



Victorian Aboriginal Legal Service *Nuther-mooyoop* to
the Yoorrook Justice Commission: Housing and
Homelessness

March 2024



Contents

Contents.....	2
Background to the Victorian Aboriginal Legal Service.....	3
DETAILED SUBMISSIONS.....	9
Introduction.....	9
Governance, Oversight and Accountability.....	12
Aboriginal Housing and Homelessness.....	16
Overarching Issues Impacting Culturally Safe, Adequate and Secure Housing for Aboriginal Peoples	21
Positive Approaches Demonstrating Good Practice, Innovative Approaches to Improve Housing and Homelessness Experiences.....	36
A self-determined approach to addressing housing and homelessness.....	40

Background to the Victorian Aboriginal Legal Service

The Victorian Aboriginal Legal Service (VALS) is an Aboriginal Community Controlled Organisation (ACCO) with 50 years of experience providing culturally safe legal and community justice services to our people across Victoria.



In 2023, we were proud to launch the official logo of our 50th anniversary, 'Koori Woman of Justice'.

The artwork was designed by the deadly Natasha Corrigan, a Walabhul, Bundjalung, Dungidau/Dala and Jinibara artist born and living on Wurundjeri land.

In Natasha's words, the design is a representation of VALS' work over the past 50 years towards the Victorian Aboriginal Communities. The colours used are a depiction of our Aboriginal flag. Aboriginal symbolisms are used to showcase the journeys made by community members and VALS representatives, these symbols tell the story of our journey from one place to another or symbolically from one situation to another. They represent each person, family and organisation that has been and continue to be supported by VALS.

Legal Services


Our legal practice serves Aboriginal people of all ages and genders. Our 24-hour criminal law service is backed up by the strong community-based role of our Client Service Officers (CSOs). CSOs help our clients navigate the legal system and connect them with the support services they need.

Our **Criminal Law Practice** provides legal assistance and representation for Aboriginal people involved in court proceedings. This includes bail applications; representation for legal defence; and assisting clients with pleading to charges and sentencing. We aim to understand the underlying reasons that have led to the offending behaviour and ensure this informs the best outcome for our clients.

Our **Civil and Human Rights Practice** supports clients with consumer issues, infringements, tenancy issues, coronial matters, discrimination issues, working with children checks, employment matters and Personal Safety Intervention Orders.

Our **Aboriginal Families Practice** provides legal advice and representation to clients in family law and child protection matters. We aim to ensure that families can remain together and children are kept safe. We are consistent advocates for compliance with the Aboriginal Child Placement Principle in situations where children are removed from their parents' care.

Our **Wirraway Police and Prison Accountability Practice** supports clients with civil litigation matters against government authorities. This includes for claims involving excessive force or unlawful detention, police complaints, and coronial inquests (including deaths in custody).



Balit Ngulu is our dedicated legal practice for Aboriginal children providing support in criminal matters. Balit Ngulu is designed to be trauma informed and provide holistic support for our clients.

Community Justice Programs

Our Community Justice Programs (CJP) team is staffed by Aboriginal and Torres Strait Islander people who provide culturally safe services to our clients and community.

This includes the Custody Notification System, Community Legal Education, Victoria Police Electronic Referral System (V-PeR), Regional Client Service Officers and the Baggarrook Women's Transitional Housing program.

Policy and Communications

VALS informs and drives system change initiatives to improve justice outcomes for Aboriginal people in Victoria. VALS works closely with fellow members of the Aboriginal Justice Caucus and ACCOs in Victoria, as well as other key stakeholders within the justice and human rights sectors.

Acknowledgement

VALS pays our deepest respect to traditional owners across Victoria, in particular to all Elders past, present and emerging. We also acknowledge all Aboriginal and Torres Strait Islander people in Victoria and pay respect to the knowledge, cultures and continued history of all Aboriginal and Torres Strait Islander Nations.

We pay our respects to all Aboriginal and Torres Strait Islander Elders who have maintained the struggle to achieve justice.

Across Australia, we live on unceded land. Sovereignty has never been ceded. It always was and always will be Aboriginal land.

Contributors

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Note on Language

Throughout this document, we use the word 'Aboriginal' to refer to Aboriginal and/or Torres Strait Islander people, communities and organisations. VALS acknowledges that there are many Aboriginal people in Victoria who have Torres Strait Islander heritage, and many Torres Strait Islander people who now call Victoria home.

SUMMARY OF RECOMMENDATIONS

Recommendation 1. The right of Aboriginal peoples to self-determination must be enshrined in all relevant legislation, including the *Victorian Charter of Rights and Responsibilities*.

Recommendation 2. The Victorian Government should extend the deadline for the Yoorrook Justice Commission's final report to at least June 2026.

Recommendation 3. The Yoorrook Justice Commission should provide further opportunities for individuals and organisations to make written submissions, with longer submission deadlines and consultation periods.

Recommendation 4. The right to adequate housing to be enshrined in the *Victorian Charter of Human Rights and Responsibilities*.

Recommendation 5. The Victorian Government must commit to delivering the Aboriginal Housing and Homelessness Framework, *Mana-na woorn-tyeen maar-takoort*, in full.

Recommendation 6. For Yoorrook to call on the former and current Ministers for Housing to give evidence as part of the housing and homelessness hearings, and in particular hold them to account for not responding to relevant inquiries in a timely manner and progressing critical reforms.


Recommendation 7. Victorian government departments must develop data access and sharing agreements with and for ACCOs and Traditional Owners in their sector, as provided for under the Victorian Closing the Gap Implementation Plan.

Recommendation 8. As per the Productivity Commission's Closing the Gap Review Report, the Victorian Government should appropriately fund and resources Aboriginal Community Controlled Organisations and other relevant bodies to strengthen the technical capability of ACCOs and invest in Indigenous data infrastructure.

Recommendation 9. In accordance with Indigenous Data Sovereignty and Indigenous Data Governance, government departments and entities – including the Department of Families Fairness and Housing and Department of Justice and Community Safety, should enter into data access and data sharing agreements with ACCOs (including VALS) to ensure governance, choice and control over data about Aboriginal communities.

Recommendation 10. For the Victorian government to commit to building more public housing to meet the needs of the Aboriginal community.

Recommendation 11. The Victorian Government must allocate adequate funding, as part of nation building, to deliver coordinated and proactive Aboriginal-led approaches in preparation, response, care and recovery for any climate disasters or health emergencies in the future. This could be negotiated through treaty, or interim agreements and allocated through the Self-Determination fund for the benefit of the First Peoples of Victoria.



Recommendation 12. For additional funding to be provided to CLC's, particularly Aboriginal Legal Services to undertake proactive outreach and community legal education around disaster preparedness and response.

Recommendation 13. For the Commission to call the State Revenue Office to provide evidence as to how many of the reported 2874 successful applications for the Homebuyer fund were Aboriginal alongside considering whether a quota for Aboriginal applications should be included for this scheme.

Recommendation 14. For VCAT to be funded appropriately.

Recommendation 15. The Victorian government to fully implement all recommendations of the Royal Commission into Aboriginal Deaths in Custody report, in particular those that relate to economic development, employment and racial discrimination.

Recommendation 16. Sustained funding to develop and deliver anti-racist training and resources that speaks to the experiences of Aboriginal peoples in Victoria regarding racial discrimination should be allocated to VEOHRC, in partnership with ACCOs and Culturally and Linguistically Diverse community representative bodies. This training would be for duty holders under the Equal Opportunity Act and the Victorian Charter of Human Rights and Responsibilities, with resources and training modules made available online. The training should include information about obligations of duty holders, alongside best practice approaches to preventing racism before it happens. These resources must be culturally safe and trauma informed so it empowers community to know their rights and take action against discrimination.

Recommendation 17. Examine where tools like complex rental application forms are designed to discriminate against Aboriginal people

Recommendation 18. For the *Equal Opportunity Act 2010* (EO) to be amended to reinstate and strengthen VEOHRC's powers to undertake inquiries, investigate serious matters that contravene the EO Act, with powers to compel and seek enforceable undertakings to issue compliance notices.

Recommendation 19. Responses to offending behaviour must focus on healing, by prioritising diversion at every stage of the legal process and connecting people to integrated culturally safe services that will support them to heal and address underlying reasons for behaviour, including health, education, housing and other needs.

Recommendation 20. The Government should provide long-term and stable funding to ACCOs to deliver pre- and post-release programs for Aboriginal people, including transitional housing programs run by ACCOs, such as VALS' Baggarrook program, to support men and women leaving prison.

Recommendation 21. For Government to invest in culturally safe residential bail support and accommodation that is designed and delivered by ACCOs.

Recommendation 22. For Government to significantly increase supply of Aboriginal led, culturally safe housing for Aboriginal women and children affected by family violence.

Recommendation 23. For Government to implement recommendation 25 from the Royal Commission into Mental Health in full.



Recommendation 24. For Government to implement all relevant recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Recommendation 25. For the Commission to call Homes Victoria executives to provide an update on the progress of the Big Housing Build as it relates to commitments to address housing and homelessness for Aboriginal people as well as provide data on the numbers of Aboriginal people who live in the 44 public housing towers who will be impacted by the impending demolition.

Recommendation 26. For Government to strengthen the standards of community/social housing to be in line and equivalent to public housing.

Recommendation 27. The Victorian Government must ensure community housing providers are recognised as public authorities for the purposes of the Charter of Human Rights and Responsibilities Act 2006 (Vic).

Recommendation 28. For the Commission to seek the Minister of Housing to provide the Final Report of the Social Housing Regulation Review which is yet to be made public since it was presented on 31 May 2022.

Recommendation 29. For a self-determined Aboriginal housing model (inclusive of public, social, crisis, transitional housing) to be negotiated through treaty and interim agreements with ACCOs working alongside the First Peoples Assembly of Victoria. This must include transfer of quality housing stock, and infrastructure resources to support ACCOs deliver this model effectively.

Recommendation 30. For the Commission to develop a model as part of redress that sees the transfer of public housing stock to Aboriginal individuals and families.

DETAILED SUBMISSIONS

Introduction

VALS welcomes the opportunity to respond to the Yoorrook Justice Commissions' (**Yoorrook**) Issues Paper on Housing and Homelessness, looking at the systemic injustice experienced by Aboriginal peoples in relation to housing and homelessness.

Our *Nuther-mooyoop* details a response to the following areas identified in the issues paper that VALS sees as relevant to the work we do, and the communities that we support. Our response is grounded in our perspectives as a legal service, and the experience of our clients.

To address the current housing and homelessness crisis, fundamentally we need more public housing stock. The government is well aware of this, and yet we are witnessing them devolving their duty to provide safe, secure and affordable housing. As we detailed in our *Nuther-mooyoop* on Land Injustice, secure land tenure and housing have historically not been afforded to Aboriginal peoples as part of the systemic injustice and violent dispossession of colonial invasion.¹ The right to adequate housing is a fundamental human right, protected under international laws including the Universal Declaration of Human Rights², the International Covenant on Economic, Social and Cultural Rights³, which includes the states responsibility to take appropriate steps to realise that right.⁴ Recognition of this right, is reaffirmed in various other international instruments including the Convention of the Rights of the Child⁵ and the Convention on the Elimination of All Forms of Discrimination⁶. The United Nations Declaration of the Rights of Indigenous Peoples (**UNDRIP**) articulates the rights of Indigenous peoples to improve their social conditions, including housing, and that Indigenous people have the right to “determine and develop priorities and strategies for exercising...” this right and should be actively involved in developing and delivering programs that deliver these priorities.⁷ Australia has not implemented the right to adequate housing in legislation, nor a broader rights infrastructure.

The Commission has already heard through its inquiries into systemic injustice in child protection and criminal legal systems, as detailed in the Yoorrook for Justice Report, that Aboriginal peoples are more likely to experience “insecure and inadequate housing and homelessness”⁸, and that:

The over-representation of First Peoples children in Victoria’s child protection system is a symptom of ongoing failures and systemic racism across multiple systems including health, education, housing and justice⁹

¹ VALS, *Nuther-mooyoop* on Land Injustice, November 2023, 14.

