

17 February 2023

Committee Secretary  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600

via email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

To the Committee Secretary,

**Re: *Inquiry into the extent and nature of poverty in Australia***

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Community Legal Centres Tasmania (CLC Tas) and JusTas welcome the opportunity to provide a response to the *Inquiry into the extent and nature of poverty in Australia*. Our submission focuses on the poverty encountered by persons exiting prison and makes two recommendations that would have a real impact on returning citizen's lives.

CLC Tas is the peak body representing the interests of nine community legal centres (CLCs) located throughout Tasmania. We are a member-based, independent, not-for-profit and incorporated organisation that advocates for law reform on a range of public interest matters aimed at improving access to justice, reducing discrimination and protecting and promoting human rights.

JusTas is an apolitical organisation with an aim to strive for fair and just policy development and implementation that promotes equitable social justice, corrections services, safe and supportive incarceration and effective rehabilitative strategies that address successful reintegration for returning citizens. Our mission is to collaboratively nurture successful strategies that promote justice, best practice and positive outcomes for the community and returning citizens in a safe and supported environment.

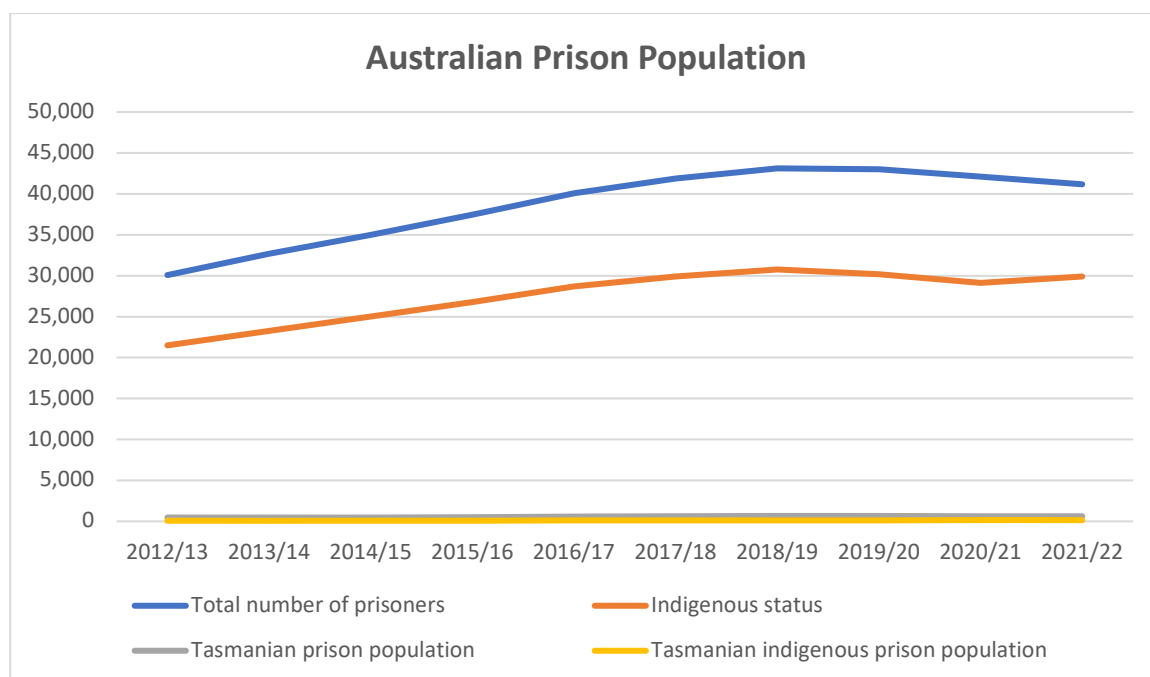
### **Australia's Prison Population**

More and more people are being imprisoned both in Australia and in Tasmania. According to the most recent Australian Bureau of Statistics data, the Australian prison population over the last decade has increased from 30,082 to 42,090 whilst the indigenous prison population has increased from 21,498 to 27,922.<sup>1</sup> In Tasmania, the prison population has increased from 473 to 642 and the Tasmanian indigenous prison population has increased from 73 to 153.<sup>2</sup>

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<sup>1</sup> Productivity Commission, *Report on Government Services 2023 – Part C Justice* (Australian Government: 2023), Table 8A.4 and 8A.6.

