stages in realising community healing is to undertake a healing gathering or forum to identify the healing needs and priorities of the community. Healing forums help communities to identify the issues that are causing disharmony and imbalance in their lives”.

¹¹ Norway Today (7 June, 2017) [“Marked Decline in homeless people in Norway”](#).

Illustration: Indigenous Healing Centres Illustrated - Link [Here](#)

Our Animation

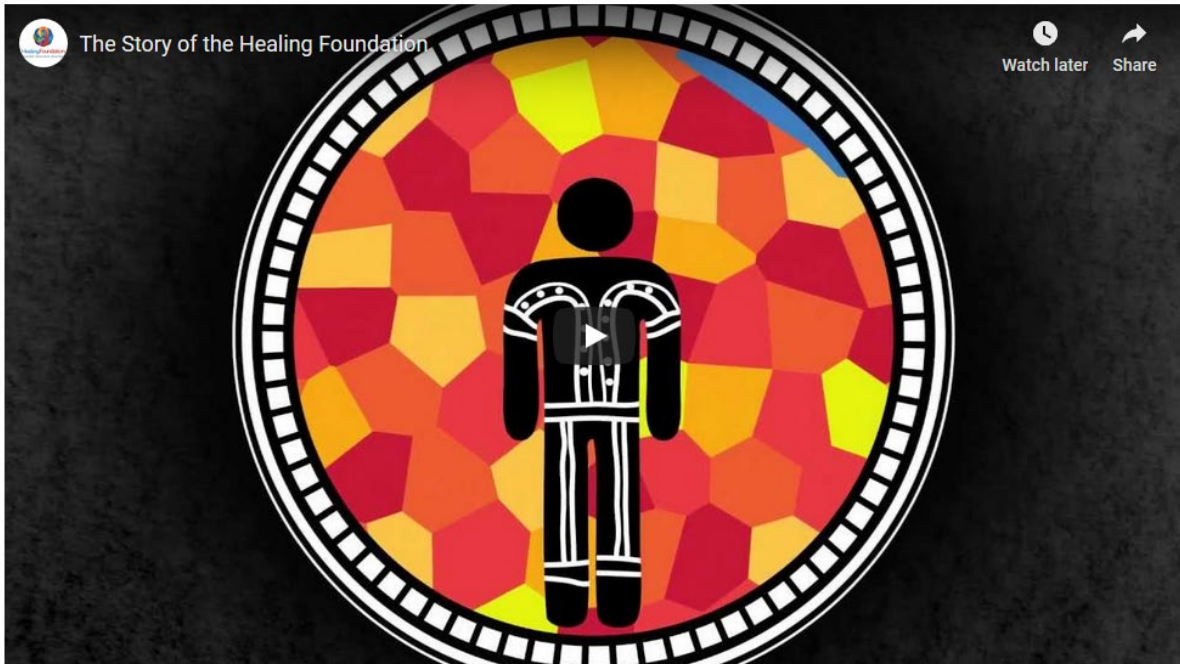


Illustration: [Sacred Heart Journey to Inclusion Project](#)



Journey to Social Inclusion is a holistic approach focussing on housing, mental health, physical health, meaningful activity including employment, and connection to community. It provides support for up to three years. Evaluations have shown that the cost of providing