² Universal Declaration of Human Rights, Article 25;

³ International Covenant on Economic, Social and Cultural Rights, Article 11.

⁴ International Covenant on Economic, Social and Cultural Rights, Article 11.

⁵ Convention of the Rights of the Child, Article 3.

⁶ Convention on the Elimination of All Forms of Discrimination, Article 14.

⁷ United Nations Declaration of the Rights of Indigenous Peoples, Articles 21 and 23.

⁸ Yoorrook Justice Commission (2023), *Yoorrook for Justice Report*, p147

⁹ *Ibid.* p137

This *Nuther-mooyoop* expands on our previous recommendations relating to housing and homelessness we have already provided to the Commission¹⁰

The Royal Commission into Aboriginal Deaths in Custody (**RCIADIC**) found that addressing social and economic disadvantage is a fundamental part of reducing the rates of Aboriginal people in the criminal legal system. There are clear intersections between access to and engagement with culturally safe health services, adequate and secure housing, and engagement with culturally safe education and employment alongside strong connection to culture and identity are all protective factors. The final RCIADIC report dedicated two chapters to housing and infrastructure, which details the impact of this country's violent invasion and dispossession, the ensuing control over movement and decision making, alongside the denial of rights to practice culture and customs of Aboriginal people, and articulated the need for progressive reforms.¹¹

'Homelessness' is a direct result of the loss of Aboriginal land. Through the loss of any form of secure tenure, Aboriginal people have been denied the right to live in the locations of their choice or under terms within their control¹²

The RCIADIC report outlined the direct correlation between lack of access to adequate, safe and secure housing and involvement in the criminal legal system, with a vast majority of those who died in custody homeless but many were removed "in the name of welfare as a result of family living conditions".¹³ This intersection across the criminal legal system, child protection and housing continues today. The right to redress is asserted and protected in Article 28 of UNDRIP, which clearly articulates that Indigenous peoples have a right to redress that may include "restitution, or just, fair and equitable compensation".¹⁴ In relation to housing and homelessness, VALS makes recommendations throughout this document relating to appropriate redress that the Commission should consider.

Cheap, adequate housing should be compensation for our loss of land and our way of life'.³ The injustice of having to pay to live on what Aboriginal people consider to be their own land, the exclusion from the means to ever purchase it back, the oppressive dependency on the government for housing, the poor design of houses and lack of choice are all characteristics of the present situation in the area of housing in Victoria as Koories see it.¹⁵

The right to self-determination and self-governance was articulated in the RCIADIC report, and has been called on for in the decades since.¹⁶ The Victorian government continues to fail Aboriginal peoples, and we raise our concern as to how many more inquiries are required to detail the systemic and ongoing injustice experienced by the longest continuing cultures in the world.

¹⁰ VALS, *Nuther-mooyoop* to the Yoorrook Justice Commission on: [Criminal Legal System](#) – 2022 (see recommendations 20, 21, 27) and [Land Injustice](#) -2023 (recommendation 10).

¹¹ Royal Commission Into Aboriginal Deaths In Custody, Chapters 18 and 35.

¹² Royal Commission Into Aboriginal Deaths In Custody [18.2.7]

¹³ Royal Commission Into Aboriginal Deaths In Custody [18.2.8]

¹⁴ United Nations Declaration of the Rights of Indigenous Peoples, Art 28.

¹⁵ Royal Commission Into Aboriginal Deaths In Custody [18.2.6]

¹⁶ Recommendation 188 of the Royal Commission into Aboriginal Deaths in Custody was for That governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people. (Johnston, 1991, vol 5, p111).

Overarching Feedback on Yoorrook’s Housing and Homelessness Inquiry

As per our previous Nuther-mooyoop’s to the Commission, VALS strongly advocates that the Commission’s timeframe be extended. This will allow the Commission to meet the intent of the Letters Patent to:

“Provide[s] a safe, supportive and culturally appropriate forum for First Peoples to exercise their rights to truth and justice... [and receive] testimony from First People who are victims, witnesses or survivors.”¹⁷

In Canada the Truth and Reconciliation Commission took seven years, and was funded \$72m to undertake this historic work, Yoorrook has been given three years, and received \$53.2m funding. Concerns have been raised about the rushed timeline,¹⁸ and impact this will have on the final report. Truth telling is a critical part in understanding this state’s history, and preparing to enter into treaties. This process must not be rushed. Our people deserve more.

We again reiterate that VALS wants the Yoorrook Justice Commission to be successful and complement a reform process that is desperately needed. We are disappointed that yet again, for such substantive issues, Yoorrook has not provided adequate timelines for community members and Aboriginal organisations to make meaningful contributions, regardless of its own deadlines. We understand that any submissions received after April this year will not be included in the final report, this only speaks to the limitations of such an inquiry, and we hope that this does not do a disservice to the outcomes of the Commission, and how truth telling will inform treaty negotiations and broader transformative reform. Yoorrook should consider avenues for truth telling beyond the term of the Commission.

Due to the limited timeframe for responding to the latest round of issues papers, we have been limited in our ability to include new case studies regarding housing and homelessness. VALS receives funding from Yoorrook to provide independent legal advice to community members who wish to tell their story to Yoorrook. The Lotjpa team provide legal advice and information and can also assist community members in making a submission to Yoorrook about their experiences. We have heard from our Lotjpa team that it is only recently that awareness about the Commission’s work has improved in the community to a point where there is a decent baseline understanding of the work and options to be involved.

¹⁷ Victorian Government, [Letters Patent Yoorrook Justice Commission](#), p. 4.

¹⁸ The Age, [Fears Yoorrook truth commission will fail Indigenous Victorians by trying to do too much](#)

RECOMMENDATIONS

Recommendation 1. The Victorian Government should extend the deadline for the Yoorrook Justice Commission’s final report to at least June 2026.

Recommendation 2. The Yoorrook Justice Commission should provide further opportunities for individuals and organisations to make written submissions, with longer submission deadlines and consultation periods.

Recommendation 3. Yoorrook to advocate to ensure there are avenues for truth telling beyond the term of this Commission.

Governance, Oversight and Accountability

There needs to be a coordinated and integrated approach to housing policy and programs across all jurisdictions, but it is currently a very complex interplay between housing policy, funding, delivery of services and regulation between the states and territories, and Commonwealth Government.¹⁹ The Yoorrook for Justice Report recommended that to address the injustices experienced by Aboriginal peoples there must be a self-determined approach involving the “transfer of power, authority, and resources to First Peoples via the treaty process.”²⁰ While the focus of this report related to child protection and criminal legal systems, we contend that this transformative change is required across all sectors, including housing and homelessness.

Australia has been called out in the *Human Rights Watch 2024 World Report* as falling behind other western democracies in their protection of human rights. Particularly they highlighted Australia’s failure to “address the systemic discrimination against First Nations people” and recommended that Australia introduce a Human Rights Act.²¹ In November 2023 the Australian Human Rights Commission released its *Revitalising Australia’s Commitment to Human Rights: Free & Equal Final Report 2023* which recommended that the Australian Government introduce a National Human Rights Framework and enact an associated Act, alongside other governance and accountability mechanisms to strengthen Australia’s protection, adherence to and promotion of human rights.²² If the Commonwealth Government accepted these recommendations, it would provide an opportunity to strengthen the current policy approaches to addressing housing and homelessness.

Victoria has the Victorian Human Rights Charter (**Charter**), although the right to Aboriginal self-determination is not specifically protected under the Charter and, as previously recommended to the

¹⁹ The Inquiry into the rental and housing affordability crisis in Victoria called for a national approach to address the issue involving all levels of society, both the private and government sectors, with calls to renew a long-term National Housing Policy. The Legislative Council, Legal and Social Issues Committee, [‘The rental and housing affordability crisis in Victoria’](#) November 2023, xi.

²⁰ Yoorrook Justice Commission (2023), *Yoorrook for Justice Report*, p6.

²¹ Human Rights Watch, World Report 2024 - [Australia Report](#).

²² Australian Human Rights Commission 2023, *Revitalising Australia’s Commitment to Human Rights: Free & Equal Final Report 2023*, Recommendations 1-3.

Commission, VALS calls on the Victorian Government to address this omission immediately.²³ VALS also advocates for the right to adequate housing be added to the Charter. We note, and support the recommendations from the Yoorrook for Justice Report that called for strengthening the Charter including by enabling individuals to bring legal proceedings to VCAT for a remedy, against public authorities who are alleged to have breached their human rights.²⁴ As VALS CEO, Nerita Waight argues:

That reflects a systemic issue where the charter really is not driving enough cultural change at the moment because it is so hard to bring an action if you think your human rights have been breached.

For example, the Victorian Ombudsman was able to conclude that the government breached the human rights of people living in public housing towers in Flemington and North Melbourne when they were locked down without notice, but that was months after the fact.

A standalone action clause in the charter would have allowed for real-time action to end the lockdown sooner.²⁵

The *Equal Opportunity Act 2010* (Vic)²⁶ applies a positive duty to applicable organisations and the public sector to eliminate discrimination, sexual harassment and victimisation as much as possible. The *Racial Discrimination Act 1975* (Cth)²⁷ protects against racial discrimination in many areas on public life, including land, housing and other accommodation, as detailed in s12 of the Act, alongside other provisions.

Victoria has committed to the National Agreement on Closing the Gap, which includes outcome area nine - that Aboriginal and Torres Strait Islander people secure appropriate, affordable, housing that is aligned with their priorities and need with a target of increasing “the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent”²⁸ While Victoria has recently surpassed this target, there remains a gap of about 5% compared to the non-Indigenous population.²⁹ The Victorian Aboriginal Affairs Framework’s Objective 3.1 is to increase income and housing security for Aboriginal households.³⁰ In 2020 the Victorian Government helped to launch the Victorian Aboriginal Housing and Homelessness Framework *Mana-na worn-tyeen maartakoort: Every Aboriginal Person Has a Home* which calls for an additional 300 social housing properties per annum to meet the projected future demand of 5000+ homes by 2036.³¹

We refer the Commission to recent Victorian Government inquiries that relate to housing and homelessness. The Legislative Council, Legal and Social Issues Committee, ‘The rental and housing

²³ VALS *nuther mooyop’s* on education, criminal legal system, health and healthcare, child protection and land injustice all recommended for this reform.

²⁴ Yoorrook Justice Commission, ‘[Yoorrook for Justice Report](#)’, recommendation 6.

²⁵ Kieran Rooney, Jack Latimore, ‘[Push to open up compensation for Aboriginal Victorian who suffer human rights abuses](#)’ (The Age, September 6, 2023).

²⁶ *Equal Opportunity Act 2010* (Vic), s15 and Division Three.

²⁷ *Racial Discrimination Act 1975* (Cth), Sections 12 and the Schedule – International Convention on the elimination of all forms of racial discrimination; Article 5.

²⁸ National Agreement on Closing the Gap, Outcome 9 and Target 9.

²⁹ Productivity Commission, [Socio-economic outcome area 9](#)

³⁰ Victorian Government, ‘Victorian Aboriginal Affairs Framework’ Objective 3.1.

³¹ [Victorian Aboriginal Housing and Homelessness Framework 2020](#), p16

affordability crisis in Victoria' tabled their final report in November 2023 which includes 34 recommendations.³² The same Committee also completed an Inquiry into homelessness in Victoria in 2021, the final report included 51 recommendations. The Victorian government provided a response to the Inquiry 899 days after it was due, which is well past the legislated six-month timeframe.³³ Of the Inquiry's 51 recommendations, the Government supported 45 fully or in-principle, committed to reviewing four and rejected two.³⁴ We are disappointed that the recommendations 32-34 regarding the Charter are still 'under review' when so much time has passed since the report was tabled. Those recommendations should be fully supported to ensure the Charter can be properly applied to social housing renters. VALS recommends compelling both the current and former Ministers for Housing to give evidence to Yoorrook and hold them to account for not providing a timely response during a period of acute housing stress and showing contempt and a lack of respect for those who were involved in the Inquiry and the homelessness crisis that continues, and seek a response to both inquiries immediately.

