

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Homelessness in Victoria

Melbourne—Friday, 22 November 2019

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WITNESSES

Mr Cameron Lavery, Manager and Principal Lawyer, and

Ms Samantha Sowerwine, Principal Lawyer, Homeless Law, Justice Connect.

The CHAIR: Good afternoon. Thank you so much for joining us. We very much appreciate that you are giving us your time.

As you may be aware, this is being broadcast. It is also being recorded. This hearing is protected under our *Constitution Act 1975* and under the standing orders for the Legislative Council. Therefore the information that you provide today is protected by law. However, any comment repeated outside the hearing may not be protected. Any deliberately false evidence or misleading information may be considered a contempt of Parliament.

As I mentioned, it is being recorded and you will receive a transcript in a few days. Again, welcome. If you would like to make some opening comments, we will then open it up for questions. Thank you.

Mr LAVERY: Thank you for having us here today. My name is Cameron Lavery of 461 Bourke Street, Melbourne. I appear before the Committee representing Justice Connect in my capacity as the Manager and Principal Lawyer of Justice Connect's Homeless Law service. I would like to start by acknowledging the traditional owners of the land on which we are meeting, the Wurundjeri people of the Kulin nation, and to pay my respects to their elders past, present and emerging.

Justice Connect is a social justice organisation that addresses public interest access to justice and unmet legal need issues and we try to advocate for a stronger community. We also try to have innovative solutions to close the justice gap. Homeless Law was created by Justice Connect back in 2001, and we are Victoria's specialist community legal service for people experiencing or at risk of homelessness. Since we started, Homeless Law has been outreach-based and client-centred, and from 2010 we added depth to our practice by integrating staff social workers so we can address people's legal and non-legal needs under one roof. Homeless Law's clients have interconnected and complex legal and non-legal needs, and many of our clients are facing complexity such as family violence, substance dependence and mental health issues. In addition to our targeted legal service delivery, we also focus on early intervention and trying to resolve legal issues before they escalate to crisis point. We use evidence from all of that work to try and advocate for changes that can try and reduce and prevent homelessness in our community. So that is what we are all about at Homeless Law.

Today I am hoping to focus on the value of integrated legal services in preventing homelessness and the difference that fairer laws can make, along with the need for more public housing and community housing with supports. My colleague Samantha, who will introduce herself as well, will be talking about justice system interactions and reducing the criminalisation of homelessness.

Through almost 20 years of frontline service delivery Homeless Law has seen that two of the main causes of homelessness in Victoria are family violence and the acute shortage of affordable housing, which I am sure you have heard about today. Homeless Law commends the Victorian Government for its response to homelessness and family violence in relation to the Royal Commission into Family Violence, but despite this we still see that family violence is both a major cause and a consequence of homelessness in our community. From Homeless Law's legal and social work services we see three key ways that Victoria's acute shortage of affordable housing connects to family violence. Firstly, it deters victim survivors from leaving violent relationships. Secondly, it places victim survivors at risk of and pushes them into homelessness. And thirdly, it can make perpetrators more isolated and increases the risk of repeated or escalated violence. In this context, Homeless Law has developed an extensive tenancy and human rights practice which prioritises intervening further upstream for Victorians facing housing insecurity, particularly women and kids facing family violence.

Homeless Law's targeted combination of legal and social work supports is focused on avoiding evictions and dealing with legal problems that are barriers to safe and sustainable housing. Things like social housing debts and advocating for victim survivors with tenancies affected by family violence. Our intensive model recognises that housing is an absolute fundamental that allows us to live meaningful, safe and healthy lives.

This impact can be seen through the story of our former client, Claire. When Claire first connected to us, she let us know that she was a mother of four and she had been living in her private rental property for three years. She was a family violence victim survivor who had slept rough in her youth and has complex mental health issues. Claire had recently lost her son in a car accident and after this she had fallen \$3000 into rental arrears. Claire's landlord told her that she had 14 days to get out, but she had nowhere safe to go. With help from her Homeless Law lawyers and social worker, Claire and her kids avoided the crisis of eviction and stayed safely in their home. But without holistic legal help Claire would have been one of the many growing number of Victorians unfortunately, and particularly women, experiencing homelessness.