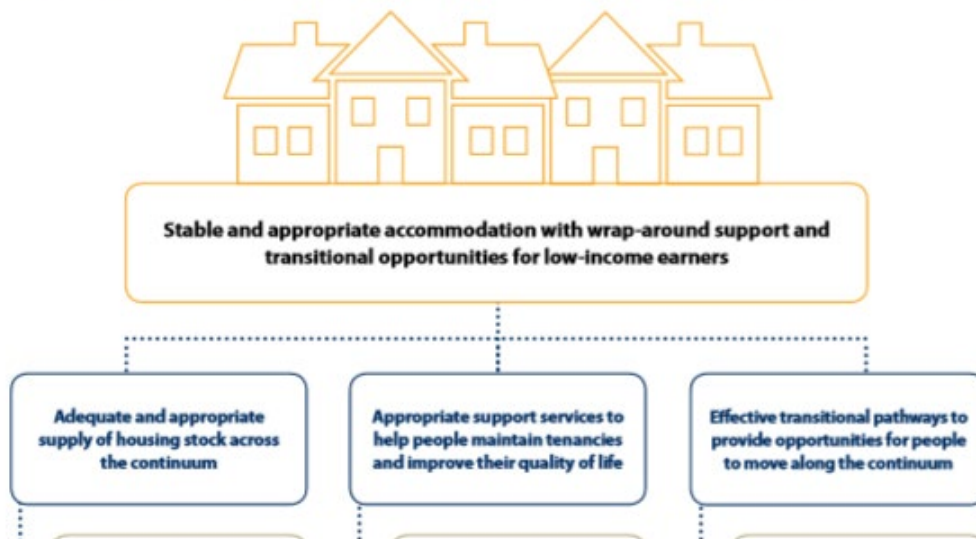
support is much less to the government of not providing support. It is currently being scaled up to support more people.

This good practice is unlikely to be news to the Government. A Department of Corrections-commissioned literature review (2018) suggested that stable housing is preventive of reoffending. It also set out good practice for housing populations exiting corrections ensures options are flexible, able to focus on individual needs, and offer tailored, multi-agency support for each person. Among other examples, it included evaluated Promising Practice from Vision House in the UK:

“The program was established by ex-offenders and engages ex-offenders as staff and volunteers. Together with the involvement of ex-offenders in its establishment and operations, the evaluation of Vision Housing identified its ability to provide good-quality accommodation on the day of release, geographically away from the client’s area of offending, as the key feature separating Vision Housing from the Diamond Initiative and other programs.” (citing Ellison et al. 2013).

We also note the extensive and thoughtful contributions of the Social Enterprise sector in Victoria in relation to addressing homelessness. Specifically, we refer the Inquiry to Social Ventures Australia’s “[Perspectives: Housing](#)”, based on analysis of drivers of better outcomes to address homelessness, and which includes evidence-based suggestions for change. Not surprisingly, their recommendations are in line with the good practice that the Australian Institute of Criminology also identified (discussed above).

Drivers of better outcomes



Recommendation: that dedicated, stable housing be offered with holistic, multi-agency, client-centred support.

Recommendation: that the Government fund the development of social enterprises, user-focused, to establish post-release stable accommodation for criminalised women.

Conclusions:

We thank the Parliamentary Inquiry for the opportunity to dig deep into our practice, and our service delivery, with women facing criminalisation and homelessness. What is clearest to us is that the continued haemorrhaging of public money away from social housing provision in Australia has led directly to the current housing crisis. For criminalised women, most of whom are fleeing or have fled family violence, this lack is felt acutely. More housing is irrefutably needed (below), yet our friends in government tell us that finding funding to meet the crisis is impossible at this time. They also tell us that in a political environment where the electorate is reassured most by a tough on crime policy agenda, they are tied to that agenda. This is an assumption that the policy research shows to be wrong. It has surprised us that we are citing to the Parliamentary Inquiry policies of the Trump government - which are aimed at cutting the cost to the public purse of re-offending. These changes flag, according to the IPA, “a powerful shift in the politics of community safety” that we believe Victoria’s leaders would do well to examine carefully.¹² Tying public spending on housing to population growth would be a sensible start.

The 2018 Victorian Homelessness and Rough Sleeping Action Plan has led to improvements in service delivery for rough sleepers. It recommends that services have capacity to intervene early to prevent homeless, and to provide stable accommodation quickly, and support for people to remain in stable accommodation. As the NWHNs submission notes, that framework needs to be applied to all people experiencing homelessness. In our view, that framework also needs explicitly to meet the needs of women attempting to recover from criminalisation. It also needs to reflect a realistic law reform agenda that addresses the causes of homelessness in criminalised women, and prevents their re-criminalisation.

