

# STREET RIGHTS



newsletter of the pilch  
homeless persons'  
legal clinic

issue 63 | july 2010

# Women, Prison and Homelessness

Research shows that women are more likely to commit crimes related to their drug use than men. Between 1999 and 2009, the number of women in prison has more than doubled. Although the number of women prisoners has risen, imprisonment is clearly not rehabilitating offenders. Studies have also shown that if an ex-prisoner moves housing frequently after their release, they are more likely to return to prison.

The government is currently looking into how drug-related offending affects the number of female prisoners. The Council to Homeless Persons (CHP) and the HPLC wrote to the government, arguing that there is a strong link between drug-related crimes and homelessness. A person may commit more offences if they are homeless. Research suggests some people commit theft to pay for accommodation, and some commit crimes so that they can return to the relative stability and security of prison.

Ex-prisoners are particularly vulnerable to becoming homeless. Many prisoners don't have suitable accommodation lined up when they are released, and they face a number of barriers when searching for housing. The private rental market is increasingly competitive and unaffordable. Public housing is limited, with long waiting lists.

People living in hostels and rooming houses are often exposed to an environment of drug use and crime. This type of housing can have high numbers of residents with substance dependencies, making drug use commonplace, and easy to access. The HPLC has asked the government to recognise that a lack of secure and appropriate housing may influence drug-related offending that causes women to enter custody.

Without safe and secure housing, ex-offenders are continually exposed to the dynamics of heroin use on the street. The HPLC believes that safe and secure housing will improve the social, physical and mental wellbeing of drug users. A drug user who lives in stable accommodation can access a range of general health benefits, including better nutrition and basic hygiene. Stable accommodation may also create distance between the user and the drug-using environment on the street. The government should recognise that drug users need stable housing in order to combat the links between homelessness and drug use.

Another reason behind women offending and entering prison is their continuing drug use. Research has shown that because methadone programs are often unavailable or have long waiting lists, some women reoffend to support their drug use. We recommended that the government recognise that immediate and free access to methadone programs is needed to reduce continued drug use and the risk of ex-prisoners re-offending.

The HPLC believes that affordable and appropriate housing is fundamental for prisoners to reintegrate into the community. Imprisonment even for a short period of time is linked to an increase in homelessness. We need to be sure that prisons aren't factories for homeless people, and that people are able to access the housing, health and other supports they need to live a dignified life.



## Assessment and Referral Court List (Victoria)

The Assessment and Referral Court (ARC) list is a new program developed by the Magistrates' Court of Victoria and the Department of Justice. It aims to assist accused persons who have mental health issues by having their case heard at a special court hearing.

### Why was it created?

This list was created to help improve the health and wellbeing of accused persons with a mental health problem by providing them with access to treatment and other support services. The list aims to improve court processes and allow courts to have more options when responding to accused persons with mental health issues.

### Who can be on the program?

A defendant who has been charged with an offence will be eligible to have their matter listed in the ARC list program if they:

- have a mental health problem, an intellectual disability, acquired brain injury, autism spectrum disorder or a neurological impairment (e.g. dementia)
- have a substantially reduced capacity in one of the areas of: caring for themselves, managing their needs & wants and interacting and/or communicating with others.
- would benefit from receiving services
- agree to participate in the program

It is important to note that not all defendants who are eligible will be able to be listed with the program. Priority will be given to those with the most complex

needs first. Staff at the Court Integrated Services Program (CISP) will decide which matters proceed within the ARC List.

### Who can refer someone onto the program?

Referrals to be in this program will be accepted from a number of people including the accused, significant others, community service organisations, magistrates, police, prosecutors, legal representatives and other court based support services.

For referrals for eligibility, assessments lawyers will need to complete a CISP referral form and request an ARC assessment. CISP will do an opening assessment and refer eligible defendants to psychologists. They will then further assess the defendant and develop a plan to support them. They will then decide whether the defendant should be accepted onto the program.

### What forms need to be filled out?

An ARC List Referral Form will need to be filled out. These are available from the Court Support Services counter, Level 4 Melbourne Magistrates' Court and the Publications and Forms panel on the Magistrates' Court of Victoria website ([www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au)).

### How does the program work?

If accepted, defendants will be case managed and referred to a range of mental health, disability, housing, drug and alcohol, health and other support services as needed. The defendant will appear before the magistrate for regular reviews of their progress. How often a person's case is reviewed will depend on the needs and complexity of each person's situation.

## Q&A

Isaac Lowrie  
Allens Arthur Robinson



### What inspires you to volunteer as a lawyer at the Homeless Persons' Legal Clinic?

As a general rule, law can be complex, rigid and inaccessible. Clients at the HPLC often feel intimidated and disenfranchised by this system. The aim of the HPLC lawyer is to harness the power of the law to assist, rather than punish, people. Helping HPLC clients in this manner is incredibly rewarding and also fundamental to ensuring the law is applied as the balanced instrument it is.