From Claire's story and many other stories that we see every day through our work, it is clear that to end homelessness we need to prioritise prevention and early intervention. From our perspective we see that through integrated legal services we can make evictions into homelessness a last resort. An example of this type of service is our women's homelessness prevention project, which since 2014 has kept Victorian women and children safely housed through an integrated combination of legal help and social work supports. In five years the project has been highly effective at keeping women and their kids together in secure housing, including by directly preventing the eviction of 148 women and 202 children into homelessness.

Pitcher Partners recently did a pro bono report for us which costed that the project had saved the Victorian Government and the wider community \$4.9 million in avoiding health, justice and welfare expenses. All of this service delivery work, as I mentioned, goes towards Homeless Law's systemic advocacy, which aims to stop homelessness before it starts by advocating for fairer housing laws, policies and practices. In particular, Homeless Law has used casework evidence to inform the Royal Commission into Family Violence and also Victoria's rental reforms process. In the context of housing insecurity and family violence, the state's rental reforms build on the royal commission and will bring 130 welcome changes to our laws to create a stronger and better balanced tenancy system. It is also worth noting that in the last 12 months Homeless Law's multidisciplinary practice has directly prevented 157 clients and their families from facing eviction into homelessness.

That is why implementing the rental reforms for the most vulnerable Victorian renters needs access to integrated legal and social work help to make evictions into homelessness a last resort. Creating housing security helps people to move away from points of crisis to positions of longer term stability. It also makes it easier for them to sort out legal issues they might already have or avoid having new ones—things like fines, charges and debts. You are less likely to get them if you have a safe home with support.

Along with the rental reforms, VCAT also has a key role to play in improving tenancy protections and preventing evictions into homelessness. To make sure that Victorian renters can have trust and confidence in VCAT's decision-making we need an internal appeals mechanism for decisions made in VCAT's residential tenancies list. This would bring Victoria into line with many other Australian states and territories which already have civil tribunals that have in-built internal appeal mechanisms.

Another major priority for Homeless Law—and I am sure you have heard about it today from our colleagues in the homelessness sector—is the issue of housing supply. As part of the Women's Homelessness Prevention Project we have seen the volatile and unaffordable nature of the private rental market, with 64 per cent of the women we helped in the last year facing eviction for rental arrears. From this work we have also seen that all it takes is for one thing to go wrong—for the kids to get sick or for the car to break down—for Victorian women to fall behind with rent and be on the brink of eviction into homelessness. In this context public and community housing is so important, as these properties offer long-term, affordable and secure homes for Victorians who are locked out of the private rental market.

It is also worth noting that, as you have likely heard today, Victoria has the lowest proportion of public and community housing stock in Australia. To meet rising demand we need 6000 more public and community housing properties with specialist supports each year for the next decade. We also need public and community housing landlords to be resourced so that they can effectively use the charter of human rights as a best practice framework. This would strongly support them to have policies and practices that make evictions into homelessness a last resort.

Through Homeless Law's day-to-day work we see that homelessness makes it more likely that you will come into contact with the justice system. It also makes it harder to get or keep a job and harder to keep your physical safety and your mental health under control. All of these factors combine. What we are going to talk about now, through my colleague Samantha, is our insights around why criminalisation is never the right response to homelessness.

Ms SOWERWINE: Good afternoon. Thank you so much for inviting us to speak today. It is a real privilege, and certainly to put justice issues front and centre when we are talking about homelessness is very important to us. My name is Samantha Sowerwine, and I am of level 17, 461 Bourke Street, Melbourne. I appear before the Committee in my capacity as Principal Lawyer of Justice Connect Homeless Law service.