Specifically, dedicated housing is needed for women leaving prison, with support to help them adapt to life outside, and an approach reflects Promising Practice in Australia and elsewhere. This would see the Government fund dedicated, user-designed and managed housing, in line with what we know works globally to reduce recidivism in people leaving incarceration. This approach will in the longer term cost the State Government less money than the current crisis-driven, poorly regulated and sometimes traumatising services currently available to people already in crisis. Apart from the economic sense it makes, it will allow women to recover their dignity in a system that seems designed to take it.

Recommendation: That the Government tie its spending on public housing to population growth, and measure the adequacy of any increases in spending against this metric.

¹² Bushnell, Andrew (9 February 2020), “Like Trump, Australia Must Focus On Re-offending to Make Communities Safer”. IPA Today, Media Release

Attachment A:

Case Study, FlatOut Outreach Worker – The Crisis Housing Sector in Practice

The Ordeal of Accessing Crisis Housing for Criminalised Women:

“Support services (housing, AOD, health, mental health) often have multi-layered entry processes that our clients find difficult to comply with, usually carried out by a number of different providers and practitioners. Having visited support services, she may then be referred on, usually to a third provider/professional, and/or go on a lengthy waitlist for scarce services (particularly housing).

In any case, access points cannot meet the demand for crisis housing. To have a chance to secure emergency housing, people must:

- Line up before the access points open.
- Do a brief interview standing at the reception desk, which is within hearing of everyone in the waiting area. This may include public disclosure of personal/sensitive info which can affect their privacy and safety. Workers have witnessed our clients being misgendered, their gender identity questioned, being asked details about current family violence, having to describe assault/ sexual harassment at emergency accommodation providers).
- Be allocated a place on the assessment appointment list.
- Wait usually more than 3 hours in a crowded and high stressed waiting area.

For women with experiences of trauma, waiting areas filled with men, and many people who are unwell and exhibiting strange or aggressive behaviours, can feel unsafe, intimidating and “just too much”.”

When a woman exits crisis accommodation:

With luck, they may be sent to crisis accommodation for one night. Many will return and repeat this process the next day. This assistance is limited – eg once per 6 months until payday. Due to extensive trauma histories, our clients often experience difficulty in regulating their emotions, and have developed survival behaviours such as hyper-vigilance. Understandably, they can react and behave in volatile ways, which results in them being barred from accommodation and stops them accessing further assistance.

One woman was offered emergency accommodation at a private hotel. The worker told me “she won’t be happy with that”. The worker knew the woman had been sexually harassed when they sent her there previously. When questioned how they could send her there again, the worker and client were told that was all that was available.

Emergency accommodation for women who are not at immediate risk of, or escaping from family violence, is very limited, with most gender-specific homelessness resourcing going into FV responses. FV responses only look at immediate risk of harm, not risk of further harm due to traumatic histories. Most of our clients have experiences of violence perpetrated by men. However, if there is no immediate high risk of injury, their history is not responded to in a trauma-informed manner.

Losing housing, and children, because of incarceration:

A client who was housed prior to her incarceration, lost this housing and care of her children whilst incarcerated on remand, and has been homeless since exiting prison. She asks for assistance accessing stable, affordable, safe accommodation. She is continually referred to her local housing access point (people are required to only attend the service in the geographical area to which they have connections) as that is the only way to access emergency housing. She refuses to return to hers, as the only emergency accommodation they have for single women without children who are not currently escaping family violence is a backpackers' hostel with mixed gender dorms. Understandably, she asks "I've told them what's happened to me in the past. Why would they put me there?!"

Inappropriate accommodation:

The crisis accommodations are full (see report "Crisis in Crisis" by the Western Homelessness Network 2019) so people are being housed in private hotels or private rooming houses or backpackers (4 bunks in one room, mixed gender dorms) where they are at risk of abuse from other residents or caretakers/onsite managers. Many of our women won't go back to the access point, citing abuse or fear of abuse due to histories of trauma (including family violence). One woman dealt with this by sleeping in her car, which was unregistered. She was then picked up and incarcerated for driving an unregistered vehicle.

I have many case studies, stories of awful rooming houses, day to day existence, couch surfing, family breakdown. It's very difficult to get their permission to tell their stories – it is hard enough trying to find (and engage) them to do my case work."

FlatOut Outreach Worker #3

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