<sup>2</sup> Ibid.



Despite Australia’s indigenous prison population having increased by 30 per cent over the last decade, and the broader prison population having increased by 40 per cent,<sup>3</sup> there has not been a concomitant rise in housing being provided for persons exiting prison. Recently released research from the Australian Housing and Urban Research Institute found that “homelessness services and social housing are strained after a decade of declining policy priority and, in the case of social housing, declining real per capita expenditure”.<sup>4</sup> The failure to provide housing for persons exiting prison means that many of these people are faced with homelessness.

### ***The impacts of homelessness***

In 2008 the Australian Government released *The Road Home: A National Approach to Reducing Homelessness*.<sup>5</sup> The report found that homelessness had detrimental impacts on both the person made homeless and the wider community:

*Homelessness removes stability and connection in people’s lives. People who move away from their home and local community often leave behind important supportive relationships and networks. This makes it harder to participate in employment, maintain children’s education and retain contact with family and friends.*

*In addition to higher rates of mental illness, people who are homeless experience poor dental health, eye problems, podiatry issues, infectious diseases, sexually transmitted disease, pneumonia, lack of preventive and routine health care and inappropriate use of medication.*

<sup>3</sup> In Tasmania, the prison population has increased over the last decade by 36 per cent and the Tasmanian indigenous prison population by 109 per cent: Ibid, Table 8A.4 and 8A.6.

<sup>4</sup> Australian Housing and Urban Research Institute, *Exiting prison with complex support needs: the role of housing assistance* (Final Report No. 361) at 25. As found at <https://www.ahuri.edu.au/research/final-reports/361> (accessed 17 February 2023).

<sup>5</sup> Department of Families, Housing, Community Services and Indigenous Affairs, *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia: 2008).

...

*Homelessness often takes the form of living for long periods in marginal accommodation, rather than a single period of sleeping rough or staying in a specialist homelessness service. People may move home several times before they get long-term, stable housing.*

*... In some communities across Australia, families and individuals are caught in a cycle of low school attainment, high unemployment, poor health, high imprisonment rates and child abuse. Recent research into homelessness found that most of the homeless participants surveyed who had been homeless for the medium to longer-term, first experienced homelessness during their childhood. Australia cannot let this cycle of disadvantage continue.*

As part of its commitment to address homelessness, the Commonwealth Government and all the States and Territories agreed more than a decade ago that a policy of 'no exits into homelessness' would be inserted into the National Partnership on Homelessness,<sup>6</sup> including the prioritisation of people leaving prison after serving sentences of 12 months or more.

Although we do not have data from all Australian jurisdictions, the Tasmanian data clearly demonstrates that this policy is failing with less than 10 persons exiting a prison, youth detention centre or remand centre<sup>7</sup> being housed in public, community or Aboriginal housing over the last three years and none in the last year.<sup>8</sup>

People on the Housing Register exiting custodial arrangements and housed into public or community housing

|        | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
|--------|---------|---------|---------|---------|---------|---------|
| Housed | 7       | 14      | 6       | <5      | <5      | 0       |

While we have been unable to locate any publicly available data on the number of persons exiting prison, anecdotally we have been informed that there are approximately 1200 persons released in Tasmania each year. If these figures are accurate, it would mean that around 0.27 per cent of persons exiting prison were housed in public, community or Aboriginal housing over the last three years.

**Case Study: Tim Macdonald**

*Tim Macdonald\* was sentenced to 25 years in jail. After 16 years he was eligible to apply for parole. Tim put his name down for public and community housing in every available suburb and town. Four years later he had still not received an offer of housing. Without housing the Parole Board would not grant Tim parole and without parole no public or community housing provider would provide him with housing.*

<sup>6</sup> Department of Families, Housing, Community Services and Indigenous Affairs, *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia: 2008) at 27.

<sup>7</sup> The Risdon Prison Complex is the medium to maximum security prison for all male and female adults in Tasmania. The Ashley Youth Detention Centre is Tasmania's sole youth detention centre.

<sup>8</sup> Communities Tasmania, Right to Information Request. Response received on 9 November 2022.