Indigenous Data Sovereignty and Governance

As detailed in VALS' previous submissions to the Commission, alongside our most recent nuther-mooyoop's on health and healthcare and education and our submission to the FOI Act Review,³⁵ the concepts of Indigenous Data Sovereignty (**IDS**) and Indigenous Data Governance (**IDG**) mandate that Aboriginal communities and Aboriginal Community Controlled Organisations (**ACCOs**) have a right to access and interpret information concerning Aboriginal individuals and communities, as well as the right to determine how the data is used and disseminated within mainstream society.³⁶ The authority and control over such data not only ensures that the information is understood in its appropriate context, but is also beneficial to ACCOs to ensure that the services and programs provided meet the demand and needs of Aboriginal communities.³⁷

The Productivity Commission's Closing the Gap Review Report, released on 7 February this year, proposes that the National Agreement on Closing the Gap is amended to include IDS and IDG under Priority Reform 4 and commits governments to reform their existing data systems in line with Indigenous Data Governance principles, and to strengthen the technical capacity of ACCOs, alongside the data capability of governments and to invest in Indigenous data infrastructure. The second part of the reform proposed regarding Indigenous Data Sovereignty is to establish a Bureau of Indigenous

³² The Legislative Council, Legal and Social Issues Committee, ['The rental and housing affordability crisis in Victoria'](#) November 2023

³³ *Parliamentary Committee Act 2003* (Vic), s36 (1); Broede Carmody, ['Key inquiries left in limbo by government's failure to respond'](#) (The Age, July 9, 2023); Parliament of Victoria, ['Government response to the Legal and Social Issues Committee Inquiry into homelessness in Victoria'](#) 20 February 2024.

³⁴ Parliament of Victoria, ['Government response to the Legal and Social Issues Committee Inquiry into homelessness in Victoria'](#) 20 February 2024.

³⁵ VALS, [Submission to Inquiry into the Operation of the Freedom of Information Act 1982](#) (January 2024), p. 12.

³⁶ VALS, [Community fact sheet: Aboriginal Self-Determination](#)

³⁷ Ibid.

Data.³⁸ VALS supports the Productivity Commission’s recommendations around IDS and IDG, but highlight the importance of ensuring Aboriginal people design the reforms.

Aboriginal data sovereignty and governance must be progressed through truth telling and Treaty while also calling for immediate reform including entering into data access and data sharing agreements and greater resourcing for ACCOs to strengthen our technical capability around data and systems infrastructure. It is critical that steps are taken immediately to support the rights of Aboriginal people and communities, individually and collectively. We maintain and reiterate our recommendations relating to data sovereignty in our Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System, 2022, and refer to our Nuther-mooyoop to the Commission on health and healthcare injustice.

RECOMMENDATIONS

Recommendation 4. The right to adequate housing to be enshrined in the *Victorian Charter of Human Rights and Responsibilities*.

Recommendation 5. The Victorian Government must commit to delivering the Aboriginal Housing and Homelessness Framework, *Mana-na woorn-tyeen maar-takoort*, in full.

Recommendation 6. For Yoorrook to call on the former and current Ministers for Housing to give evidence as part of the housing and homelessness hearings, and in particular hold them to account for not responding to relevant inquiries in a timely manner and progressing critical reforms.

Recommendation 7. Victorian government departments must develop data access and sharing agreements with and for ACCOs and Traditional Owners in their sector, as provided for under the Victorian Closing the Gap Implementation Plan.

Recommendation 8. As per the Productivity Commission’s Closing the Gap Review Report, the Victorian Government should appropriately fund and resources Aboriginal Community Controlled Organisations and other relevant bodies to strengthen the technical capability of ACCOs and invest in Indigenous data infrastructure.

Recommendation 9. In accordance with Indigenous Data Sovereignty and Indigenous Data Governance, government departments and entities – including the Department of Families Fairness and Housing and Department of Justice and Community Safety, should enter into data access and data sharing agreements with ACCOs (including VALS) to ensure governance, choice and control over data about Aboriginal communities.

³⁸ Productivity Commission, [Review of the National Agreement on Closing the Gap’ Report, Volume 1 – Study Report](#) (2024) p. 8.

Aboriginal Housing and Homelessness

Setting the scene

The dispossession of traditional lands, and forced movements have directly resulted in homelessness, through the loss of “any form of secure tenure.”³⁹ Whilst generations of non-Indigenous Australians and corporations have profited off the transfer of capital growth of land assets and tax incentives, this luxury has largely not been afforded to Aboriginal peoples. The lack of affordable and stable housing for Aboriginal peoples has directly impacted on their economic prosperity and in turn led to generational cycles of poverty.

With the current economic climate, we understand that housing stress has become the fastest growing cause of homelessness for Aboriginal people, increasing by 40 per cent over the past five years.⁴⁰ We are also particularly concerned for Aboriginal young people leaving care, Aboriginal women and children experiencing family violence, and Aboriginal peoples exiting the criminal legal system.

In 2020-2021, 17 per cent of Aboriginal people living in Victoria sought homelessness supports in Victoria, which is consistent with the year before, and that equates to that population being 13 times more likely to seek support than non-Indigenous people in Victoria.⁴¹ 51.3 per cent of Aboriginal community members rent, just under double the rate of non-Indigenous Victorians, and the Aboriginal community living in Victoria are less likely to own a home.⁴² Australian Institute of Health and Welfare (AIHW) reports that rates for Aboriginal and Torres Strait Islander peoples home ownership were consistently around 20 percentage points lower than non-Indigenous Australians across all age groups.⁴³

Housing affordability in terms of private ownership is out of reach for many Victorians. In 2020 Melbourne was assessed as being ‘severely unaffordable’ alongside other cities like Sydney, Vancouver and Auckland.⁴⁴ The Commission should refer to the final report of the Inquiry into rental and housing affordability crisis in Victoria, alongside the Victorian Aboriginal Housing and Homelessness Annual Report and Report Cards for a more in-depth review.⁴⁵ There are various government schemes to increase home ownership including the Victorian Homebuyer Fund (VHF), which is a shared equity model that enables Aboriginal Victorians to buy a home where they pay a minimum of 3.5 per cent of the deposit and VHF will contribute up to 35 per cent of the purchase price

³⁹ [Royal Commission into Aboriginal Deaths in Custody Final Report](#), [18.2.1].

⁴⁰ [New data shows true state of Victoria's homelessness crisis - Council to Homeless Persons website \(chp.org.au\)](#)

⁴¹ Victorian Aboriginal Housing and Homelessness Framework, [Annual Report Card](#), 2022, p13.

⁴² Victorian Government, The Legislative Council, Legal and Social Issues Committee, ‘The rental and housing affordability crisis in Victoria’ Final Report [2.7.1]. Rates for Indigenous Australians home ownership were consistently around 20 percentage points

⁴³ Australian Institute for Health and Welfare, [Home ownership and housing tenure](#), 5 April 2023

⁴⁴ [Demographia International Housing Affordability](#) 2021 edition, p8. This is assessed looking at the median cost of homes in the city against average income.

⁴⁵ [Victorian Aboriginal Housing and Homelessness Forum Publications](#); Parliament of Victoria, Legislative Council Legal and Social Issues Committee, ‘[Inquiry into the rental and housing affordability crisis in Victoria](#)’, Final Report 2023.

in exchange for an equivalent share in the property.⁴⁶ The Victorian Government has reported that this scheme has supported more than 7,300 Victorians to secure a home.⁴⁷ The Commission should call the State Revenue Office to give evidence as to how many of these applicants identified as being Aboriginal and whether there should be a quota determined to ensure equitable access to the scheme for Aboriginal peoples. VALS contends that this scheme is not widely known about in community, so more investment in awareness raising is required alongside dedicated financial and legal advice so community members can make informed decisions about what is achievable. The Commission should consider rent to buy/own models internationally, as we think a dedicated Aboriginal model may support an increase to home ownership, but there are inherently pitfalls to such agreements that see the consumer pay more than the home's value over the duration of the agreement.

VALS Civil and Human Rights team supports clients in relation to housing and homelessness issues including but not limited to; housing debt, notice of evictions, potential tenancy breaches, rent arrears and risk of, or experiencing homelessness. From July 2023 to February 8, 2024, they supported 112 matters relating to a housing issue. This equated to 14 per cent of all matters the civil team responded to during this period. 63 per cent of the requests for support were from Aboriginal women, and the vast majority of them (over 65 per cent) were aged between 25-64 years old, which speaks to the likelihood of them having caring responsibilities for children and/or aging parents. For the matters associated with this data, a total of \$28,902.90 is recorded against debt cleared or compensation awarded. This indicates an unnecessary financial burden relating to these issues which requires community members to seek legal assistance.

Case Study – Ella

Ella and her partner were low-income earners with two toddlers and soon expecting another child. The rental provider sent a notice to vacate to Ella and her family as he was elderly and wanted to sell his property to sort out his affairs.

Ella and her youngest child had recently been diagnosed with a disability, she was classified as a high-risk pregnancy, and her daughter was scheduled to have surgery in the coming months. Ella's family was nearby and her children attended the local childcare, which one of her children received specialist care at the centre. The family had strong ties to the community. Ella had applied for over 80 properties but was unsuccessful.

VALS assisted Ella and her family by appearing at the hearing at VCAT. The tribunal looks at whether a possession order will impose a greater burden on the renter than is reasonable in view of the impact of the order on the rental provider.

VALS argued that it was not reasonable and proportionate for a possession order to be made because:

⁴⁶ Aboriginal Housing Victoria, '[Home Ownership for Aboriginal Victorians](#)'

⁴⁷ Premier of Victoria, '[Shared Equity Fund Helps More Victorians Own a Home](#)' (Media Release, 28 January 2024)

- The rental provider has the option to sell the premise without vacant possession,
- Ella and her family were at risk of being homeless,
- Ella and her family's wellbeing was at significant risk,
- Ella and her family had strong ties to the community, and
- She made genuine attempts to try and find alternative housing.

Based on the above, it was deemed that it was a greater burden on the renter for the possession order to be granted. The VCAT member relied on a similar tribunal decision and a possession order was not granted as it was deemed that it was not reasonable and proportionate to do so considering the impact on the renter. Ella and her family were able to stay in their home.

Impact of disasters and emergencies on housing and homelessness

Aboriginal and Torres Strait Islander people are uniquely and disproportionately affected by disasters,⁴⁸ and that disasters exacerbate existing disadvantage.⁴⁹ In light of this disaster preparedness, response and recovery activities need to be guided by, and be respectful of, cultural heritage, knowledges and expertise. It needs to be place based, trauma informed and culturally safe. There are climate projection warnings of the impending reality of compounding and consecutive disasters,⁵⁰ so Aboriginal led disaster preparedness will become even more necessary, need to last for longer, and be more reflective of the needs of community.

Our Civil and Human Rights team has a dedicated Senior Lawyer and Lawyer supporting Aboriginal community-led preparedness and recovery initiatives across the state, in particular in response to bushfires, flooding and the COVID-19 pandemic.

We spoke to this issue in more detail in our nuther-mooyop on Land Injustice, but we wish to highlight that there is a significant lack of awareness by community members who are impacted by disasters that they have rights as renters or that they can get free legal advice and representation in relation to their tenancy rights. For example, our team has heard from people impacted by bushfires and floods that they immediately vacated their rental properties after being served Notices to Vacate on the ground of the condition of the premises, not knowing that they could get legal advice and representation at the Victorian Civil and Administrative Tribunal (**VCAT**) where matters including the impact of eviction on the tenant (including risk of homelessness) and whether any other order or course of action is reasonably available would be considered. Community members might also not

⁴⁸ Williamson, B. (2022). Aboriginal community governance on the frontlines and faultlines in the Black Summer bushfires (Discussion Paper No. 300/2022), Centre for Aboriginal Economic Policy Research, Australian National University

⁴⁹ Jesse Ribot (2010), 'Vulnerability does not just fall from the sky: toward multi-scale pro-poor climate policy', in Robin Mearns and Andrew Norton (eds), *Social Dimensions of Climate Change: Equity and Vulnerability in a Warming World*. (Washington DC: The World Bank), p47-49.

