



# 10-Year Strategy for Social and Affordable Housing

## Submission from the Law and Advocacy Centre for Women

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9 April 2021

### Introduction

The link between criminalisation and housing insecurity is undeniable. A recent report by the Australian Institute of Health and Welfare outlined that one in three people entering prison reported being homeless in the four weeks before prison;<sup>1</sup> while over half of the people being discharged from prison expect to be homeless upon release.<sup>2</sup>

As noted in the Government's Sector Consultation Paper on Establishing a 10-Year Strategy for Social and Affordable Housing (Consultation Paper), access to housing "improves life outcomes by increasing social inclusion, improving educational outcomes, enabling better access to jobs and services, and improving physical and mental health. Housing gives people the stability they need to access opportunities, to participate in the economy and to build their social and economic prosperity."<sup>3</sup>

Yet housing continues to be the missing piece of the puzzle for so many women in the criminal justice system. For women with long histories of victimisation, trauma and resulting criminalisation, safe and stable housing is the crucial launch pad needed to be able to address complex and ongoing support needs.

As the rate of incarceration for women is rising exponentially in Victoria, the Law and Advocacy Centre for Women (LACW) stresses the importance of specifically addressing the needs of women who are in or at risk of entering the criminal justice system in the development of the Government's 10 Year Strategy for Social and Affordable Housing (10 Year Strategy). The prevalence of family violence, victimisation, complex trauma and substance addiction, combined with a shortage of public housing stock and lack of appropriate accommodation options for vulnerable criminalised women, mean that it is extraordinarily difficult for women to break out of a cycle of homelessness, criminalisation and imprisonment.

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<sup>1</sup> Australian Institute of Health and Welfare 2019. The health of Australia's prisoners 2018. Canberra: AIHW. 22.

<sup>2</sup> Ibid, 24.

<sup>3</sup> *Establishing a 10-Year Strategy for Social and Affordable Housing - Sector Consultation Paper*, Victorian Government, February 2021, p. 5.

An appropriate housing response for criminalised women has the potential to act as a circuit breaker to break this cycle. As will be set out in detail below, when developing the 10 Year Strategy, it is crucial that the Government:

- invest significantly in public housing and government-funded crisis accommodation for women, including criminalised women, women and families fleeing family violence and women exiting prison;
- invest in appropriate, holistic, integrated services that truly meet the complex support needs of women in the criminal justice system, applying Housing First Principles;
- apply a gender lens when designing homelessness supports, programs and systems to recognise the unique and complex experiences of women; and
- ensure the voices of women who need and use social and affordable housing are heard and centred, with the specific inclusion of women who have had experience of the justice system.

We note that LACW, in conjunction with the Centre for Innovative Justice at RMIT University, has previously provided a submission to the Parliamentary Inquiry Into Homelessness in Victoria in March 2020. The current submission draws from and expands on the issues raised in that submission in the context of the current call for input into the 10 Year Strategy.

### Who we are

LACW is a community legal centre located in Carlton and operating across Victoria. It is the only legal service in Victoria whose primary focus is to provide a gender-specific approach to assisting women who are in, or at risk of entering, the criminal justice system. LACW was established in 2016, specifically in response to the rising rates of imprisonment and criminalisation for women. Its mandate is to combat these trends by providing a holistic approach to women in the justice system, providing a wraparound service that combines legal advice and representation alongside case management to address the underlying causes of women's criminalisation and imprisonment. The majority of LACW's legal work is in the provision of criminal defence advocacy. Other areas of practice include infringements and fines; victims of crime assistance; and family violence intervention orders.

### Criminalised women

Around the world, women's imprisonment rates are growing. Australia and Victoria are no exception. In the past decade, the number of women in Australian prisons rose by 85% while, in Victoria, there was a 137% increase.<sup>4</sup> The number of women imprisoned in Victoria grew from 248 in 2008 to 581 in 2018.<sup>5</sup> While this growth has reduced during the COVID-19 pandemic, this is not indicative of any resolution of the underlying factors driving the rapid increase in the previous decade, and current trends indicate a renewed growth in the number of women in Victorian prisons.