### When you are not being a lawyer, what do you do in your spare time?

Outside of work, I fall into the category of 'jack of all trades, master of none'. The Tasmanian side of me loves being outside, whether attempting to catch waves at Barwon Heads on my mini-mal, on the golf course (a lawyer playing golf - how cliché!) or riding my bike. However, since moving to Melbourne I've certainly been caught up in the wining and dining culture, whether that be out on the town, or at home trying to prove my Master Chef credentials (which my house-mates will attest are certainly lacking!)

If a defendant successfully completes the program, the magistrate has the power to dismiss the charge/s without any finding of guilt or impose a more lenient penalty. Any failure to take part in the program cannot be taken into ac-

# CAG Chronicle July 2010

I am a newly recruited member of the HPLC Consumer Advisory Group (CAG). Although I have only been on the group a short time and am still absorbing the practices and processes of how the CAG works, I am very excited about the possible opportunities I will have to contribute to issues I am so passionate about.

Having recently left behind a life of homelessness, addictions, extreme mental health issues and destructive relationships, I feel it's now necessary to use my experiences to ultimately help others living with similar struggles to mine.

Without the help of many different services available in Melbourne, my quality of life would have been much worse than it already was, and I believe my first-hand experience and knowledge gained by being a 'regular service user' can be used to help identify and assist with necessary change and growth within the community.

If I just left my past behind me, I would remember it as 'that depressing, waste of a chunk of time in my life', whereas if I use it to help strengthen my community in some way, I can view it as a necessary lesson to help improve other peoples' lives, and in turn, empower and heal mine.

The CAG, to me, is also an opportunity for others to help me learn and grow. It's a way of re-engaging with society, socialising and stimulating my brain, which is something I lost along the way...until now.

- Bianca

## Good news story

Tom\* is a 66 year old man who was living in a public housing high rise in terrible conditions. He had death threats made against him, had been threatened with a knife and his neighbours suffered from serious mental health and alcohol and drug issues. As an older person, Tom felt very vulnerable and unsafe. He suffered from depression, anxiety, agoraphobia and was under severe stress. His application for an early housing transfer in 2008 was approved by the Office of Housing but he was told that he would have to wait at least 2 years for a property to become available. Tom tried desperately to move from the high rise by engaging housing workers, applying to housing associations and writing to his local member of Parliament but to no avail. Tom attended the HPLC on the advice of a case worker to see whether the HPLC lawyers could do anything for him.

HPLC lawyers wrote to the Office of Housing setting out Tom's distressing living conditions and the impact this was having on his well-being. The lawyers argued that allowing Tom to continue living in the high rise would be a breach of his human rights under the Victorian Charter of Human Rights, namely his right to live with human dignity and his right to security of person. Just over a week later, the Office of Housing contacted Tom to let him know that a low density property was available in the area he requested. Tom was delighted and moved in soon after. He was very thankful for the assistance of the HPLC lawyers and said that they had restored his trust in people and society.

\* Names have been changed.

## Subscribe

Please contact 1800 606 313 or [hplc@pilch.org.au](mailto:hplc@pilch.org.au) to subscribe, or to have your say.

The HPLC provides free legal advice at these locations and times:

Melbourne Citymission  
214 Nicholson Street  
Footscray 3011  
Mon: 10:30am - 1:00pm  
Footscray train station - Tram 82 (Droop St)

Ozanam House  
179 Flemington Rd  
North Melbourne 3051  
Tues: 10:00am - 12:00pm  
Flemington Bridge train station  
Trams 55, 59, 68 (Flemington Rd)

Urban Seed (Credo Café)  
174 Collins St, Melbourne 3000  
(Approach via Baptist Pl, off Little Collins)  
Tues: 12:00pm - 1:00pm

St Kilda Crisis Contact Centre  
(for women and their accompanying children)  
29 Grey St  
St Kilda 3182  
Tuesdays 12pm - 2:00pm  
Trams 79, 96, 112

Flagstaff Crisis Accommodation  
9 Roden St,  
West Melbourne 3003  
Tues: 1:00pm - 2:30pm  
North Melbourne train station - Tram 57  
(Victoria Street)

Salvation Army Life Centre  
69 Bourke Street  
Melbourne 3000  
Tues: 12:30pm - 2:00pm

Hanover Southbank  
52 Haig St, Southbank 3205  
Wed: 1:15pm - 3:00pm  
Southern Cross train station - Tram 112  
(Clarendon Street)

HomeGround Housing  
1A/68 Oxford Street  
Collingwood 3066  
Thurs: 12:00pm - 2:00pm  
Collingwood train station - Tram 86 (Smith Street)

VACRO  
116 Hardware Street  
Melbourne 3000  
Thurs: 1.00 - 3.00pm  
Melbourne central station  
- Tram 19, 57 and 59 (Elizabeth Street)

Northside Geelong  
92 Cox Rd, Corio  
Thurs: 12:00pm - 2:00pm

The Big Issue  
148 Lonsdale Street  
Melbourne 3000  
Fri: 2pm - 3pm

St Luke's Anglicare  
175 Hargreaves Street, Bendigo  
Every Friday, 10am - 12pm

PILCH  
Level 17, 461 Bourke Street  
Melbourne, VIC 3000  
(03) 8636 4408 or 1800 606 313  
[www.pilch.org.au](http://www.pilch.org.au)