As Cam has mentioned, through our work as a statewide specialist legal service for people at risk of or experiencing homelessness we certainly see very clearly how people experiencing homelessness face almost double the legal issues of people in the general population, and they also face significant barriers in actually accessing legal services to deal with those legal issues. In particular, since we started almost 20 years ago one of the key areas that we see again and again for our clients is fines and charges that are directly related to people's experiences of homelessness. We have helped thousands of Victorians now with fines and charges that have really overwhelmed them, and they are really for what we call public space offences—things like being drunk in public, begging, public transport offences. What we know—it is very obvious, I am sure—is that homelessness makes it more likely that you are going to end up with fines and charges like this because you are living your private life in public. For those of us who are lucky enough to be housed, we are able to have a drink and there is no consequence to it, but of course if you are living your life in public space, conduct like this is likely to result in some kind of fine or charge which you then cannot resolve effectively. Homelessness also makes it less likely that you are able to deal with your fines and charges, either because you cannot afford the fines or charges—the costs are incredibly high, as you might know, for certain offences—or because you cannot navigate a really quite complex legal system. Both the criminal justice system and also the infringement system are very complex for people.

Most people experiencing homelessness are facing personal and financial complexities that make it impossible for them to address their fines and charges without access to proper support, particularly legal support that can help to minimise contact with the justice system. So today I just want to touch on three key ways in which we can stop using the justice system as a first response to homelessness. One way is by reducing our current reliance on the justice system, the second way is by diverting people as early as we possibly can out of the justice system, and finally, for those who are caught up in a cycle between prison and homelessness, looking at ways we can really break that cycle.

Firstly, through our work we see really clearly that enforcement-based responses to homelessness simply do not work. In fact what they do is effectively criminalise what are social and health issues and compound homelessness as well as really putting a huge burden on a very overstretched justice system. But there are some really simple solutions to this. I am going to highlight a few of them here that are really important to us at Homeless Law.

Firstly, we know that when there are certain outdated poverty offences on the books such as begging there is always going to be a temptation to resort to them and less incentive to look at service-based responses, so we really commend the State Government for its commitment to decriminalise public drunkenness and to replace it with a public health response—we think that that is fantastic. We also think that that is an amazing opportunity to look at other offences that are on the books at the moment such as begging and to decriminalise them. Tasmania is doing it as we speak, and we think that this is going to help to pave the way for a real service-based response rather than looking at enforcement-based responses.

Secondly, we know at the moment that there is a huge reliance—and we do a lot of work with police on this—on police as first responders to homelessness at the moment. It is really having a heavy impact not only on homeless Victorians but also on police themselves in terms of the resource burden and expectation, as well as on the courts. In the first instance we really recommend bringing back what was in 2006 the protocol for people experiencing homelessness in public places. It came about in the context of the Commonwealth Games and provides a really high-level framework and guidance for police when they are interacting with people who are experiencing homelessness, and it provides them with some guidance in terms of both how to interact with

people but also how to divert them out of the justice system—so really that high-level framework that can provide guidance and support to people who are in really complex situations trying to make difficult decisions.

Finally, we see so many Victorians at the moment who are really struggling with the fine system. There have been lots of positive reforms which you may have heard about, and certainly for people experiencing homelessness there are great reforms in the fine system, but the problem at the moment is that in practice they are not working. Every day we see clients that are really facing crippling uncertainty about how to deal with their fines and what is going to happen and huge delays in the system. One of the key elements of the fine system is the ability to have your fines reviewed based on your special circumstances, so that is homelessness, substance dependence, mental health and family violence. To make this review process workable at the moment the continuation of what is called the special circumstances list at the Melbourne Magistrates Court is vital. This list provides a therapeutic option for people experiencing homelessness to deal with their fines and address the underlying causes of their offending in the first place.

So for those people who do end up in the criminal justice system, what are some of the solutions to divert them out earlier? That is one of the things that we focus on at Homeless Law, and we have built into our practice having a specialised criminal lawyer and a social worker on staff who basically divert people away from the justice system, recognising that we need a legal and a social and health response to do that. One of the key diversionary mechanisms that is available at the moment is what is called the criminal justice diversion program, and it empowers basically a court to deal with a charge by diverting the matter out of the court system and importantly means that someone does not end up with a finding of guilt and a criminal record. However, as it currently stands, police have full discretion to decide whether or not someone is appropriate for diversion, and it means that courts and the defence have absolutely no ability to intervene. So this means that many people who should be eligible for diversion are currently not able to access it, which means that there is a whole bunch of people ending up in the justice system with criminal records and all the impacts that that has on their future employment prospects.