⁵⁰ IPCC, 'Special Report on the Ocean and Cryosphere in a Changing Climate', Summary for Policymakers, [B2]; CSIRO, ['When disasters collide: helping Australia adapt to new risks under climate change'](#), 25 September 2019.

know that lawyers can help them bring urgent and non-urgent repair applications to VCAT (including in relation to mould) and that VCAT tries to hear urgent repair matters within two days.

VALS seeks to do more community engagement, through outreach and community legal education, to raise awareness about people's rights and the supports available in response to disasters or state emergencies, alongside holding government and housing providers to account for failing to protect and afford renters their rights. We have seen the following issues relating to housing and homelessness arising from disasters, and we feel there is more work to do to better support community through these stressful and traumatic experiences.

- Increase in homelessness.
- Increase in overcrowding.
- Urgent repairs required to homes including mould.
- Associated debts (eg electricity bills from using aircon in extreme heat).
- Insurance (insurance costs can rise significantly in response to disaster affected areas and clients might have difficulty with, and be pressured by, insurance companies).
- Increase in family violence resulting in other issues eg risk of homelessness, child protection involvement.
- Trauma of forced relocation/forced evacuation due to experiences of forced displacement from Country and community, this has a compounding effect given the ongoing impact of colonisation.
- Exacerbation of other pre-existing legal issues.

Our team has also reported that the government grants made available after the 2022 floods were distributed to landowners, which discriminated against renters who were living on the affected properties. The power imbalance meant that renters didn't feel they were able to advocate for themselves out of fear of being evicted, especially given housing insecurity, the housing crisis and financial disadvantage. VALS encourages the Commission to call on relevant Ministers to look at the impact of disasters and emergencies on Aboriginal peoples across the state and to listen to Aboriginal voices on these issues.

VALS encourages the Commission to look into the emerging field of disaster justice and how:

a reorientation of recovery efforts towards the removal of inequities rather than maintaining or returning to the status quo... present[s] opportunities to progress on otherwise intractable or neglected problems⁵¹

⁵¹ Phoebe Quinn, Bhamie Williamson, Lisa Gibbs, Indigenous-informed disaster recovery: Addressing collective trauma using a healing framework, Progress in Disaster Science, Volume 16, 2022.



Current protections available to address housing insecurity

VCAT is intended to provide fair, efficient and affordable support to Victorians by making decisions about a wide range of issues, alongside supporting people to resolve disputes. In relation to housing, this includes issues that cover residential tenancies including unpaid rent disputes, bond, repairs and maintenance on properties, notices to vacate and excessive rent increases. Our Civil and Human Rights practice frequently support clients with tenancy issues and represent them at VCAT, they report that our clients have experienced living in very poor social housing stock. They regularly represent clients who are living in social housing where their housing conditions are a real concern, including mould, or damage to the house, and renters experience unjustified evictions and discrimination and racism (from neighbours and real estate agents).

VCAT enforces minimum standards of rights and responsibilities of renters and rental providers as per the *Residential Tenancies Act 1997* (Vic), and we note new rental laws came into effect in 2021 which banned rental bidding, new rental standards, and stronger protections for renters around evictions and urgent repairs.⁵² VALS was disappointed that under the guidance for what is reasonable and proportionate to make a possession order, consideration of a renters Aboriginality and their cultural rights were not included in s330A of the Act. We can include submissions specific to our clients' unique needs and experiences under s330A(j), but this provision is not adequate in protecting their unique cultural rights. Given the Act must adhere to the cultural rights protected under the Charter and the similar provisions within the criminal legal and child protection systems, having a specific note to support considerations on the unique experiences of Aboriginal people in relation to housing and homelessness, and how an order to vacate would impact them, may have afforded stronger protections of their rights as renters.

VALS calls for the Victorian Government to resource VCAT appropriately. It is our contention that currently, seeking vindication of rights through VCAT for renters takes too long to reach a hearing (sometimes upwards of a year from filing the issue). VCAT is backlogged with complaints, meanwhile renters are faced with unfair or unsafe conditions. We appreciate that the Government is aware of this problem and taking steps to address it, but far more work is needed to ensure it is functioning well.⁵³

VCAT processes must also be a more culturally sensitive process, as we find hearings are inconsistent with having an Acknowledgement of Country to begin proceedings. These processes should be strengthened.

⁵² Consumer Affairs Victoria, 2021 Victorian rental laws changes

⁵³ Premier of Victoria, [New VCAT Members To Clear Backlog And Reduce Wait Times](#)

RECOMMENDATIONS

Recommendation 10. For the Victorian government to commit to building more public housing to meet the needs of the Aboriginal community.

Recommendation 11. The Victorian Government must allocate adequate funding, as part of nation building, to deliver coordinated and proactive Aboriginal-led approaches in preparation, response, care and recovery for any climate disasters or health emergencies in the future. This could be negotiated through treaty, or interim agreements and allocated through the Self-Determination fund for the benefit of the First Peoples of Victoria.

Recommendation 12. For additional funding to be provided to CLC's, particularly Aboriginal Legal Services to undertake proactive outreach and community legal education around disaster preparedness and response.

Recommendation 13. For the Commission to call the State Revenue Office to provide evidence as to how many of the reported 2874 successful applications for the Homebuyer fund were Aboriginal alongside considering whether a quota for Aboriginal applications should be included for this scheme.

Recommendation 14. For VCAT to be funded appropriately.

Overarching Issues Impacting Culturally Safe, Adequate and Secure Housing for Aboriginal Peoples

Systemic racism and discrimination

Racism is pervasive and insidious. It is seen, heard and experienced everyday by Aboriginal people in Victoria in their everyday lives. Systemic racism is inherent in the criminal legal system and the child protection system, as discussed in great detail in our previous *nuthar moyoop's* to the Commission. In our experience, accessing housing and homelessness supports, alongside applying for housing is yet another example of the systemic discrimination faced by Aboriginal people.

At an individual level, Aboriginal people are disproportionality impacted by racial discrimination and vilification, which takes place in workplaces, in public, online, in accessing housing supports and due to where they live, and in the provision of goods and services. Aboriginal people also experience racial abuse and discrimination in their interactions with police and other actors within the criminal legal and youth justice systems, as well as other government service providers.

Yorta Yorta activist and artist, Briggs reflected on the ABC's Q&A series that in the 80s his parents were:

turned away from homeownership. They had the deposit, but as soon as the homeowner found out they were Indigenous, the home was no longer for sale. The disadvantage that we face is today, it has not left us.⁵⁴

At a systemic level, Aboriginal people, families and communities continue to be disproportionality impacted by laws, policies and institutions that are built on a foundation of violence and dispossession. Systemic racism is not about individual racist views; it is the way that laws, policies and practices produce a discriminatory outcome for racial or cultural groups. It is a key factor contributing to over-representation of Aboriginal people in the youth justice, criminal legal and child protection systems, as well as housing instability and homelessness.⁵⁵ This has all been captured in numerous inquiries including the Royal Commission into Aboriginal Deaths in Custody and the Inquiry into the Criminal Legal System.

The Victorian Equal Opportunity and Human Rights Commission reported that six per cent of the complaints they receive from Aboriginal people is related to real estate and seven per cent related to state government agencies.⁵⁶ Our Civil and Human Rights Practice have supported clients who have experienced discriminatory practices and experiences of racism towards Aboriginal people within the housing and homelessness sector. Whether this be applying for rentals, being racially abused by other renters or neighbours when living in social, public or private rental accommodation, being issued notices to vacate unfairly, as well as hotel and motel proprietors denying access to our clients to their accommodation. VALS was disappointed to see that racism was only mentioned once as a barrier to accessing mainstream services for Aboriginal people in the final report of the Inquiry into the rental and housing affordability crisis.⁵⁷ VALS hopes that the Commission is able to hear stories and experiences from community about racism they have experienced. There is greater detail in this report about discriminatory practices in the private rental market, particularly when it came to screening processes.⁵⁸

VALS believes it is worth examining the design, length and accessibility of rental application forms. In many instances, rental applications must be done online, require extensive record-keeping over many years, and also require high literacy and computer literacy skills. The inaccessibility of these forms is a form of systemic racism because Aboriginal people are less likely to be able to fill out these forms in a way that gives them the best opportunity to be offered a lease due to the generational impacts of invasion, colonisation and oppression. It needs to be considered if that is in part the intent of making such forms so difficult. In many ways, complex rental applications might be understood as a modern form of redlining.⁵⁹

⁵⁴ ABC, Q&A, 11th June, 2019.

⁵⁵ VALS, '[Submission on Victoria's Anti-Racism Strategy](#)', December 2021.

⁵⁶ Victorian Equal Opportunity and Human Rights Commission, [Understanding the discrimination experienced by First Nations People 2022-2023 Data Report](#), (2023), p. 9.

⁵⁷ The Legislative Council, Legal and Social Issues Committee, '[The rental and housing affordability crisis in Victoria](#)' November 2023, 52.

⁵⁸ The Legislative Council, Legal and Social Issues Committee, '[The rental and housing affordability crisis in Victoria](#)' November 2023, 143.

⁵⁹ Redlining is a term for a set of discriminatory practices in the United States that segregated communities and blocked Black people from accessing mortgages and other financial services related to housing.

The Victorian Equal Opportunity and Human Rights Commission shares Brenda's experience trying to rent a home as an Aboriginal women and single mum with four kids, with strong supporting references from previous rental properties and current employment, she raised concerns when her application was rejected because the landlord preferred renting to people without kids.⁶⁰ Under Victoria's *Equal Opportunity Act 2010* it is against the law to discriminate against someone because of their race, marital status, or parental and carer status.

Systemic racism must be eliminated, and this will require a transfer of power, authority and resources, as the current approach is not working and is failing community. As an interim measure, we call for greater resourcing to be allocated for anti-racist training and resources to be developed through VEOHRC in partnership with ACCOs and CALD community representatives. As detailed in our *nuther-mooyoop on education*⁶¹, we see a need to strengthen the process and powers associated with raising a complaint through the Victorian Equal Opportunity and Human Rights Commission to ensure the process is culturally safe and that VEOHRC is able to undertake inquiries, and investigate serious matters that contravene the Equal Opportunity Act.

For further information on our key concerns and recommendations relating to racism, please see:

- [Submission on Victoria's Anti-Racism Strategy](#) (2021);
- Submission to the [Inquiry into Victoria's Criminal Justice System \(2021\)](#) (pp. 47-49).
- VALS and VLA Submission 'Strengthening Victoria's laws to prevent hate and harm' October 2023.
- VALS *nuther-mooyop* to the Yoorrook Justice Commission on the [criminal legal system](#), 2022.

RECOMMENDATIONS

Recommendation 15. The Victorian government to fully implement all recommendations of the Royal Commission into Aboriginal Deaths in Custody report, in particular those that relate to economic development, employment and racial discrimination.

Recommendation 16. Sustained funding to develop and deliver anti-racist training and resources that speaks to the experiences of Aboriginal peoples in Victoria regarding racial discrimination should be allocated to VEOHRC, in partnership with ACCOs and CALD community representative bodies. This training would be for duty holders under the Equal Opportunity Act and the Victorian Charter of Human Rights and Responsibilities, with resources and training modules made available online. The training should include information about obligations of duty holders, alongside best practice approaches to preventing racism before it happens. These resources must be culturally safe and trauma informed so it empowers community to know their rights and take action against discrimination.

⁶⁰ Victorian Equal Opportunity and Human Rights Commission. '[Brenda's Experience trying to rent a house](#)'

⁶¹ VALS, [Nuther-mooyop on education](#), February 2024.

