

Homelessness

Executive Summary

Homelessness is ‘one of the most potent examples of disadvantage in the community, and one of the most important markers of social exclusion’.¹

The causes of homelessness ‘are complex, with no single trigger’.² Australian research has found that the most consistent predictors of long-term homelessness are interactions with substance abuse, mental illness and the out-of-home care system.³ Other causes include poverty and lack of affordable housing;⁴ domestic and family violence;⁵ and experiences of child abuse and neglect.⁶

In respect of Aboriginal and Torres Strait Islander people experiencing homelessness, the [*Australian Homelessness Monitor 2018*](#) report found:

Disproportionate rates of Indigenous homelessness are inseparable to their high rates of unemployment, exclusion from education and training, mandated engagement with the child protections system, family violence and engagement with the criminal justice system, including incarceration ... the high rates of Indigenous disadvantage interact with the housing market and drive the disproportionate extent to which Indigenous people experience homelessness in Australia compared to non-Indigenous Australians.⁷

Homelessness can be both a cause and consequence of involvement with the criminal justice system.⁸

Homeless people are overrepresented in the Australian prison population, and ex-prisoners are also overrepresented in the homeless population,⁹ with people exiting custodial settings at increased risk of homelessness and ‘also less likely to exit homelessness’.¹⁰

The impacts of experiences of homelessness include social exclusion¹¹ and poor physical and mental health outcomes,¹² and trauma which can have intergenerational effects.¹³

The potential relevance of evidence of homelessness in sentencing proceedings includes an assessment of *moral culpability*; moderating the weight to be given to *general deterrence*; and determining the weight to be given to *specific deterrence* and *protection of the community*. There may also be issues relating to the likelihood of *hardship in custody*, a finding of *special circumstances* and the shaping of conditions to enhance prospects of *rehabilitation*.

¹ Department of Human Services (Vic), *Victorian Homelessness Strategy: Action Plan and Strategic Framework* (2002), cited in Australian Bureau of Statistics, [Census of Population and Housing: Estimating Homelessness, 2011](#) (Catalogue No 2049.0, 12 November 2012).

² Launch Housing, [Australian Homelessness Monitor 2018](#) (Report, 2018) 26.

³ Rosanna Scutella et al, 'Understanding Lifetime Homeless Duration: Investigating Wave 1 Findings from the Journeys Home Project' (2013) 48 *Australian Journal of Social Issues* 83, 84. See also Australian Human Rights Commission, [Homelessness is a Human Rights Issue](#) (Report, 2008).

⁴ See, eg, Launch Housing, [Australian Homelessness Monitor 2018](#) (Report, 2018) 61. See also Glen Bramley and Suzanne Fitzpatrick, 'Homelessness in the UK: Who Is Most at risk?' (2017) 33 *Housing Studies* 96, 97.

⁵ Australian Housing and Urban Research Institute, *Home and Safe? Policy and Practice Innovations to Prevent Women and Children Who Have Experienced Domestic and Family Violence from Becoming Homeless* (Final Report No 196, 2012), cited in Australian Institute of Health and Welfare, [Specialist Homelessness Services Annual Report 2017–18](#) (February 2019).

⁶ Australian Institute of Family Studies, '[Child Maltreatment, Homelessness and Youth Offending](#)' (4 October 2017); Royal Commission into Institutional Responses to Child Sexual Abuse, [Final Report](#) (2017) vol 3,155.

⁷ Launch Housing, [Australian Homelessness Monitor 2018](#) (Report, 2018) 26.

⁸ Public Interest Advocacy Centre, '[Facing the Outside World: The Voices of Those Who Exit the Prison into Homelessness](#)' (2017); Australian Institute of Criminology, [Homelessness and Housing Stress among Police Detainees: Results from the DUMA Program](#) (Trends and Issues in Crime and Criminal Justice Report No 492, February 2015); Justice Health and Forensic Mental Health Network, [2015 Network Patient Health Survey Report](#) (May 2017) 13; Andrew Bevvitt et al, [Journeys Home Research Report No 6: Complete Findings from Waves 1 to 6](#) (May 2015) 67; Australian Institute of Criminology, [Homelessness and Housing Stress among Police Detainees: Results from the DUMA Program](#) (Trends and Issues in Crime and Criminal Justice Report No 492, February 2015) 2; Australian Institute of Family Studies, '[Child Maltreatment, Homelessness and Youth Offending](#)' (4 October 2017); Mental Health Council of Australia, [Home Truths: Mental Health, Housing and Homelessness](#) (Report, March 2009) 16.

⁹ See Australian Institute of Health and Welfare, [Specialist Homelessness Services Annual Report 2017–18](#) (February 2019); Justice Health and Forensic Mental Health Network, [2015 Network Patient Health Survey Report](#) (May 2017); Australian Institute of Criminology, *Ex-Prisoners, SAAP, Housing and Homelessness in Australia: Final Report to the National SAAP Coordination and Development Committee* (Report, 2004) vi.

¹⁰ Australian Institute of Health and Welfare, [Specialist Homelessness Services Annual Report 2017–18](#) (February 2019).

¹¹ Australian Human Rights Commission, [Homelessness is a Human Rights Issue](#) (Report, 2008); Graham Tipple and Suzanne Speak, '[Attitudes to and Interventions in Homelessness: Insights from an International Study](#)' (Conference Paper, Centre for Urban and Community Studies' International Conference on Adequate and Affordable Housing for All, 24–27 June 2004) 2.

¹² Australian Human Rights Commission, [Homelessness is a Human Rights Issue](#) (Report, 2008); Department of Families, Housing, Community Services and Indigenous Affairs (Cth), [The Road Home: A National Approach to Reducing Homelessness](#) (2008) 7; Mental Health Council of Australia, [Home Truths: Mental Health, Housing and Homelessness](#) (Report, March 2009) 15; Homelessness NSW, [Inner City Sydney Registry Week 2015 Report](#) (Report, February 2016) 12.

¹³ Paul Flatau et al, [Lifetime and Intergenerational Experiences of Homelessness in Australia](#) (Australian Housing and Urban Research Institute Final Report No 200, 2013) 1; Department of Families, Housing, Community Services and Indigenous Affairs (Cth), [The Road Home: A National Approach to Reducing Homelessness](#) (2008) 10.