Annabelle's story, which I am about to tell you, really highlights the importance of diversion and that early intervention approach. Annabelle came to us. She is 44 years old, had never been in trouble with the law before. Unfortunately she had had a serious car accident, which meant that she had to stop working. At the same time, as often happens, her relationship broke down due to family violence. She then fell behind in her rent and was eventually evicted from her private rental property. She was terrified and had nowhere to go, so that very night that she had been evicted she broke back into the property just to have somewhere safe to stay for the night. Unfortunately she was then charged by police with trespass as a result. So when she came to us she was completely overwhelmed and did not know what to do, having never encountered the justice system before. Luckily our social worker and our lawyer were both able to work really closely with her and get her a support plan which meant that she could get access to diversion because she was able to access supports through this diversion plan. But unfortunately not everyone is so lucky. So that more people like Annabelle can access things like diversion—we really believe that diversion is a key reform—if we could just make it determined by the court and not by police, it would increase the number of people who access diversion and get out of the justice system earlier.

Finally, we know that over the past five years in Victoria there has been a 50 per cent increase alone in women going to prison and a 240 per cent increase in Aboriginal women alone going into prison. We also know that for people who are in the justice system homelessness is more common, it is more likely to re-occur and it lasts for longer. For this reason we need to ensure where possible that we do break this cycle between homelessness and prison, and housing is a really critical factor in this. According to the Australian Institute of Health and Welfare's recent report on Australian prisoners, nearly one in three people entering prison are homeless. These figures really reflect that there is a disproportionate amount of people experiencing homelessness entering the prison system.

One of the factors in this is the current bail laws. We think they are having really disproportionate impacts on our client group and on people experiencing homelessness, and we can see that reflected in the increasing remand rates in the prison population. Being on bail really automatically escalates the likelihood that you are going to end up on remand, and we are seeing that a lot of our clients, particularly rough sleepers, are being placed on bail a significant amount of time even for low-level offences, such as marijuana possession or shop

theft. So certainly we are seeing that, and we are seeing that those clients are more likely to end up on remand if they end up reoffending, even for a low-level offence. So with legal representation we are able to have a pretty good hit rate in terms of making sure people stay out of remand or that they are there for short periods. But not everyone is so lucky, and we are seeing a lot of people ending up on remand that should be out in the community.

Finally, in addition to the over-representation of people experiencing homelessness entering the justice system and prison, more than half of people exiting prison now are expecting to be homeless upon release. That is a huge figure. We also know that unfortunately if former prisoners are released into homelessness, they are more than twice as likely to reoffend within nine months. Given that our current recidivism rate in Victoria sits at around 44 per cent, we know that access to stable housing for prisoners post release is going to be vital in trying to tackle our really costly imprisonment rate. Our specialist program for prisoners really focuses on trying to break this link between prisons and homelessness by providing prisoners with tailored legal help and post-release supports to ensure that they get access to housing on release. So in the last 12 months alone we have been able to prevent 29 prisoners with very complex needs from being evicted into homelessness, which is about a cost saving of \$855 000 to the health, justice and welfare systems according to a recent AHURI report. For the people in prison who have layers of complexity, maintaining your access to housing with wraparound supports is fundamental to long-term reintegration, and that is why prisoners need access to pre- and post-release integrated services, in particular housing supports, to reduce the risk of exiting prison into homelessness.

So here we come back full circle to where my colleague Cameron started, which is really the importance of housing and homelessness prevention. We are in an environment more than ever where affordable housing is at an all-time low and long-term supported housing and minimising evictions into homelessness have to be core elements now of an effective and alternative response to homelessness. That is really I think what will ensure that we do not end up resorting to the justice system and to enforcement as our first response to homelessness. We know that integrated legal services are one part of the bigger picture, but they really do play a critical role in preventing homelessness and preventing criminalisation.

The CHAIR: Thank you. That was a lot in a short time, well done. Thank you very much. I would just like to quickly start. When you talk about eviction preventions or eviction into homelessness, is there legislative reform that would assist in that? So changing some of the eviction legislation. Is there anything you would recommend to us?