Recommendation 17. Examine where tools like complex rental application forms are designed to discriminate against Aboriginal people

Recommendation 18. For the *Equal Opportunity Act 2010* (EO) to be amended to reinstate and strengthen VEOHRC's powers to undertake inquiries, investigate serious matters that contravene the EO Act, with powers to compel and seek enforceable undertakings to issue compliance notices.

Criminalisation of homelessness

Aboriginal people, due to Victoria's racist policing system, are more likely to receive fines and are grossly overrepresented in the criminal legal system. Criminalisation of social and health issues effectively compounds issues of homelessness. In Victoria, the process of criminalisation, marginalisation, punishment and incarceration continues. Rather than investing in social housing, health, education, social security and support for families and parents; the government continues to invest in police and prisons.

VALS' Civil and Human Rights Practice supports many community members when they have been charged and/or fined with offences such as minor traffic offences incurred due to homelessness, like parking and toll fines, and has been successful in having fines waived. It is the cumulative nature of this kind of police contact that can further entrench poverty and homelessness. The Commission has already recommended the decriminalisation of 'offences linked with disadvantage arising from poverty, homelessness, disability, mental ill-health and other forms of social exclusion,'⁶² and we call for this to be done immediately.

VALS welcomes the decriminalisation of public intoxication, and the introduction instead of a health-based response⁶³ and we are undertaking Community Legal Education to ensure there is awareness about this approach, and that community are aware of their rights and the supports available.

For more information on our key concerns and recommendations relation to the criminalisation of people experiencing homelessness, see:

- Nuthur-mooyoop to the [Yoorrook Justice Commission: Criminal Legal System](#), 2022.
- Submission to the [Inquiry into Victoria's Criminal Justice System](#) (2021) pp. 110-112
- Submission to the [Royal Commission into Victoria's Mental Health System](#) (2019).

⁶² Recommendation 39.

⁶³ Please refer to VALS nuthur-mooyoop on health and healthcare systems, alongside the criminal legal system nuthur-mooyoop for more detail on this reform.

RECOMMENDATIONS

Recommendation 19. Responses to offending behaviour must focus on healing, by prioritising diversion at every stage of the legal process and connecting people to integrated culturally safe services that will support them to heal and address underlying reasons for behaviour, including health, education, housing and other needs.

Intersection of housing and homelessness and the criminal legal system and the child protection, family violence, health and disability sectors.

There needs to be a coordinated approach to address the housing and homelessness needs of Aboriginal peoples. Across the criminal legal, child protection and disability sectors, there is a lack of adequate supply of quality, safe, secure and affordable crisis, transitional, public and social housing stock. Across all these sectors we find there is an overreliance on transitional housing as an adequate solution rather than seeing it as a vital point in the system that must transition to more safe, secure and ongoing tenure.⁶⁴ Otherwise once the placement ends, the risk of returning to, or entering homelessness is still of primary concern.

Criminal Legal System

VALS provided a comprehensive discussion around systemic injustice experienced by Aboriginal peoples in the criminal legal system last year in our 'Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System'.⁶⁵ There is a strong intersection housing insecurity and/or experiencing homelessness and engagement the criminal legal system due to offending behaviour/s that are often linked with poverty. The recommendations included in that submission are still relevant and show the interrelationship between housing stability, family violence, child protection and engagement with the criminal legal system.

We again reiterate our asks for prioritisation and increase of housing stock for those exiting the criminal legal system at all points including, diversion, bail, parole, post-release. This will require significant investment in emergency and transitional housing alongside residential bail support programs. It has been reported that one in four people incarcerated were homeless in the month before entering prison, and one third of people exiting prison do so into homelessness which indicates a strong correlation between homelessness an engagement in the criminal legal system.⁶⁶

Later, we feature two transitional housing support programs that we call for the government to invest additional resources in, VALS' Baggarrook Women's Transitional Housing program, and VACCA's Youth Through Care program.

⁶⁴ VALS understands that it is a systemic issue that tenants in transitional housing overstay their lease because they have no other options. In this way, transitional housing is transitional in name only. By relying on transitional housing as a more permanent form of housing, the impact of transitional housing is greatly minimised.

⁶⁵ [VALS 'Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Justice System' 2022.](#)

⁶⁶ Jesuit Social Services, [Homelessness Week 2022 – stable housing helps people get their lives back on track](#); Ali MC, ['Australia's 'revolving door' of prison and homelessness](#) (Aljazeera, 23 August, 2021)

VALS' Wirraway Police and Prison Accountability Practice is currently representing the family of Ms Heather Calgaret in a Coronial Inquest. Heather was a proud Yamatji, Noongar, Wongi and Pitjantjatjara woman. She loved her culture and enjoyed painting and writing. Heather was the rock of her family, always helping and caring for everyone. Heather passed away at Sunshine Hospital after she was transferred from the Dame Phyllis Frost Centre prison in a critical condition. At the recent directions hearing, the scope of the Coronial Inquest confirmed the inclusion of an examination of the process of her parole application, including delays in assessing her application, the availability of programs to enable her to be eligible for parole, and support for her to obtain suitable accommodation. VALS understands that this is the first time a Victorian Coroner will examine the state's parole process in relation to a passing since the toughening of parole laws.⁶⁷ VALS encourages the Commission to follow this inquest when it begins on 29 April 2024, as its outcome will impact health and healthcare, criminal legal systems and housing and homelessness. Reforming Victoria's parole system remains a critical priority.⁶⁸

Since VALS provided our submission to the Commission in 2022 there has been some progress, particularly relating to bail reform. We know that without suitable housing, bail can be refused. The Yoorrook for Justice Report highlighted the systemic racism that was being perpetuated against Aboriginal people in the criminal legal system, including access to bail.

The *Bail Amendment Act 2023* (Vic) passed in October 2023 and will come into effect on 25 March 2024. These reforms are a direct result of the sustained and courageous advocacy of Uncle Percy and Aunty Donna, who have fought so hard since Veronica Nelson passed away in custody in 2020, including for bail reform as set out in Poccum's Law⁶⁹.

Although the recent reforms do not go far enough in terms of implementing Poccum's Law, nor the Commission's own recommendations on bail reform,⁷⁰ they include significant wins that will directly benefit our clients. These include removing two out of three bail offences, strengthening the requirement for bail decision-makers to consider a person's Aboriginality, and narrowing the scope of the reverse onus provisions. There remains ongoing work to ensure that the bail system does not discriminate against Aboriginal peoples. As stated by VALS CEO, Nerita Waight,

⁶⁷ VALS, '[Heather Calgaret Coronial Inquest to examine healthcare and parole system](#)' (Media Release, February 26, 2024)

⁶⁸ See recommendations 71-72 in [VALS 'Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Justice System' 2022](#).

⁶⁹ Veronica Nelson was a Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who passed away at the Dame Phyllis Frost Centre on 2 January 2020 after days of crying out for help. Victoria's unfair and discriminatory bail laws put Veronica in prison for minor shoplifting and failure to appear on bail. Veronica passed away in that prison, alone and isolated from culture and support. In the Coronial Inquest into Veronica Nelson's passing, VALS represented Veronica's life-long partner, Uncle Percy Lovett, and has worked closely with Veronica's mother, Aunty Donna. VALS continues to advocate on behalf of Veronica's family for full implementation of Poccum's Law, which sets out four key asks for bail reform. See [VALS Briefing Paper](#) on bail reform for more detailed advocacy on this issue.

⁷⁰ Yoorrook Justice Commission, '[Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#)' 2023.

VALS will continue to advocate for the complete removal of the reverse onus provisions and for less onerous bail tests for children. We urge the Victorian Government to listen to our voice, accept our recommendations, and ensure the Bail Act is not trapping children in the legal system.⁷¹

VALS continues to advocate for culturally safe residential bail support and accommodation, that is designed and delivered by Aboriginal organisations to be funded. We support the recommendation in the Cultural Review into the Adult Custodial Corrections System (**Cultural Review**), and call on the government to immediately implement the following:

The Department of Justice and Community Safety should establish additional residential transition centres modelled on the Judy Lazarus Transition Centre, to provide better reintegration planning and support for more people in custody as they return to the community. The additional residential transition centres should include:

- a) a dedicated transition centre for women leaving custody
- b) a dedicated community-led transition centre for Aboriginal people leaving custody, developed in consultation with the Aboriginal community
- c) additional transition centres for men.⁷²

We remain concerned about the lack of progress towards implementing the full suite of recommendations from the Cultural Review.

VALS provides support to Aboriginal children and young people involved in the criminal legal system through Balit Ngulu. Balit Ngulu means ‘Strong Voice’ in Wurundjeri language. Balit Ngulu was established to ensure that young people had access to culturally appropriate legal representation. Balit Ngulu is designed to be trauma informed and provide holistic support for our clients. Balit Ngulu’s Aboriginal Community Engagement (ACE) Worker has played a critical role in supporting young people with housing. This included linking in with emergency housing, and emergency relief funds, alongside referrals to housing support programs so they could find safe, adequate and secure accommodation.

We refer to the *Our Youth Our Way* Report for a detailed discussion about the link between housing insecurity and the youth justice system.⁷³

For more information on our key concerns and recommendations relation to housing supports for people exiting the criminal legal system, see:

- Nuther-mooyoop to the [Yoorrook Justice Commission: Criminal Legal System](#), 2022.
- Nuther-mooyoop to the [Yoorrook Justice Commission: Health and Healthcare](#), 2024.
- Submission to the [Inquiry into Victoria’s Criminal Justice System](#) (2021) pp. 110-112
- Submission to the [Royal Commission into Victoria’s Mental Health System](#) (2019).

⁷¹ VALS, ‘[Bail Reform is a step towards justice and Poccum’s Law](#)’ (Media Release, October 5, 2023)

⁷² [Cultural Review into the Adult Custodial Corrections System](#), Final Report, Recommendation 6.25.

⁷³ Commissioner for Children and Young People (2021), ‘[Our Youth Our Way](#)’, [8.3].

Case Study – Balit Ngulu Client

A 13 year old young Aboriginal person, was charged with criminal damage by fire and theft of motor vehicle. Following summary conferencing with prosecution and various offers put forward by prosecution to resolve by way of diversion and caution, the matter was ultimately withdrawn noting *doli incapax*.

In this instance the prosecution were adamant that a Children’s Court Clinic report should be ordered, however, after further consultation within prosecution they conceded this was not a report that could be requested or granted by the Presiding Magistrate in the absence of consent from the young person. The young person had a complex trauma history and had missed a significant portion of his schooling as a result of homelessness which the client, his brother and his mother suffered in the process of fleeing family violence.

The young person has a diagnosis of ADHD, which was treated by a paediatrician and medication whilst he was at school, and since ceasing schooling, has not been managed by a treating GP or medication – once again, as a result of the family violence situation. The young person has only completed up to Grade 5 of his schooling, having missed the last approximately two-three years. Whilst at school, he had only partial attendance since kindergarten, attending for only a couple hours a day. The client’s minimal attendance was a result of his struggles with ADHD, and a difficult home situation.

It was our position that a combination of factors could be relied upon to support the presumption of *doli incapax* for this young person. Prior to closing our file, the young person was adequately supported by a local youth support service and was in the process of linking our client back in with alternative schooling options.

This case study also reflects the need to raise the age of criminal responsibility to 14 years old without exception, which we have called for in previous *nuther-mooyoop*’s to the Commission.

Child Protection and Family Violence

VALS provided a comprehensive discussion around systemic injustice experienced by Aboriginal peoples in the criminal legal system last year in our ‘*Nuther-mooyoop to the Yoorrook Justice Commission: Child Protection*.’⁷⁴ As the Commission is well aware, insecure housing can lead to and prolong involvement with child protection for Aboriginal families. The Commission has already heard that structural barriers like poverty and homelessness can impede reunification which only further traumatises a family.⁷⁵ VALS welcomed the Yoorrook For Justice Reports recommendations including for a self-determined Aboriginal child protection system to be developed, and for substantial increase in investment in ACCOs delivering prevention and early help/intervention services which would

⁷⁴ VALS, ‘*Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System*’. 2022.