Aboriginal and Torres Strait Islander women in Victoria are vastly over represented in the prison population. In 2018, one in seven women (a total of 79 women) in Victorian prisons identified as

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<sup>4</sup> Australian Bureau of Statistics, Prisoners in Australia, 2018, 'Prisoner characteristics, States and Territories (Tables 1 to 13)'

<sup>5</sup> Corrections Victoria (2019). Annual Prisoner Statistical Profile 2006-2007 to 2017-2018. Melbourne: Corrections Victoria

Aboriginal or Torres Strait Islander.<sup>6</sup> This compares with one in 125 women identifying as Aboriginal or Torres Strait Islander in the wider Victorian community.<sup>7</sup>

The support needs of criminalised women are interrelated and complex. Criminalised women commonly need support in relation to homelessness, mental health, family violence, child protection involvement and substance abuse, all of which are often interrelated. For the majority of criminalised women, these needs are ultimately the end result of experiences of multiple forms of trauma.

Many of the support needs with which criminalised women present are gender specific. There is often a direct relationship between women's trauma, personal relationships, complex health needs and their criminal charges; and between substance abuse, past trauma and victimisation.<sup>8</sup>

There are multiple reasons why the number of women in prison are increasing, some of which include recent legislative changes which have had disproportionate impacts on women. In 2018, significant changes to the *Bail Act 1977* extended the application of a presumption against bail to a wide range of offences and circumstances, placing the onus on applicants to demonstrate that they meet certain thresholds or exceptional circumstances which would allow bail to be granted.<sup>9</sup> Stable housing is a crucial element of satisfying these tests for bail. Women who do not have an address to be bailed to or who are in insecure housing circumstances are unlikely to be granted bail in any circumstances, and can often be remanded purportedly for their "safety" as they have no where else to go.

There are high numbers of women on remand in Victoria's maximum-security prison, the Dame Phyllis Frost Centre, awaiting the finalisation of their legal proceedings. In mid-2017, 39% of women in prison were on remand.<sup>10</sup> More recently, up to 50% of women at given times have been on remand, with limited access to essential services or programs within the prison. Many women on remand are held in custody for short periods of time before being released, either on bail, with 'time served', with a non-custodial sentence, or acquitted of their charges.<sup>11</sup>

Women are on average serving shorter prison sentences than men.<sup>12</sup> Women are most likely to be charged with drug-related offences, assault and property offences (other than burglary),<sup>13</sup> which

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<sup>6</sup> Australian Bureau of Statistics, Prisoners in Australia, 2018, 'Prisoner characteristics, States and Territories (Tables 14 to 35)'

<sup>7</sup> [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/IQS2](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/IQS2) and [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/2?opendocument](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/2?opendocument)

<sup>8</sup> [https://www.corrections.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2019/03/71/021fe80ab/women\\_in\\_prison2019.pdf](https://www.corrections.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/03/71/021fe80ab/women_in_prison2019.pdf)

<sup>9</sup> [https://www.crimestatistics.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2019/11/bc/a6e7a8e9f/Crime%20Statistics%20Agency%20-%20Characteristics%20and%20offending%20of%20women%20in%20prison%20in%20Victoria%2C%202012-2018.pdf](https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/11/bc/a6e7a8e9f/Crime%20Statistics%20Agency%20-%20Characteristics%20and%20offending%20of%20women%20in%20prison%20in%20Victoria%2C%202012-2018.pdf) p3

<sup>10</sup> [https://www.corrections.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2019/03/71/021fe80ab/women\\_in\\_prison2019.pdf](https://www.corrections.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/03/71/021fe80ab/women_in_prison2019.pdf)

<sup>11</sup> [https://www.crimestatistics.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2019/11/bc/a6e7a8e9f/Crime%20Statistics%20Agency%20-%20Characteristics%20and%20offending%20of%20women%20in%20prison%20in%20Victoria%2C%202012-2018.pdf](https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/11/bc/a6e7a8e9f/Crime%20Statistics%20Agency%20-%20Characteristics%20and%20offending%20of%20women%20in%20prison%20in%20Victoria%2C%202012-2018.pdf) p4

<sup>12</sup> <https://assets.ombudsman.vic.gov.au/assets/Reports/Parliamentary-Reports/1-PDF-Report-Files/Investigation-into-the-rehabilitation-and-reintegration-of-prisoners-in-Victoria.pdf?mtime=20191217123824>

<sup>13</sup> [https://www.corrections.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2019/03/71/021fe80ab/women\\_in\\_prison2019.pdf](https://www.corrections.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/03/71/021fe80ab/women_in_prison2019.pdf)

typically result in shorter sentences. These brief periods of time in custody can be extremely detrimental.<sup>14</sup> They disrupt crucial support systems that women have in place, in particular in relation to accessing or retaining public housing properties.