*Tim also had difficulties accessing housing because all the friends and acquaintances he had known before he went to prison, lived in a region of Tasmania that the Parole Board would not release Tim into. And all the friends Tim had met after going into prison were former prisoners and the Parole Board would not let Tim live with them. Tim eventually found a house through a friend of a friend. Tim believes that he would have been granted parole four years earlier if there had been a public or community housing property available.*

*When Tim entered prison, he weighed around 70kgs. When he was released twenty years later, he weighed 110kgs. No-one in prison offered to provide Tim with appropriate clothing. Without a friend of a friend providing clothing, Tim would have walked out of prison in his prison clothes. When Tim was released, he received a crisis payment of around \$350.00 from Centrelink payment to last him two weeks and with that he was expected to feed and clothe himself, pay the rent and pay for public transport and other incidentals. Tim strongly believes that all returning citizens should be provided with a home and be paid the same rate as everyone else and is concerned that a failure to provide more sustainable income support leads to more crime with people having no choice but to steal clothes, money and food to survive.*

### ***The link between homelessness and prison***

The Australian Institute of Health and Welfare (AIHW) has found that persons entering prison are 66 times more likely to be homeless than people in the general community.<sup>9</sup> The AIHW research found that about one-third (33 per cent) of persons entering prison said they were homeless in the four weeks before prison - 28 per cent were in short-term or emergency accommodation, and 5 per cent in unconventional housing or sleeping rough.<sup>10</sup>

The AIHW research also found that more than half (54 per cent) of persons leaving prison expected to be homeless upon release from prison, with 44 per cent planning to sleep in short term or emergency accommodation, 2 per cent planning to sleep rough, and 8 per cent did not know where they would sleep.<sup>11</sup>

### **Case Study: Olivia Montgomery**

*50-year-old Olivia Montgomery\* had her own home and full-time employment before having her life uprooted, losing both her home and job after being imprisoned for around two decades. When Olivia was eligible to apply for parole her first application for parole was rejected on the basis that her intended accommodation was in a suburb that she would not be allowed to live in. It then took three months to get another hearing date (total of six months after being granted eligibility by this point) even though she had alternate options within an hour of being told. Olivia was frustrated that no-one in the prison had let her know that she would have area restrictions that involved a large municipality which includes 30 suburbs.*

*When Olivia was released the Centrelink payment made was only \$90.00. After questioning this with Centrelink an additional \$137.00 was paid meaning that Olivia had \$227.00 income support for the first three weeks after her release from prison. Olivia believes that she is one of*

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<sup>9</sup> Commonwealth of Australia, *The health of Australia's prisoners 2018* (Australian Institute of Health and Welfare: 2019) at 22. As found at <https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/summary> (accessed 13 February 2022).

<sup>10</sup> Particularly high rates of prior homelessness were recorded for persons entering prison who identified as Indigenous (43 per cent) and young adults (aged 18–24 years) (39 per cent): Ibid at 22.

<sup>11</sup> Short-term or emergency accommodation figured particularly strongly in the plans of persons exiting prison who identified as Indigenous (52 per cent), and persons 18–24 years old (50 per cent): Ibid at 24.

*the lucky ones as she came from a relatively stable background with lots of family and friend support. She strongly believes that the lack of housing and appropriate income support means that many women exiting prison are returning to violent relationships because they have nowhere else to go, taking drugs to medicate themselves and in some cases turning to sex work. Olivia strongly believes that accommodation must be available for all women exiting prison so that they can have their children returned to them and also sort out their lives.*

### **Persons in prison and mental health conditions**

In 2018, the Australian Institute of Health and Welfare (AIHW) released a major report on the health of Australia's prison population.<sup>12</sup> The report found that 40 per cent of persons in prison had been diagnosed at some point with a mental health condition<sup>13</sup> and that of more recent prison entrants almost one in four (24 per cent) were taking psychiatric medication with a higher rate for women (40 per cent) and a lower rate for Indigenous Australians (20 per cent).<sup>14</sup>

The high rates of mental health conditions for persons in prison had led to the AIHW recognising that people in prison are a particularly vulnerable group "with higher health care needs than the wider Australian population".<sup>15</sup> Despite the need for greater mental health care, disadvantaged Australians are disproportionately and detrimentally impacted. A recent study of mental health services in rural Tasmania for example, highlighting that almost 70 per cent of participants observed that they could not afford mental health care.<sup>16</sup> The failure to ensure appropriate and universal mental health care, means that many receive better mental health care in prison than in the wider community. This is confirmed in the AIHW finding that almost 2 out of 5 persons exiting prison (39 per cent) report that their mental health improved whilst in prison.<sup>17</sup>

### **Investing in homes for persons exiting prison saves money and makes our community safer**

*The Road Home: A National Approach to Reducing Homelessness* recognised the importance of homelessness prevention services both in their ability to safely return people to the wider community and in cost savings:<sup>18</sup>

*homelessness prevention services and services which work with clients to end their homelessness are good investments of public money. Recent research confirms that homelessness programs produce positive outcomes for their clients at relatively low cost and deliver whole-of-government savings in avoidable health, justice and policy outlays.*

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<sup>12</sup> Ibid at 22.