Mr LAVERY: That is an excellent question, Fiona. Thank you for that. I guess what we would say is that there are a lot of excellent reforms coming through from 1 July 2020, but there is probably still a little bit more work to be done for particularly vulnerable tenants that are at risk of eviction. So one example that we have is for family violence victim survivors—making it as easy as possible for them to make safety-based modifications to their properties. At the moment you have to get consent from the landlord to make basically all modifications to a property, even in moments of crisis. That is a key example for us where there are small things that could make a big difference at the pointy end both to housing security and safety.

And as I briefly mentioned, I think that we see that because there is so much change happening in the tenancy system, a few small tweaks to the VCAT legislation, the laws that empower VCAT, could make a big difference in terms of accountability and getting it right. So if we have got great protections, or better protections, we really want to see them realised. So the reforms need to be implemented in a way that actually does what they are meant to do, and that is meant to bring balance to a system that has traditionally been very much inaccessible for the tenants. We see a role for legal services, as we mentioned—integrated legal help—to play in that, giving tenants a voice and making sure that they get the best go. So I think that we would really suggest that making that internal appeals mechanism a reality at VCAT would be excellent.

Ms SOWERWINE: I think it is important to note—because a lot of people do not understand this—that if you go to VCAT as a tenant and you get an unfavourable result, which can often be the case, the only option you have is to go to the Supreme Court to appeal that decision.

Mr LAVERY: And on a question of law, as well.

Ms SOWERWINE: You can imagine that most people are not going to take that option, so I think that there are a lot of preventable evictions that happen because people just cannot appeal a decision from VCAT.

The CHAIR: Thank you. Thanks for that clarification.

Dr KIEU: Thank you very much for the work you are doing; it is very important in preventing the growing rate of homelessness which we have at the moment. I am just wondering how you are coping with the workload that you have, particularly as you need a specialist lawyer as well as a social worker, at least, to help in particular cases. In terms of human resources, how are you coping, and is there any equivalent, a similar organisation doing the work that you are doing?

Mr LAVERY: That is a really good question as well. I guess what we would say is that we have a relatively small team of staff lawyers and social workers in house and that we work with a number of pro bono law firms who volunteer their time to support our legal work, which really adds that extra ability for us to have that intensive model, so we help people all the way through to outcomes—holistic outcomes.

We see that there is a lot of need in the legal assistance sector for resourcing. We see a lot of our colleagues at other community legal centres—and through our peak, the Federation of Community Legal Centres—have a lot of emerging integrated practice models. Probably the resourcing is not there at this point, recognising that the most vulnerable people in our community need a wraparound response.

Victoria Legal Aid is another great example, where they have got a lot of innovative models. The idea is that we just need to be adequately resourced to do our work; we really welcome the recognition of, I guess, holistic legal responses as one of the answers to homelessness—and poverty more broadly.

Ms SOWERWINE: I think it is interesting that last year the Federation of Community Legal Centres commissioned a consumer engagement survey, and in terms of the top issues that people were going to see community legal centres in Victoria about, housing and the tenancy was the first one, by a long shot.

The CHAIR: Was it?

Ms SOWERWINE: So I think that really demonstrates that need and the fact that, as you say, it is such a huge growth area at the moment, and legal services need more resources to be able to do that work because it is so effective once we get involved.

Mr LAVERY: And family violence was closely after housing. So it is that idea that we see those issues intersecting and that we are out there in the community helping with it—legal, social work and health. It is also probably worth saying that we have a lot of our legal services based in community, so we partner with Launch Housing, who you have heard from today. We have staff integrated down at their sites, Cohealth and other organisations. I think it is that idea of when we work together we get the best outcomes and we have that long-term success.

Ms VAGHELA: Is there any number you are able to provide as to how many homeless people would approach you in terms of getting assistance for, say, fines? If you pick on a monthly basis, how many people would approach you?

Ms SOWERWINE: We are currently crunching the numbers for you as we speak, for our submission, but certainly I know that in the last year alone there have been well over 115 people coming to us in relation to fines and charges alone.