Given the inextricable link between insecure housing and women's criminalisation, this submission will address the issues set out in the Sector Consultation Paper under Pathways, Communities, Partnerships and Growth, focusing on the issues faced by women in the criminal justice system.

## Pathways

What actions will enable people to access social housing, sustain their tenancies, and move between different housing options as their needs change?

**Make information and application processes more easily accessible and available to women, in particular those in custody**

### **Women need increased access to housing support while they are in custody.**

Women on remand and women who have been sentenced, regardless of the length of time they spend in custody, urgently need increased access to housing support while in custody. For the many women on remand or serving short sentences, there is little or no time to find housing, which may affect their ability to get bail or result in a situation where they are released to homelessness.

Currently a restriction on seeking support in prison is that women are not able to call the state-wide Department of Families, Fairness and Housing (DFFH) 1800 homelessness number. DFFH do not call women in the prison. This leaves women unable to discuss their housing support options from the prison. This is a barrier to accessing essential services and entrenches reliance on over-stretched prison services. In LACW's experience women have missed out on housing offers, including transfer options when their previous housing is unsafe, because they have been incarcerated and therefore out of contact with DFFH.

### **Accessibility of forms and applications**

There is an underlying assumption across all housing application processes that people have the literacy and comprehension skills required to complete the necessary forms and applications. Yet the manner in which these processes are required to be completed currently acts as a significant barrier for women who are in custody, women from CALD backgrounds and women with low literacy. Not all women have access to online options, especially when in custody. Furthermore, approximately

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<sup>14</sup> Prison Reform Trust (2017) 'There's a reason we're in trouble: Domestic abuse as a driver to women's offending,' Retrieved from [http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic\\_abuse\\_report\\_final\\_lo.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf); Centre for the Human Rights of Imprisoned People (CHRIP) (2010). *Culturally and Linguistically Diverse Women in Victorian Prisons*. Retrieved from Melbourne, Victoria: <http://apo.org.au/node/22959>

one third of the female prison population have an acquired brain injury, making complex processes even more difficult to navigate.<sup>15</sup>

Accordingly:

- Services need to ensure they have both online and paper form options available and both should be equally accepted.
- Forms should be simplified. Currently they are often repetitive and don't account for literacy, visual impairments and people for whom English is not their preferred language.
- Additional support and information provided by workers who are independent from prison staff should be readily available for women in prison who require assistance with housing applications.

Women in the community often feel discouraged from coming into Office of Housing (OOH) premises in person to complete their applications. OOH premises can be daunting, difficult to navigate and present barriers for women who may feel stigmatized due to criminal justice involvement, CALD women and women with disabilities. OOH offices should implement:

- Dedicated regular appointments for clients to come in and sit with a worker to help them fill out forms, including applications, transfers and maintenance requests. This would ensure forms are filled out correctly from the outset, and that they are directly filed where they need to go.
- More face to face support to make information more easily accessible and minimise unnecessary delays.
- Funding for more dedicated front line workers in homelessness and associated community services to work on and follow up housing applications.

Reduce barriers to accessing and maintaining housing, including matching people to housing and helping people navigate housing options

### **Barriers to accessing housing**

The barriers that many community members face when accessing housing and navigating housing options are exacerbated for women who have had contact with the justice system, in particular due to the stigma they face as a result of being criminalized, their ongoing complex support needs and higher instances of family violence victimisation, mental health issues and alcohol and other drug use. Specifically:

- There is a significant scarcity of housing options, in particular for women at risk of violence, women with families and women with multiple and complex needs. There is a gross shortage of public housing generally, and the process for housing allocations has become highly competitive due to the number of applicants.

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<sup>15</sup> Centre for Innovative Justice & Jesuit Social Services (2018) 'Recognition Respect and Support: Enabling Justice for People with and Acquired Brain Injury,' Retrieved from <https://cij.org.au/cms/wp-content/uploads/2018/08/enabling-justice-full-report.pdf>

- Women who have been in the criminal justice system experience discrimination on a number of grounds. These can include having a criminal record, using drugs or alcohol, and having mental health issues. Discrimination is also experienced by Aboriginal and Torres Strait Islander Peoples and CALD Communities when dealing with a housing system that is not culturally competent.
- The system itself is complex, opaque and multi-layered. A working knowledge of the system is required to even navigate its most basic elements.
- Many women, particularly those with involvement in the justice system, have difficulty producing the necessary identification required to complete housing applications, including as a result of lost or stolen documents, expired identification cards, not having enough points of identification required and name changes that have not been recorded in the relevant systems. This presents a particular barrier to accessing the Victorian Housing Register.