<sup>13</sup> Ibid at 28.

<sup>14</sup> Ibid at 38-39.

<sup>15</sup> Australian Institute of Health and Welfare, *Health of prisoners*. As found at <https://www.aihw.gov.au/reports/australias-health/health-of-prisoners> (accessed 13 February 2022).

<sup>16</sup> Legislative Council Government Administration Committee "A", *Report on Rural Health Services in Tasmania* (Parliament of Tasmania: 2022) at 152.

<sup>17</sup> The AIHW cites research for example highlighting that while persons in prison are "often able to access mental health care during incarceration, mental health can quickly deteriorate after release": op cit., Commonwealth of Australia, *The health of Australia's prisoners 2018* at 28.

<sup>18</sup> Department of Families, Housing, Community Services and Indigenous Affairs, *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia: 2008) at 10.

That homelessness services produce positive outcomes that deliver whole-of-government savings in avoidable health and justice costs is demonstrated in a 2017 study involving 41 residents of a supported social housing project in Brisbane. The study utilised data over a 24-month period comparing the services utilised by the cohort in the 12 months after being housed as well as in the 12 months prior to their tenancy when they were homeless. Even after accounting for the cost of providing the supported housing the study found that there were health and criminal justice cost savings of \$13,100 per person per annum.<sup>19</sup> In other words, it cost the government less to move a person into housing than to interact with them whilst homeless. However, the cost savings were not the only benefit with the authors also highlighting that “the reduced criminal offences, time in police custody and incidences of victimisation clearly demonstrate positive life outcomes that have significance well beyond monetary value”.<sup>20</sup> As the authors concluded, the provision of stable housing to formerly homeless people also ensures that people feel valued and provides the foundations from which they can influence positive change, with the observation made that they “went from being homeless clients, patients, offenders and inmates, to supportive housing tenants”.<sup>21</sup>

More recently, the Australian Housing and Urban Research Institute compared 623 persons who received public housing after being released from prison with 612 persons who were released from prison but received financial assistance only (bond assistance, loans to pay rent in private rental market etc).<sup>22</sup> The analysis of the two cohorts emphasised a clear benefit in providing public housing to persons exiting prison over simply providing financial assistance to assist in the private rental market:<sup>23</sup>

- Police incidents: down 8.9 per cent per year; and
- Court appearances: down 7.6 per cent per year; and
- Proven offences: down 7.6 per cent per year; and
- Time in custody: down 11.2 per cent per year; and
- Time on supervised orders: following an initial increase, down 7.8 per cent per year; and
- Justice costs: an initial decrease of \$4,996, followed by a further \$2,040 per year.

Providing public housing to persons exiting prison results in not only a safer community but also reduces the number of predicted police incidents, time in custody and criminal justice costs. As the report notes “in dollar terms, housing an ex-prisoner in a public housing tenancy generates, after five years, a net benefit of between \$5,200 and \$35,000 relative to the cost of providing them with assistance in private rental and/or homelessness services”.<sup>24</sup> In summary, the report concluded that:<sup>25</sup>

*the evidence strongly supports the need for much greater provision of social housing to people exiting prison, particularly for those with complex support needs. Relatively*

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<sup>19</sup> Cameron Parsell, Maree Petersen, and Dennis Culhane, Cost offsets for supportive housing: Evidence for Social Work' (2017) 47(5) *British Journal of Social Work* 1534 at 1547.

<sup>20</sup> Ibid at 1549.

<sup>21</sup> Ibid at 1550.

<sup>22</sup> Australian Housing and Urban Research Institute, *Exiting prison with complex support needs: the role of housing assistance* (Final Report No. 361). As found at <https://www.ahuri.edu.au/research/final-reports/361> (accessed 30 January 2023).