⁷⁵ Yoorrook for Justice Report, Witness Statement of Argiri Alisandratos, 21 March 2023, 54 [217]–[218]; see also 57 [253], p217; The Family Matters Report 2021 (n 1) 38.

include access to housing supports.⁷⁶ VALS is working alongside Djirra and other key stakeholders, including the First Peoples' Assembly of Victoria, to look at what this might look like.

The Commission has paid significant attention to Aboriginal children and young people living in residential care and the complex issues they are facing and the increased likelihood of entering homelessness. The *Our Youth Our Way* Report detailed that young people who left care in Victoria between 2013 and 2015, nearly one third were identified as homeless, and that young people who left care from residential care were most likely to experience homelessness.⁷⁷ The state is failing their duty of care to these young people if they are entering homelessness so soon after leaving care.

VALS has chosen to make a stand-alone submission in response to the injustices experienced by Aboriginal women and children due to family violence. We refer to that for a more detailed discussion but raise the following points specifically to the intersection between family violence and the risk of homelessness.

There is currently a significant undersupply of culturally safe, appropriate housing options (crisis, transitional, short term and private rental) for Aboriginal women and children affected by family violence, as well as women leaving incarceration who've experienced family violence, and young people leaving care who in, or at risk of, entering unsafe relationships and being exploited.⁷⁸ Family violence is the largest driver of Aboriginal women and children entering homelessness, and for children entering out-of-home care.⁷⁹ Too often we see Aboriginal women stay in violent relationships because of the risk of being homeless and not being able to provide for their children. The Victorian government must do more to protect Aboriginal people have higher rates of homelessness in Victoria than anywhere in Australia, and the rate of homelessness in Victoria has risen by 40 percent prior to 2023.⁸⁰

The Victorian Big Housing Build has provided some support to the provision of affordable transitional and crisis accommodation, but this is not meeting community needs.⁸¹ Family violence providers and housing and homelessness providers, alongside other specialist services are all calling for more housing stock across crisis, refuge, transitional, social, public and private rentals. We understand from Djirra that there are significant wait lists for family violence priority housing transfers. Housing is a fundamental human right that is not being adequately protected. Too often we see that Aboriginal women are faced with an impossible situation of staying in a violent home, or leaving without secure, affordable and appropriate housing that meets the needs of her children. This risks returning to the

⁷⁶ Yoorrook for Justice Report, recommendations 1 and 8 (b).


⁷⁷ Commissioner for Children and Young People (2021), *'Our Youth Our Way'*, p320.

⁷⁸ Aboriginal Housing Victoria, ['Blueprint for an Aboriginal-specific homelessness system in Victoria'](#) p. 24; Phil Mendes, Jacinta Walsh, Lena Turnbull, 'Casualties of a system in crisis: Young, Indigenous and forgotten after leaving out-of-home-care' (Monash Lens, 12 October 2020)

⁷⁹ Yoorrook Justice Commission, Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems, 2023, p.128.

⁸⁰ DFFH, Strategic Plan 2022-2026 ['All Victorians have stable, affordable and appropriate housing'](#); Council to Homeless Persons, ['New data shows true state of Victoria's homelessness crisis'](#) (Media Release, March 22, 2023)

⁸¹ Aboriginal Housing Victoria, ['Blueprint for an Aboriginal-specific homelessness system in Victoria'](#) p. 24; The Victorian Government has invested \$35 million to strengthen the Aboriginal Housing Sector and provide some 2,000 Aboriginal Victorians with modern, appropriate housing.



violent relationship, or entering homelessness as well as the risk of child protection becoming involved.

VALS' Baggarrook program is an intensive support program for Aboriginal women transitioning from custody that are at high risk of homelessness that is part of our Community Justice Programs. We discuss this program in more detail later.

Health

Safe, inclusive, adequate and secure housing supports are also required for those experiencing health and mental health issues. On the one hand there are health consequences due to poor housing, like mould, poor heating and cooling, and poor ventilation. These substandard conditions can exacerbate pre-existing health conditions, which make community members more vulnerable. VALS Civil and Human Rights team has advocated for numerous community members where their health has been impacted by unfit housing conditions. We have also advocated for clients subject to compulsory inpatient treatment orders. Long-term in-patient treatment orders put clients housing arrangements at risk and some of our clients may have lost their housing but for our legal advocacy to ensure the least restrictive option was adhered to. Some clients have also had to remain in hospital or other care facilities for a longer duration than required to wait for appropriate housing, sometimes this is caused by delays in setting up NDIS supports. Stronger protections must be afforded to renters and protecting their rights to safe, affordable and inclusive housing. Recommendation 25 of the Royal Commission into Mental Health recommended a number of reforms specifically to the needs of people living with mental illness and their access to social and affordable housing.⁸² VALS supports the implementation of this recommendation in full.

As part of VALS' Civil and Human Right Practice, in 2022 VALS established Mental Health Law Clinic. The practice primarily acts for clients in Mental Health Tribunal hearings and provides holistic wrap around support to clients recognising the complex and interconnected nature of different legal issues that affect a person's mental health (for example housing, debt, fines, personal safety intervention orders and discrimination). It is a statewide service and works closely with other Aboriginal organisations and support workers to provide a trauma informed and culturally safe and accessible service. The purpose of the practice is to empower clients, so their voices are heard and rights upheld. We are here to enable our clients to live their lives with autonomy and dignity and to recover and break the harmful cycle of forced medical intervention.

VALS has been part of a co-design process to design a new mental health legal service led by people with lived experience of mental illness. The design process included the voices of Aboriginal people with lived experience of mental illness and those from ACCOs. The new service is called the Mental Health Legal Rights Service and includes legal assistance for Aboriginal people provided by VALS.

⁸² Royal Commission into Mental Health, '[Recommendation 25 – Supported housing for adults and young people living with mental illness](#)'.

For more information on our key concerns and recommendations relation to the health and healthcare injustice, including mental health, see:

- Nuther-mooyoop to the [Yoorrook Justice Commission: Health and Healthcare](#), 2024.

Disability

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability provided as extensive review and recommendations for Australian governments to consider and enact. There were specific recommendations relating to achieving inclusive homes and living conditions for people with disability including social housing, crisis and emergency housing and preventing and responding to homelessness.⁸³ There was also a dedicated volume to the experiences of Aboriginal people with disability and associated recommendations including having culturally safe and disability inclusive standards in the provision of services for Aboriginal people with disability, and VALS supports those recommendations.⁸⁴

VALS lawyers report that there is a significant lack of suitable, supported and inclusive housing stock for Aboriginal community members with disability and there are long wait times for access to suitable housing accommodations for community members living with disability, and it can be a confusing a frustrating process applying for NDIS housing supports for clients.

Balit Ngulu has commenced working in partnership with Melbourne City Mission (MCM) to deliver the Disability Advice and Response Team (DART) service. The VALS DART workers assist the Children's Court to identify when a young Aboriginal or Torres Strait Islander person has a disability to enable the presiding judicial officer to be better informed about the young person's disability. MCM DART workers are based at Dandenong, Geelong, Melbourne, Shepparton and Broadmeadows and collaborate with VALS' DART workers who specifically service Broadmeadows and Shepparton Children's Courts as well as Marram-Ngala Ganbu (Koori Family Hearing Day) at Broadmeadows. To date our DART workers have been heavily involved in re-engagement of young people and their families with support services, including the NDIS. Through DART service the Balit Ngulu team have been working with much younger children, including nine- to ten-year-olds, ensuring they have adequate supports in place. This service plays an important role in early intervention and prevention.

Case Study – Balit Ngulu Client

Our client a 15-year-old young Aboriginal person first came into contact with a Balit Ngulu lawyer when they were at the police station seeking legal advice. They had never previously been in trouble with the Police yet they were arrested and charged for a series of very serious charges such as aggravated carjacking and armed robbery.

⁸³ The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Final Report, Executive Summary, Volume 7, Part C, p260.

⁸⁴ Ibid. p279.

The young person has a diagnosis of autism, ADHD, and an intellectual disability. Due to the nature of the charges and the lack of support available, the young person spent a week in the Parkville Youth Detention Centre. This was the first time this young person had been separated from their family. During that week, their mental and emotional health was adversely impacted.

The young person was granted bail by a Magistrate and in addition to the involvement of Youth Justice workers, culturally specific supports were put in place. This included the Aboriginal Youth Support Officer at Balit Ngulu. They worked to re-engage the young person with their culture and put adequate supports in place. This included returning to country, creating art and paintings, participating in camps with other young Aboriginal people, and planning for the future. They were supported to set goals, return to school, and engage in other pro-social activities that were not in place at the time the offences occurred.

The supports afforded to the client after the grant of bail provided them with an opportunity to re-engage with their community, culture, and family. This would not have been possible had the young person been remanded to custody. These protective factors led to changing the trajectory of the young person's life. As a result, there have been no further offences. This was a notable achievement celebrated by their family, the Balit Ngulu team and by the Court. In finalising the matter, the young person was granted the opportunity to complete a diversion program. As a whole community, we worked together to give this young person another chance to change their life without being held back by a criminal record at 15 years old.

RECOMMENDATIONS

Recommendation 20. The Government should provide long-term and stable funding to ACCOs to deliver pre- and post-release programs for Aboriginal people, including transitional housing programs run by ACCOs, such as VALS' Baggarrook program, to support men and women leaving prison.

Recommendation 21. For Government to invest in culturally safe residential bail support and accommodation that is designed and delivered by ACCOs.

Recommendation 22. For Government to significantly increase supply of Aboriginal led, culturally safe housing for Aboriginal women and children affected by family violence.

Recommendation 23. For Government to implement recommendation 25 from the Royal Commission into Mental Health in full.

Recommendation 24. For Government to implement all relevant recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Government must not devolve their responsibility to provide public housing

VALS is deeply concerned by the Victorian government's push to devolve their responsibility to provide public housing. While we welcome the Big Housing Build's commitment to 10 per cent of all new social housing will be built for Aboriginal Victorians, there is very little focus or acknowledgment around the need for more public housing. The push for privatisation of housing provision is consistent with the government's approach to devolving their responsibility to provide social services, as we have seen in aged care, but as the Royal Commission into Aged Care found, this resulted in substandard care and high rates of abuse a misconduct.⁸⁵ Notably, after years of outsourcing prison healthcare to private providers, the Victorian Government has begun using public health services again due to the impact of the Coronial Inquest into the Passing of Veronica Nelson.⁸⁶ It is clear that a similar shift is need in housing.

VALS is concerned that if the government outsources their duty to provide public housing by transferring considerable public housing stock to private providers, renters will face an increased likelihood of:

- evictions⁸⁷,
- landlords being less lenient to payment delays,
- landlords being less understanding and sympathetic towards clients facing issues including family violence, AOD and mental health
- landlords not being open to negotiation,
- landlords being quick to lodge matter with VCAT

These concerns are based on the experience of supporting renters in both public and community/social housing systems. To mitigate these concerns, if the government continues to go down this path of privatisation, then there are mechanisms that must be implemented to provide stronger protections and supports for renters. Renters in community or social housing, should have the same rights as those in public housing. This requires the strengthening of the regulations and requirements for public/social housing to be in line with and equivalent to that of government housing. Public housing providers should be held to the same standards as the government, and this is currently not the case. This would result in contracts for community housing providers being to the

⁸⁵ Royal Commission into Aged Care Quality and Safety, Final Report, 2021.