### **Barriers to maintaining housing**

Even if social housing is obtained, it can be very difficult for criminalized women to maintain public or community housing properties. Significant barriers to maintaining housing include:

- **Cost of living and income:** The majority of housing “options” leave those on a Centrelink income with very little income remaining once they pay rent. This sets them up for failure as they cannot meet their daily financial needs, eat well and regularly, maintain a working phone with credit, pay bills, own or maintain a vehicle, or meet unexpected financial costs. This then traps women in a cycle of dependence on the public housing sector as they cannot save money for a bond or rent in advance if they are trying to access other housing options.
- Housing stock is often grouped together in ways which do not meet the needs of women with diverse and complex needs and, in particular, do not create safe environments for women trying to exit the justice system.
- Housing stock is not fit for purpose which can make it difficult to maintain housing. Issues include inadequate heating and cooling leading to large energy bills; housing not being close to services and public transport; housing with large backyards that can’t be easily or cheaply maintained; and old housing stock that needs regular upkeep and maintenance.
- Due to the dearth of available properties, people are often not matched to housing stock appropriately and must accept what they can even when it is not suitable.
- Community housing options now need to be on Victorian Housing Register. While there are benefits to having all applications in a centralised place, this has also meant the loss of quick accommodation options for people who are not on the Victorian Housing Register, especially given the above noted difficulties in applying to be placed on the Register and processing times for applications.

Better support people awaiting housing, including improvements to the way applications are registered and managed as well as options provided while waiting

### **Support for people while on waiting list**

Currently, there is no appropriate and suitable support for people who are registered for housing but waiting for their application to be progressed and fulfilled. The current waiting times are unacceptable, and LACW knows of clients who have been on waitlist for over 10 years. Lack of support for people waiting for housing can have disastrous impacts, including:

- entrenched homelessness;
- mental and physical health issues;
- exacerbation of problematic alcohol and other drug use;
- reoffending and incarceration;
- compromised personal safety; and
- removal of children or delayed reunification with children. Given the current time-lines for permanent care orders being made, this can have life-long impacts on women and their children if the opportunity for reunification within the specified time frame is missed.

The waitlist process is opaque and difficult to navigate. There is no way to get an indication of where people are on the wait list. This is frustrating for people seeking housing, and makes it difficult for workers supporting them to give realistic expectations about wait times, leading to mistrust and disengagement. Wait list processing should be transparent, with clear indications given as to how applications are progressing and what the expected wait times will be.

### **Incorrect removal of clients from waiting lists**

There are also issues with the processes undertaken to remove people from the waiting lists. Specifically:

- There may be issues with contacting clients to make offers for housing due to changed phone numbers, mail/address issues, incarceration, homelessness or transience. This can mean offers are missed, resulting in clients who remain in need being removed from the list.
- Access to social housing is impacted where people are in custody, or in residential rehabilitation. LACW knows of examples where offers of social housing are made to women while they are in custody, however the letter of offer does not reach them due to their incarceration. Once they have learned of the offer, the due date for their response has long passed.
- Clients are removed from Victorian Housing Register if they find alternative “long term housing” even if it is not suitable, safe or sustainable. For example, housing with not enough bedrooms for reunification with children, housing in areas without support, unsustainable private rental, dilapidated housing, housing with perpetrators of family violence, housing not fit for people with disabilities, overcrowded housing or share houses may be taken up out of

desperation and lack of alternative options. This should not result in removal from or de-prioritisation on the Housing Register.

Better connect housing, health and other human services so people with multiple and complex needs can access and sustain housing

### **Case coordination**

For women with significant and complex support needs, the current siloed support sector is confusing and can exclude those that need support the most. Currently prospective tenants are reliant on individual case managers and services making connections with other services, which also depends on clients being aware of what services they are engaged with and why.