<sup>23</sup> Ibid at 75.

<sup>24</sup> Ibid at 1.

<sup>25</sup> Ibid at 1.

*secure, affordable public housing is a steady 'hook for change' that a person exiting prison can hold onto as they make changes in their circumstances, and in themselves, to desist from offending. It is also a stable base from which to receive and engage with support services.*

### **Case Study: Charlie Williams**

Charlie Williams\* was aged in her thirties when she was sentenced to 3 years imprisonment caused by drug addiction. She was released in 2019 after two and a half years so that she could undertake a Drug Treatment Order. Charlie was only released because her parents agreed to house her. In prison, Charlie was enrolled in drug rehabilitation programs including alcohol and other drug counselling but they were stop-start and often did not go ahead due to the prison being in lockdown. After being released, Charlie's Drug Treatment Order was a success. Due to no positive drug tests, being returned she was successfully taken off the Drug Treatment Order after twelve months. Upon completion of the Drug Treatment Order Charlie's application for social housing was approved which meant that she could lay down some foundations. Charlie successfully obtained a full-time job and her daughter was released into her care. Without stable accommodation Charlie believes that she would not have been able to get a full-time job or have her daughter released into her care.

### **Centrelink for people exiting prison**

According to the Australian Government's *Social Security Guide* persons exiting prison are entitled to a crisis payment and income support:<sup>26</sup>

#### **3.1.4.30 Payment after release**

##### **Summary**

*Some people may be eligible for immediate assistance when they are released from prison or psychiatric confinement. The assistance that they may receive includes: crisis payment, and an early payment of pension or benefit.*

**Explanation:** *This assistance recognises the difficulties a person may experience in providing for themselves and any dependants, when they are initially trying to re-establish themselves in the community following imprisonment.*

In practice, persons exiting prison are paid half the pension or benefit they would otherwise be paid and may also apply for a one-off crisis payment (an extra week's income support). Whilst access to a crisis payment is welcome, it has to be paid back in the next payment fortnight meaning that an otherwise eligible person receives less money in the first month of their exit from prison than other eligible persons.

### **Case Study: Frank Fredricks**

*Frank Fredricks\* was imprisoned for 23 years. He was eligible for parole after 22 years and was successful on his third attempt. On the day Frank was released a support worker picked him up. They drove to Centrelink where Frank received his crisis payment of approximately \$380.00 and then the support worker drove Frank to his new social housing home. All of Frank's crisis payment went into paying the rent. Fortunately, a few friends knew that Frank was getting out of prison and helped him out financially until his regular Centrelink benefits commenced*

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<sup>26</sup> Australian Government, *Guide to Social Policy Law – Social Security Law*. As found at <https://guides.dss.gov.au/social-security-guide/3/1/4/30> (Accessed 16 February 2023).

around 2 weeks later. Frank doesn't know what he would have done if his friends hadn't provided financial assistance. His cupboards were bare and his priority was paying the rent to keep a roof over his head.

### Summary

Our communities are safer when people exiting prison are provided with housing upon their release. This was recognised almost fifteen years ago by the Australian Government in its white paper *The Road Home: A National Approach to Reducing Homelessness*. As well as guaranteeing a safer community, housing also results in significant cost savings in both health and criminal justice. We therefore strongly recommend that the Commonwealth and the States and Territories re-commit to a policy of no exits into homelessness including the provision of funding to build the homes required.

**Recommendation:** That the Commonwealth and all States and Territories re-commit to a policy of no exits into homelessness.

As well, it is perplexing that persons exiting prison do not receive the full amount of income support that they would otherwise be eligible for, particularly when there is widespread recognition that the full-payment is insufficient.<sup>27</sup> This is a policy failing made worse in the acknowledgement that some people exiting prison have been there for decades and have literally nothing but the clothes on their back.

**Recommendation:** That the Commonwealth pay all persons exiting prison the full amount of income support that the person would otherwise be eligible for.

If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl  
Policy Officer  
**Community Legal Centres Tasmania**



Don McCrae  
Chief Executive Officer  
**JusTas**

*\*All case study names have been changed*

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<sup>27</sup> See for example <https://www.raisetherate.org.au/> which is supported by organisations including Community Legal Centres Australia, the Australian Council of Trade Unions, the Australian Medical Association and National Shelter.