⁸⁶ National Indigenous Times, [Victorian government to take responsibility for healthcare in women's prisons, ditching private contractors](#)

⁸⁷ This issue was highlighted in the [Federation of Community Legal Services](#) made to the Inquiry into Housing and Homelessness that identified that community housing renters have less protections and are more likely to receive notices to vacate 'without grounds' than public housing renters.

same standards as government providers including clear standards and policies around evictions, family violence incidents, damage to property, quality of stock, and maintenance schedules. The Charter should also be amended to ensure that community housing providers are recognised as public authorities.⁸⁸

We note the Final Report of the Social Housing Regulation Review was handed to the Minister for Housing on 31 May 2022, but this report has not been made public. VALS recommends that the Commission seek to compel this final report to be part of the state's evidence. We also refer the Commission to the Victorian Ombudsman's investigation into complaint handling in the Victorian social housing sector which was released in 2022.⁸⁹ Recommendations include a two-tiered social housing complaints system with the establishment of a Social Housing Ombudsman.⁹⁰ Clearly, the Victorian Government is not listening to recent inquiries, nor respecting the rights of renters, where it is choosing to transfer responsibility of providing safe, secure and affordable housing to private providers in spite of clear inadequacies in the current protections of social housing renters.

As part of the Big Housing Build, the Victorian government has committed to 'redevelop' the 44 public housing towers over the next 30 years. As we raised in our nuther-mooyop on Land Injustice are concerned about the process around the redevelopment of these towers. There is a proposed staged approach to demolishing 44 towers in Melbourne, and most of the land will then be sold off to private providers and new social housing estates will be built. Of the estimated 10,000 renters of these towers are many Aboriginal community members who have called these towers home for generations. Whilst we acknowledge that the state of many of these towers are not adequate and need to be upgraded, the impetus seems to be the economic benefit of selling off government-owned land for significant revenue rather than upholding the rights of Aboriginal people and all other Victorians who live there.

The government must ensure there is a right of return for renters to equivalent public housing stock and support provided to renters to ensure a supported transition throughout this period, with assurances that active efforts will be afforded to maintain cultural and community connections, including where families have pre-school and school aged children. The trade-off for upending the lives of thousands of people and families, in the midst of a housing crisis where there are over 120,000 people on public housing waitlist, is for a 10 per cent increase in the number of social housing units.⁹¹

We encourage that the Commission call for Homes Victoria to provide evidence as to the progress of the Big Housing Build, particularly in relation to commitments to address housing and homelessness for Aboriginal peoples, as well as to provide data on the number of Aboriginal community members who live in the public housing towers which are to be demolished. VALS asked Homes Vic for this data in December and is yet to receive a response to our request.

⁸⁸ This was a recommendation that the [Federation of Community Legal Services](#) made to the Inquiry into Housing and Homelessness that VALS also supports. See recommendation 5.

⁸⁹ Victorian Ombudsman, '[Investigation into complaint handling in the Victorian social housing sector](#)' 2022

⁹⁰ Ibid.

⁹¹ Rachael Dexter and Royce Millar, '[State of Victoria sued over plans to pull down public housing towers](#)'

The Commission may also be aware that Inner Melbourne Community Legal have filed a class action against the Victorian Government to protect the human rights of public housing residents who will be impacted.⁹² The class action calls for government to pause and reconsider its relocation plan as it is incompatible with the Charter. If successful, this would not be the first time the government has been found to have breached the human rights of people living in the public housing towers, in 2020 Victorian Ombudsman found that the government's decision to lock down nine of the public housing towers in North Melbourne and Flemington violated the human rights of over 3000 renters, and they were urged to apologise, of which the Victorian Government – particularly then Premier Daniel Andrews, refused to do.⁹³

As with all current agreements, frameworks and initiatives Victoria's Big Housing Build must be flexible and have the capacity to be aligned with the outcomes of treaty negotiations.

We strongly encourage the Commission to consider a Housing First model⁹⁴, and principles to addressing homelessness in Victoria. Housing First principles include:

- people have a right to a home;
- housing and support are separated;
- flexible support for as long as needed;
- choice and self-determination;
- active engagement without coercion;
- recovery orientated practice;
- social and community inclusion;
- harm reduction approach⁹⁵

We note that on the 30 August 2023 the Greens undertook the second reading, and called on members to support *Human Rights and Housing Legislation Amendment (Ending Homelessness) Bill 2023*, included in this Bill is amending the Charter to include the right to adequate housing, and sets to define adequate housing in legislation with a legislated target for ending homelessness.⁹⁶ The second reading was moved, and has not been returned to.

⁹² Inner Melbourne Community Legal, [Class action filed against Victorian Government](#), (Media Release, 25th January 2024)

⁹³ Rachel Eddie and Chloe Booker, ['Haunted' tower residents want to know why government won't say sorry](#) (The Age, December 17, 2020)

⁹⁴ Homelessness Australia, ['Housing First Principles and National Webinar series'](#)

⁹⁵ Homelessness Australia, ['Housing First Principles and National Webinar series'](#)

⁹⁶ [Human Rights and Housing Legislation Amendment \(Ending Homelessness\) Bill 2023](#)

RECOMMENDATIONS

Recommendation 25. For the Commission to call Homes Victoria executives to provide an update on the progress of the Big Housing Build as it relates to commitments to address housing and homelessness for Aboriginal people as well as provide data on the numbers of Aboriginal people who live in the 44 public housing towers who will be impacted by the impending demolition.

Recommendation 26. For Government to strengthen the standards of community/social housing to be in line and equivalent to public housing.

Recommendation 27. The Victorian Government must ensure community housing providers are recognised as public authorities for the purposes of the Charter of Human Rights and Responsibilities Act 2006 (Vic).

Recommendation 28. For the Commission to seek the Minister of Housing to provide the Final Report of the Social Housing Regulation Review which is yet to be made public since it was presented on 31 May 2022.

Positive Approaches Demonstrating Good Practice, Innovative Approaches to Improve Housing and Homelessness Experiences

In this section we will raise several community-based approaches and initiatives that are working towards improving access to safe, secure and adequate housing needs for community.

Baggarrook

VALS' Baggarrook program is an intensive support program for Aboriginal women transitioning from custody that are at high risk of homelessness that is part of our Community Justice Programs. All the women that this program has supported have experienced family violence. The program is run in partnership with Aboriginal Housing (AHV) and Corrections Victoria. Corrections Victoria refers potential participants, AHV provides the transitional housing inclusive of tenancy.

VALS has support workers on site Monday to Friday to equip participants with greater coping skills, self-sufficiency and facilitate their longer-term independence. This includes addressing the underlying reasons for criminal offending. In addition to 1:1 information, advice and assistance, including referrals, support workers help broker access to other relevant support. This includes moving into suitable, long-term accommodation.

The Baggarrook staff create opportunities for Aboriginal women to engage and strengthen them in culture connections via creating a possum skin cloak with a local Auntie, yarning around the fire pit, art and craft activities as requested by Baggarrook participants, life skills, support and advocacy skill

building workshops and facilitating a weaving workshop. All workshops are aimed at strengthening the women's cultural connections, as well as engaging them in therapeutic yarnings spaces.

The Baggarrook program has been successful in assisting participants with moving into suitable, long-term accommodation. The program has supported 7 women transition from prison back into the community in 2023. All participants were assessed as not having a safe home to return to; or in some cases were simply homeless. All women involved in the program had no employment or any return to means of income. Only two women were considered at low risk of further exposure to family violence upon their release. We know all too often that Aboriginal women who are incarcerated have experienced family violence, and there is a significant risk of misidentification.

VALS sees opportunity to expand Baggarrook, particularly with eligibility requirements. Many of the women they meet with have a home that has been deemed unliveable, that they cannot return to due to the violence they experience there, yet no repairs are being done to support their safe transition home. These women are ineligible for Baggarrook because they have an address that remains in their name. We advocate strongly that the eligibility requirements are expanded to include where an affected family members' home has been damaged due to the family violence incident(s). This would require additional government funding to expand the program, but would have a significant impact on Aboriginal women who have experienced horrific violence.

We note that the impact of the program relies partly on there being more permanent housing for participants to transition to. The lack of public housing and various forms of affordable housing makes it harder for participants to maintain and build on the progress they make at Baggarrook.

Baggarrook – Housing support

VALS Baggarrook program recently conducted an information session at Dame Phyllis Frost Centre where the team met with 20 women. Overwhelmingly the women, prior to being incarcerated had experienced homelessness for more than ten years, all women they spoke to had experienced significant family violence and most of them had experienced sexual violence as well.

Seven of the women had a property, but it was so badly damaged due to the horrific family violence they experienced there, as in the words of one of the women, "the hole in the wall was from my head being smashed through it". So not only had these women experienced horrific, and traumatic family violence, their homes had deemed unliveable so they could not use it as their bail address, and in turn were being held on remand. These homes lie vacant, and at risk of being further vandalised by squatters with no repairs being undertaken to make them safe to live in again. For the women whose homes were deemed unliveable, this still makes them ineligible to access Baggarrook, we advocate strongly that the eligibility requirements are expanded to include where their home has been damaged due to family violence incidents.

Youth Through Care

Another example of approaches to addressing housing and homelessness issues is the Victorian Aboriginal Child Care Agency's (VACCA) Youth Through Care Program (YTC).

However, we note that this program has a very small budget compared to similar programs like the through care program run by North Australian Aboriginal Justice Agency. Funding constraints limit the ability to deliver the program through a place-based model.

Given the importance of Country to our people, through care programs should be funded so that they can be delivered through a place-based model and facilitate greater connection to Country. VALS worked in partnership with consultants from PWC to engage with stakeholders and those with lived experience to develop models for Aboriginal men and young people exiting custodial settings. The final report that we commissioned from PWC was provided to the Department of Justice and Community Services in 2023 and is attached to this submission. Since that time there has been no progress on this matter with a lack of resources being cited as the main reason.

Youth Through Care Program

VACCA's YTC program⁹⁷ is an intensive, client-centred, holistic, culturally appropriate, trauma-informed program, with a strong connection to Country and family that supports Aboriginal children and young people's as they prepare to leave detention. Aboriginal children and young people involved in the program, alongside their families where possible, continue to have ongoing follow up and support post release with outreach where it has been considered essential.

VACCA's YTC program draws on cultural strengthening and cultural mentoring and supports the young people to connect with their community and culture prior to and post release.

The aim of the program is to reduce the rates and severity of recidivism. The YTC program utilises a theory of change which illustrates the elements of an effective model of through-care. YTC Case Workers provide appropriate and holistic therapeutic case management and deliver it in a culturally safe, client centred and trauma-informed manner.

One of the key points of difference between YTC's approach and other justice support services is a commitment to remaining committed, non-judgmental and trauma-informed, often working for six months with a young person before seeing their engagement.

⁹⁷ VACCA, [Nuther-mooyoop on Systemic Injustice in the Child Protection and Criminal Justice Systems](#), December 2022, p130.

The program includes the following core elements:

- Support pathways
 - o Education/employment pathways
 - o Safe and secure accommodation
 - o Health and social and emotional wellbeing
 - o Youth specific AOD services
- Case management
 - o Pre-release case management
 - o Administrative logistics
 - o Coordinated post-release planning
 - o Intensive case management
 - o Client-centred and gender appropriate
- Family community and culture
 - o Cultural strengthening
 - o Family, kin, Elder support and advocacy
 - o Supporting positive social networks

Wongee Mia

An innovative approach is based in Western Australia, where they take a housing first approach to address intergenerational homelessness and poverty within the Aboriginal community living in Perth.

Wongee Mia

Wongee Mia⁹⁸ is an initiative delivered through Ruah in Perth to support Aboriginal people who are experiencing intergenerational homelessness and poverty. The project works with an individual and their entire family who may also be at risk of, or experiencing homelessness. “The project shows how outcomes for one person can positively affect the rest of their family”.⁹⁹

Local Elders are central to this unique model, where they provide information on relationships to consider when housing someone, preferred living arrangements, and guide and educate towards culturally appropriate responses. In contrast to traditional one-to-one case management models, the Wongee Mia project takes a “family-centred approach”, whereby the total caseload is the whole family.

The project was named after the grandmother of one of the community members who they supported who they called *Wongee* which means strong woman and *Mia* which means home in the Noongar language.

⁹⁸ Shannen Vallesi and Lisa Wood, ‘[An evaluation snapshot: Aboriginal experiences of housing first - Zero Project Snapshot](#)’ (University of Western Australia, April 2021); Ruah, [Wongee Mia](#) (webpage).