The multiple and interrelated support needs of criminalised women require an integrated, flexible, multidisciplinary, and wrap around approach. Specifically:

- At the point of attaining housing there should be a central case coordinator to address any underlying needs and provide support to access services and assistance to settle into the community.
- Housing services should include housing support 'teams' to provide ongoing support not only for sustaining housing, but to access other assistance including alcohol and other drug support, mental health care, support navigating Centrelink and peer workers.

Additional support should be provided to assist people to live independently. This could include psychosocial assistance for people who have not lived independently or have been homeless for extended periods. Supports needed may include how to manage a house, connect utilities, pay bills, cleaning and basic upkeep, how to be energy efficient, cooking, budgeting, financial literacy, and grocery shopping.

### **Onsite and outreach workers to promote early interventions**

Within public housing properties, there should be onsite or outreach community development workers trained to identify and address risk factors including loneliness and isolation.

- Early intervention and support can be based on identifying risk factors that have resulted in the tenant being unable to sustain housing previously, and providing access to the necessary support to address these issues before they result in the loss of tenancy.
- Significant investment in providing these services to a greater number of tenants is urgently need. Current services are at capacity. Many projects with onsite workers or focused interventions around housing are pilot projects or have limited funding that is not renewed.
- While it is important that workers are onsite, it is also important that this does not interfere with the amenity of the housing, and specifically, that housing is not designed to be or look like a workplace for support providers or staff.



Assist people with specific housing and support needs that cannot be met through mainstream social housing

### **Specific support for criminalised women and women in custody, both on remand and undergoing sentence**

Criminalised women and women in custody are at a significant disadvantage when attempting to access or maintain housing. If a woman in prison had social housing before she was incarcerated, the security of her tenancy is jeopardised by any period in custody. Even short a period in custody places the woman at risk of rental arrears. There is a risk that her property will be damaged in her absence with no recourse available. Women in custody longer than six months are almost certain to be issued a Notice to Vacate pursuant to DFFH Office of Housing policy. Extensions for absences over six months can only be granted in exceptional circumstances.

Women are at significant risk of not being granted bail or considered for parole due to a lack of suitable housing options. LACW knows of instances where women with complex support needs are unable to find safe accommodation when making an application for bail, resulting in women being remanded in custody “for their safety.”

- Early intervention regarding housing needs to start as soon as women enter the prison system, and well in advance of their release date. If on remand, the uncertainty of the woman’s release date should not act as a barrier to accessing housing supports.
- Hotels are routinely used as crisis accommodation for women exiting prison. These environments are rarely suitable, and operate at the discretion of private owners. They provide no wrap-around support and can often be unsafe and unsuitable for women with histories of trauma, addiction or mental health issues.
- Funding is urgently needed for appropriate crisis, medium and long term housing options for women exiting prison, including culturally safe options for Aboriginal and Torres Strait Islander women.
- The Victorian Government should coordinate a whole of government approach to supporting people during and after incarceration, with a focus on providing public housing options with integrated supports for criminalised women, including those exiting prison.
- LACW would like to emphasise that criminalised women are a significantly vulnerable group and therefore are far less likely to be able to access “affordable” housing options. There needs to be a significant increase in public housing stock provided on the basis of Housing First Principles to ensure the safe and stable housing of Victoria’s most vulnerable groups.
- Women should be able to exercise agency in making their own choices with regard to housing.

## Communities

Actions that can strengthen social and affordable housing communities.

Address stigma and strengthen connections between social housing residents and the wider community.

Tenants of social and community housing, particularly those living in high rises and complexes, can often experience discrimination and separation from the wider community due to their circumstances. The recent lock-down of several public housing towers without warning in the context of the government's COVID-19 response, which was found by the Victorian Ombudsman to breach the human rights of residents, is a stark example of the differential treatment of public housing residents compared with the wider community.

For criminalized women, this discrimination and differential treatment compounds the stigma they already face as a result of their involvement in the justice system. To address and reduce stigma against residents of social housing it is vital that social housing is developed and maintained in ways that promote inclusion and cohesiveness with the wider community. Specifically:

- Buildings need to reflect and connect with their surrounding communities;
- Unless specifically intended for residents with particular needs, a diversity of tenants should be encouraged, including socio-economic diversity and a mix of private and public housing;
- New developments should have percentage of social and affordable housing.

The adoption of Housing First Principles, in particular the provision of full tenancy rights, security of tenure and access to permanent, safe, self-contained homes that meet people's cultural and social needs, will also address stigma and strengthen community connections.