It is the tip of the iceberg is the other thing to say. I think that one of the things we observe as a legal services is that things like fines—often people just do not present with as a legal issue. That is why we do a lot of work with other services, because we know that people do not necessarily recognise that the issues they have are legal issues. So we are doing a lot of work to make sure people do understand that and seek out legal help. So we have particular numbers, but I think the reality is it is far greater, and we are doing a lot of work trying to do that outreach so that people understand that they have a legal issue that we can help them with.

Ms VAGHELA: So, say the number was 100. If 100 people approached you, do you help all those 100 or do you have to let some people go because you cannot help them?

Ms SOWERWINE: Certainly, we definitely have helped that many people. In terms of the amount of people that we cannot assist, I think that there is always an amount that is challenging to meet, but we are fairly lucky, as Cameron alluded to, in terms of our service model and the fact that we have got capacity that is built through our pro bono law firms volunteering their time. We will definitely be able to present those numbers. At this stage we are looking at that in terms of who we are turning away, but it is a bit complex because we really try to focus on people who have fines that relate directly to homelessness, because that is what we do as a service. So there will be people who may not fall within the eligibility simply because they have received fines but they are not related to homelessness. So it is just a challenging number for us to necessarily pull out.

Ms VAGHELA: And are you successful most of the time when you represent them, in terms of their fines?

Ms SOWERWINE: Definitely with fines—very successful. But as I indicated the issue at the moment is the fines reform system, which will be no surprise to anyone here. Once we are able to be involved, we get fantastic outcomes for people; it is just at the moment that it is not working as effectively as it should.

Mr LAVERY: And that is why we also see so much value in the continuation of the special circumstances list at the Melbourne Magistrates Court, because over many years we have seen the therapeutic outcomes that can be achieved through that court. We do not want our clients to be in court in the first place, we do not want them to be getting fines directly related to their vulnerable circumstances, but having a tailored jurisdiction for our clients allows us to get great outcomes and help people to focus on what is important, which is their health, their wellbeing and everything else that is going on in their lives. That is the important thing.

Dr RATNAM: Thank you so much for the evidence you presented today and all the work you do. It is really incredible, and you have really opened our minds to a number of the areas of nexus that we should really think about. It is such a complex area, but thinking about them together is really important when you talk about housing laws and housing supply. I have got a couple of lines of questioning.

First, just taking up the point previously—you were talking about fines and being quite successful when you are all there to provide support, advocacy and legal assistance—I am interested in that, because in some ways that could indicate that the fine has been unfair in some circumstances if it is easy to be able to have that relieved at one point in the system but it is so readily applied to people, but with intervention you are able to relieve people from it. I am interested in your experience of what it is about the system that is causing—it is almost like a bottleneck, right—so much distress for people. Is it just the advocacy? Is it just somebody knowing the rules and helping to interpret the rules, or is it really working with agencies? I am just trying to figure out what is happening in the system where people are getting all these fines, but you can actually get out of the fines if you know the right avenue.

Ms SOWERWINE: I think there are a few things to say there. I come back to this idea of reducing reliance on the justice system generally. So that includes the fines system. I think there is so much more work to be done, and we have done a lot of it, particularly with Public Transport Victoria around authorised officers—how to stop people getting fines in the first place, because we know that those people should not be getting those fines. So trying to divert them out at that point is a lot of the work that we are doing as well. But like you identified, once they are in the fines system I think one of the big issues at the moment is that it has always been a complex system to navigate, and it is one of those things where you if you do not have a home and you are not getting correspondence, half the time you do not know that you have got fines, they are just building up and you find out about them because you get arrested by police or by a sheriff. I think that there is a huge issue there just in terms of people being able to engage with the system when they are experiencing homelessness. And then at the moment the real issue is that the fines system is just not working. There are massive delays. It means that even people who do know about their fines and do want to deal with them are just not able to because, basically, everything is at a standstill. People have them hanging over their heads and literally cannot do anything about them.

