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.