Better connect health, education, training and community services with social and affordable housing providers and residents

As noted above, there is a need for greater community support services to be available to residents of public and community housing. This requires:

- Greater investment in on-the-ground support workers and careful consideration of the location of new social housing properties so that they provide ready access to community services.
- Partnerships between housing providers and employment, education and health providers.

This is particularly important in regional areas where services and public transport are not as readily available. Housing in regional and outer metropolitan areas needs to be in areas that have infrastructure, employment opportunities and public transport. Further investment in regional areas is urgently required, especially with current rising costs of regional housing.

It is also vital that the communities, and social support systems that are already in place within existing properties and complexes are recognised, and that residents and service providers are consulted with in relation to any proposed changes.

Design social housing for the future, including buildings that are environmentally sustainable and can be adapted to the needs of different people and households.

All new housing should be sustainable and environmentally friendly. Facilities must be maintained and updated regularly, and in particular communal areas need to be maintained. There should be an emphasis on creating multipurpose, safe spaces that encourage tenants to spend time in them and connect with others.

## Growth

Actions that will enable and deliver growth in social and affordable housing

Facilitate larger scale investment in social and affordable housing and ensure housing supply meets the needs of people with specific support and housing needs.

### **Crisis housing**

There is an urgent and pressing need to invest in safe and appropriate crisis accommodation options for criminalized women and women exiting prison that provide a direct pathway into longer-term accommodation.

Due to limited planning time and inadequate community-based options, housing providers working in the women's prison are often limited to organising a few nights in a motel for women exiting prison as there are no other options available. LACW is aware of one instance where a woman was required to stay at three different motels over three consecutive nights. Providers will then recommend that women present to their nearest homelessness service 'Access Point'. The homelessness Access Points are often not able to provide accommodation on the day due to high service demands, or where women have presented at the service later in the day. Some women have reported being offered a swag to sleep rough and are asked to return the next day or the following week.

At present, a significant portion of crisis accommodation is being provided through hotels and rooming houses. There are significant problems with this, in particular for criminalized women, women fleeing family violence and women leaving prison. Specifically:

- Hotel accommodation is expensive. Guests are unable to cook in these settings leading to guests having to purchase expensive pre-prepared food, rely on other services to provide food vouchers, or simply go without. Hotel accommodation may be unclean, insecure and contain other guests that place women at risk. LACW knows of one woman who came out of

prison with multiple supports in place and a strong will to stay out in the community, however, with only hotel accommodation available, she became isolated and fearful. She ended up reaching out to her old connections and acquaintances, which led to her reoffending. She identified being isolated in the hotel after her release as the reason for this.

- Rooming houses are not safe, in particular for women. Being in an environment with other tenants using alcohol and/or other drugs can lead to other guests using again. There is a high risk of violence in these environments, and they can be re-traumatising for survivors of previous assaults. There are not enough women only options. Rooming houses can be relatively expensive, being unregulated and privately run with no monitoring of safety or living conditions, and no support staff onsite.
- The system is relying on the good will of private business owners to take in vulnerable clients, which shifts the duty of care from the public sector to private providers with no accountability.
- The current funding provided for hotel-based emergency accommodation should be reinvested into community housing options that are accessible for women exiting prison, culturally safe, and have readily available access to community-based support workers and wrap around services.
- Planning for post-release housing, including crisis accommodation if required, should start as soon as people incarcerated.

### **Investment in public housing**

It is important to emphasise that for the majority of criminalized women, private rental or “affordable housing” is not an option. This is not just due to its lack of affordability for people relying on Centrelink benefits for their income, but also the need to provide references, the competition in the private rental market, and the stigma attached to women who have been in the prison system. Furthermore, what often makes private housing “affordable” is its lack of access to communities, infrastructure and support services, making it inappropriate for vulnerable women and women with families.

Accordingly, when developing its strategy for growth, it is vital that significant investment in public housing, as opposed to community or “affordable” housing, is prioritized to ensure that the most vulnerable members of our community do not miss out.

## Partnerships

How to strengthen our partnership approach to build stronger and more effective social and affordable housing

Clearly define the roles and responsibilities of all stakeholders to ensure there is shared accountability in delivering on the vision.