Dr RATNAM: Thank you very much for that. The other point of query was—you were talking about imprisonment release and housing and homelessness—there has been a lot getting documented about the

intersection of homelessness and post-release outcomes as well. I was wondering if you could talk us through, if you have any examples—and if you do not today, that is fine; perhaps in your submission it would be great to expand on this a little bit more—it would be good to illustrate what that looks like. Are you working with somebody prior to them going to prison and post their coming out, and what does an organisation like yours see when they are exiting prison into homelessness? What are the options available? Who is talking to whom? Does the department care? Do they know? Where is it breaking down?

Ms SOWERWINE: Look, I think there is a lot to be said about this, and we will address it in the submission. I think there is a huge amount of breakdown from when people are entering prison in terms of, firstly, making sure that those people are identified who might have housing to try and help them keep housing. There are excellent housing workers, but there are not enough of them, and we know there are more and more people on remand and short sentences. We need to try and keep those people housed where they have already got housing so that they can actually get out again as soon as possible.

But for those who are in prison for longer times, the prerelease planning options are just coming too late in the picture. In terms of that idea of really doing the planning with someone to try and help set them up to have housing upon release, there are just not enough resources there. There are amazing workers in the prison doing an amazing job of trying to set people up, but the reality is there is not enough housing for people to get into and there is not enough lead time for people to really plan what their options are when they are released.

Then once they are released they really just end up, as you would have heard this morning no doubt, in the service system at access points but with no options. So that is why you are seeing such an over-representation as well of people sleeping rough, for instance, because there are just literally no options for prisoners post-release. But certainly by 31 January hopefully, we are doing a lot of scoping work at the moment around that post-release space, precisely because we do a lot of work with people in prison, and we see the importance of them keeping their housing and to have access to housing upon release. But we know that post-release space is so important in terms of that ability to reintegrate and reduce reoffending. So we are looking at the way in which we can do better and more targeted integrated interventions for people in that post-release space to try and make sure they get access to housing and stay housed post-release.

Mr LAVERY: It ties into our work that I was mentioning about women experiencing family violence, because we know that if we can deal with the legal hassles that people might be facing, they can focus on having that stability and working with the post-release support providers and really trying to let them prioritise everything else and we can sort out the legal issues and have our social workers be involved as well to have that smooth transition and try to get people back into the community, because that is where we want them.

Mr BARTON: You touched on some areas previously about how homeless people are reacting with the police. Coincidentally I received an email this very week from a member of the public down Rosebud way. They were quite horrified to see how a homeless person, who had been camping on the foreshore, was being removed. Coincidentally, the question was, it seems that the police are often the first call for moving homeless people, which leads to an escalation and charges. Do you think there is room for an agency—maybe—or perhaps within the police itself to deal with homeless or at-risk people in a more sensitive way? And can councils come into this?

Ms SOWERWINE: Definitely. That is an area that we are doing a lot of work in, and we have been really lucky that there have been some excellent people at Victoria Police, particularly at Melbourne east, who have helped take leadership in that space around, firstly, thinking about how police interact with people and also when they need to interact. That is why I come back to this idea of having a protocol, which did exist in 2006. It is really about how do we get police—but you are right, local laws is another big one—to really think about their interactions with people experiencing homelessness and opportunities for a service-based response. A protocol would really provide that high-level framework that then can be implemented on a really local level with individual police stations and inspectors there but also with councils. We know how effective that can be in terms of creating partnerships with services in local areas. The City of Yarra did a really good job with Launch around that to really set up a partnership where then their enforcement officers actually do get training but also support to think about alternatives to just fines and charges, which is what people resort to, because they are under a lot of pressure to respond and they are in really complex situations. So we need to give them another option.

The CHAIR: We have run out of time.

Ms SOWERWINE: Thank you so much for the opportunity to come and speak. We think this is a really incredible opportunity, and we are really pleased that you are doing this. Looking at the questions of justice and legal issues as part of the Inquiry is so important.

The CHAIR: Thank you both. I think the lens that you are placing on it from a legal perspective will hopefully show us some opportunities to enact some change. We look forward to your submission. Thanks again.

Mr LAVERY: Thank you.

The CHAIR: And you will receive the transcript in a few days. Please correct it if you need to.

Witnesses withdrew.