It is vital that the siloed service sector that currently acts as a barrier to women accessing and maintaining appropriate housing is reformed so as to provide a more collaborative, client-focused approach. In saying this, it is important that the provision of services to women in housing remains separate from the provision and management of housing, and that the provision of housing is not contingent on the uptake of these services. Service providers should be aware of unintentional influence and power imbalance when providing services and assistance. Likewise, women should be able to choose their support providers, and if they choose to change this should not affect their access and options for housing, including current housing if they have it. Services need to communicate with each other and be flexible to ensure this does not happen.

Specifically for criminalised women, the intersections between housing insecurity, child protection issues and family violence result in women falling between the cracks and becoming entrenched in cycles of poverty and homelessness, preventing family reunification, blocking pathways towards a future free from violence, and leading to further criminalisation.

### **Housing and Child Protection involvement**

Housing insecurity can present a significant barrier to child reunification for women in the criminal justice system. In many instances, mothers will not be reunited with their children without having access to a multi bedroom house, however, they cannot get a multi bedroom house without children. Significantly, 69% of women entering prison on remand in Victoria in 2017 had children, with 21% of these women being primary carers before entering prison.<sup>16</sup>

Women who are wanting to reunite with their children (often with a Reunification Order in place) are required to demonstrate housing that incorporates adequate space for the children to stay. Where women have social housing in place, they cannot get transfers to bigger properties unless they have documentation stating the number of hours that the children will be in their care. However, DFFH Child Protection are customarily not willing to provide this guarantee.

Women who are trying to secure housing, meanwhile, will often only be offered a one-bedroom property, and not in a timely way. This means that, because of the DFFH Child Protection property

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<sup>16</sup>[https://www.corrections.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2019/03/71/021fe80ab/women\\_in\\_prison2019.pdf](https://www.corrections.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2019/03/71/021fe80ab/women_in_prison2019.pdf)

size requirements, women are stuck between DFFH Office of Housing policies and DFFH Child Protection policies, both of which prevent them from reuniting with their children.

### **Housing and Family Violence services**

For women leaving prison but unable to go back to their usual residence due to family violence, family violence crisis accommodation may not be available due to their need for other supports. Many crisis refuges have strict rules around substance use, or even around leaving crisis accommodation to access daily pharmacological treatment such as methadone. Some family violence crisis housing providers will explicitly exclude women who use alcohol or other drugs, but it is well known that family violence survivors can turn to illicit substances to self-medicate and also to stay awake to keep themselves safe. This approach is not in line with Housing First Principles, that prioritise the provision of safe and secure housing that is not contingent on other health and wellbeing issues being addressed.

Family violence crisis accommodation and refuge commonly require women and their children to leave employment and schools, and not disclose the address or area. This leads to isolation, loss of financial independence, and disruption to children's learning. Alarmingly, LACW knows anecdotally that women who have a car may be deemed not at "immediate risk" of homelessness and therefore may not be eligible for crisis accommodation.

There is a critical need for funding to provide a greater variety of options for both crisis and longer-term accommodation for women and children fleeing family violence, including culturally safe options for Aboriginal and Torres Strait Islander women and their children.

### **Conclusion**

The 10 Year Strategy provides a unique and promising opportunity for the Government to improve the lives of the most vulnerable members of our community by addressing their need for safe, suitable and sustainable housing. Stable housing gives people better access to a wide range of opportunities and provides a foundation for people to improve their life outcomes, which then benefits the wider community.

LACW's key recommendation is that the Government ensure the needs of women who have had involvement with the criminal justice system, in particular women exiting prison, women from CALD communities, and Aboriginal and Torres Strait Islander women, are included in this strategy, and incorporated in the development of homelessness supports, programs and systems. In doing so, it is crucial that the Government engages with and centres the experiences of women who need and use social and affordable housing.

A significant investment in public housing and government funded crisis accommodation for women, particularly criminalised women, in conjunction with investment into appropriate, holistic, integrated services that meet their multiple and interrelated support needs, has the potential to act as a critical circuit breaker to the cycle of housing insecurity and criminalisation experienced by a growing number of women in Victoria.

*For further information, please contact Elena Pappas, LACW CEO, at [epappas@lacw.org.au](mailto:epappas@lacw.org.au). With thanks to Amy Shaw, Lisa Chamouras and Mary Paterson for their input into this submission.*

LACW acknowledges that it operates on the stolen land of the Wurundjeri people of the Kulin Nations. We pay our respects to their elders past, present and emerging.