⁹⁹ Ruah, [Wongee Mia](#) (webpage).

A self-determined approach to addressing housing and homelessness

Treaty provides an opportunity to negotiate through statewide treaty, and interim agreement a self-determined model for housing that meets the needs of community alongside protecting and promoting their rights to adequate and secure housing. The Commission has called for responses relating to appropriate redress for the systemic injustices experienced by Aboriginal peoples. As previously indicated, we believe there should be redress aligned via proportional revenue streams for Aboriginal people which will support future economic prosperity.

We have seen in Canada the transfer of infrastructure service delivery to First Nations organisations and service providers which includes housing, and the capacity for new models of service delivery and infrastructure to be developed to meet community needs.¹⁰⁰ A similar model should be negotiated through treaty in Victoria to ensure ACCOs are well resourced and there are nation building efforts through the self-determination fund to ensure the success of this transfer that benefits all Aboriginal peoples living in Victoria. There is the opportunity to address the homelessness crisis through treaty negotiations and the transfer of housing stock to ACCOs.

VALS also calls on the Commission to consider transferring the ownership of public housing accommodation to Aboriginal people and families. We know that community have raised generations of their families in public housing accommodation, an adequate and appropriate recourse to address the injustice Aboriginal peoples have faced is to transfer the ownership to their name. We saw a similar exercise in 2016 when the Victorian government transferred social housing assets to Aboriginal Housing Victoria.¹⁰¹ While this was a welcome move, this transfer does not do anything to build the economic prosperity and independence of an individual or family, or break the cycle of intergenerational poverty. Home ownership does that.

RECOMMENDATIONS

Recommendation 29. For a self-determined Aboriginal housing model (inclusive of public, social, crisis, transitional housing) to be negotiated through treaty and interim agreements with ACCOs working alongside the First Peoples Assembly of Victoria. This must include transfer of quality housing stock, and infrastructure resources to support ACCOs deliver this model effectively.

Recommendation 30. For the Commission to develop a model as part of redress that sees the transfer of public housing stock to Aboriginal individuals and families.

¹⁰⁰ Government of Canada, '[Transferring infrastructure service delivery to First Nations](#)', October 2023.

¹⁰¹ Russell Skelton, Margaret Burin, '[Victoria signs over \\$500m in public housing stock to Aboriginal organisation](#)' (ABC News, 5 September, 2016).

Appendix

Annex A: VALS relevant policy and research work

Submissions

- Submission to the Parliamentary Inquiry into the Criminal Legal System (2021)
- Submission to the Disability Royal Commission (2022)
- Submission to the Royal Commission into Victoria's Mental Health System
- Supplementary Submission to the Royal Commission into Victoria's Mental Health System
- Supplementary Submission following public hearing evidence to the Scrutiny of Acts and Regulations Committee Inquiry into the Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Submission to the Scrutiny of Acts and Regulations Committee (SARC)
- Review of the Victorian Charter of Human Rights and Responsibilities (2011)
- VALS Submission on the National Anti-Racism Framework (2022)

Community Factsheets

- Community Factsheet, [Fixing Victoria's Broken Bail Laws](#) (2022)
- Addressing Coercive Control Without Criminalisation (2022)

Annex B: witnesses that Yoorrook should compel to give evidence

Housing

- Minister for Housing
- Deputy Secretary,
- Deputy Secretary
- Homes Victoria CEO
- Homes Victoria Deputy CEO
- Homes Victoria Aboriginal Housing and Homelessness Executive Director

Youth Justice

- Minister for Youth Justice, Corrections and Victim Support
- Deputy Secretary Youth Justice

DJCS

- Attorney General
- Minister for Police and Crime Prevention
- Minister for Corrections, Youth Justice and Victim Support
- Secretary
- Deputy Secretary Aboriginal Justice

Child Protection

- Minister for Child Protection Children
- Secretary of DFFH
- Deputy Secretary Children and Families

Disability

- Minister for Disability

CCYP

- Aboriginal Commissioner for Children and Young People

VALS notes that we believe there is value in calling former Ministers to give evidence. Current Ministers have often not been in the portfolio for a substantial period of time and can therefore avoid significant scrutiny. They also have responsibilities to cabinet and their Government which conflict with providing the most useful evidence possible. Former Ministers may have overseen decisions where the implications and outcomes are now well known, allowing for an in-depth analysis of what went wrong with the decision-making and are less likely to have responsibilities that conflict with providing useful evidence.

Property Industry

- Real Estate Institute of Victoria
- Property Council Australia
- Tenants Victoria

Annex C: information, documents and data that Yoorrook should subpoena

Data and information relating to housing and homelessness for Aboriginal peoples including:

- Data around numbers of Aboriginal people living in the 44 towers over time
- Progress as to the implementation of the Big Housing Build eg numbers of social and affordable homes built
- Seek confirmation from the State Revenue Office as to the proportion of the 7,300 successful Home Buyer Fund applications who were Aboriginal.
- The Final Report of the Social Housing Regulation Review, which is yet to be made public.
- Data from companies that operate online rental applications (particularly in terms of percentage of applicants identifying as Aboriginal and percentage of successful applicants identifying as Aboriginal). Companies include 2Apply, PropertyNow and tApp

Attachment A: Aboriginal transitional housing model

8 March 2023

Victoria Aboriginal Legal Services (VALS)

*Partnership model for reintegration services for Aboriginal men
and young people exiting from incarceration*

Final document

Contents page

	Section	Page
00	Introduction	03
01	The case for change	05
02	The proposed model	09
	A. The high-level business model	12
	B. The high-level operating model	19
03	Appendices:	25
	1. Appendix 1 - High-level benefits map	
	2. Appendix 2 - Services in the sector	

Introduction

Aboriginal and Torres Strait Islander people are the most incarcerated Indigenous peoples in the world. Despite comprising an estimated four percent of the total Australian population^[1], they account for 32 percent of the prison population^[2] and 50 percent of the youth detention population^[3]. This reality is said to cost the Australian economy almost \$8 billion per year and is predicted to rise.

In Victoria, Aboriginal and Torres Strait Islander imprisonment rates continue to increase at a time when non-Aboriginal and Torres Strait Islander imprisonment rates are decreasing^[4]. Aboriginal and Torres Strait Islander adults are imprisoned at **16 times** the rate of the general adult population^[1] and Aboriginal and Torres Strait Islander young people are imprisoned at **20 times** the rate of non-Aboriginal and Torres Strait Islander young people^[2].

The over-representation of Aboriginal and Torres Strait Islander people in the justice system is complex, requiring an enhanced focus on programs that reduce the likelihood of reoffending. The correlation between housing and reoffending is well documented, with unstable housing or homelessness a key risk factor for recidivism^[5]. An estimated 50 percent of people released from prison are anticipated to experience homelessness^[6], with housing often a condition of release. There is a critical need for access to accommodation to support the successful reintegration of Aboriginal men and young people into the community.

This service model brings cross-sector stakeholders together to offer Aboriginal and Torres Strait Islander men and young people access to safe, stable and affordable housing as they exit incarceration. It addresses common barriers such as awareness of options, access to housing, recidivism, prejudice and racial discrimination through self-determination, cultural safety and flexibility.

This service will draw on existing and future housing stock to facilitate access for Aboriginal men and young people into accommodation for up to three years. While connected to this service, Aboriginal men and young people will have access to holistic services to support their reintegration back into their chosen community and achieve their aspirations.

In 2022, PricewaterhouseCoopers Indigenous Consulting (PIC) was engaged by Victorian Aboriginal Legal Services (VALS) to support the development of a high-level reintegration service model for Aboriginal men and young people in response to the significant housing challenges they face as they exit incarceration.

Our approach

Our approach involved a desktop review, lived experience consultations and workshops with stakeholders across the sector. Co-design was the primary method applied to gather qualitative and experiential data which formed the foundations of the service model. This methodology is inherently participatory, with a key ethos of 'do nothing for me without me'.



Desktop review

Our work began with a desktop review of support available in Victoria. In particular, programs and services that offer specific support to:

1. Aboriginal and Torres Strait Islander peoples
2. people who have been incarcerated
3. men and young people
4. people in need of housing and accommodation.



Lived experience consultations

We consulted with a range of Aboriginal men, women and young people with lived experience of incarceration to gather insights and better understand the challenges and opportunities in securing housing as they exit incarceration. Consultations occurred with representatives from:

- Bunjilwarra Healing Centre
- Koorie Men's Diversion Program
- Wulgunggo Ngalu Men's Program.

In alignment with the co-design methodology, the proposed service model elevates the voice of people with lived experience to be of equal, if not greater, importance to that of literature.

1. Australian Bureau of Statistics, 2022 Aboriginal and Torres Strait Islander Peoples. <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/#:text=Estimates%20of%20Aboriginal%20and%20Torres%20total%20Australian%20population>
 2. Australian Bureau of Statistics, 2022. Corrective Services, Australia. Retrieved from: <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release#key-statistics>
 3. Australian Institute of Health and Welfare, "Youth detention population in Australia 2021 - aihw.gov.au." in Youth detention population in Australia 2021, Australian Institute of Health and Welfare, 2021. <https://www.aihw.gov.au/getmedia/53a1f495-fbca-4571-bc6a-aae07827afa0/aihw-juv-136.pdf.aspx?inline=true>
 4. Sentencing Advisory Council, 2022. Victoria's Indigenous Imprisonment Rates. Retrieved from <https://www.sentencingcouncil.vic.gov.au/sentencing-statistics/victorias-indigenous-imprisonment-rate>
 5. PwC's Indigenous Consulting, 2017. Indigenous Incarceration: Unlocking the facts.
 6. Australian Institute of Health and Welfare (2019) Prisoners more likely to be homeless, unemployed and suffer poor mental and physical health. Retrieved from <https://www.aihw.gov.au/news-media/media-releases/2019/may-1/prisoners-more-likely-to-be-homeless-unemployed-and>

Introduction



Sector workshop

In addition to lived experience consultations, we held a hybrid workshop with a range of sector stakeholders. The purpose of this workshop was to determine key elements of the potential service model and refine our initial thinking on core components of the service model.

Representatives from 7 organisations across Victoria were in attendance, including:

- Australian Community Support Organisation (ACSO)
- Department of Justice and Community Safety Victoria (DJCS)
- Rumbalara
- Victorian Aboriginal Child Care Agency (VACCA)
- Victorian Aboriginal Health Services (VAHS)
- Victorian Aboriginal Legal Services
- Wathaurong Aboriginal Cooperative.

The workshop was delivered using a co-design methodology. The structure followed PIC's design framework which took participants through multiple stages of dialogue, discovery, definition and development to test and refine the proposed service model. One-on-one consultations were held upon request with stakeholders to allow them the opportunity to share their insights as a service provider to inform the high-level design of the business and operating model.

Document Structure

This document draws on the insights from the desktop review, lived experience consultations, workshop in addition to our own analysis to design a draft service model to support Aboriginal men and young people to access safe, secure and affordable housing as they exit prison.

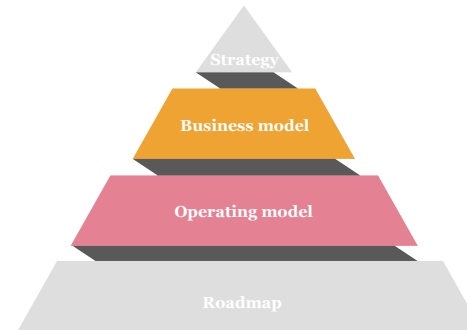
It sets out a high-level service model with the intention of highlighting elements for consideration should the service be pursued. It is intended as a starting point, acknowledging that additional work will be required to determine the detailed strategy, business model, operating model and roadmap towards establishment.

This document is divided into three sections:

1. **the case for change** - which describes why a service model like this is necessary and highlights the voices of people with lived experience of the system
2. **the proposed business model** - which states the value proposition, partnerships, customer segments, services and pathways. This can be thought of as the 'front office' and focuses on how services and support are made available to Aboriginal men and young people
3. **the proposed operating model** - which focuses on suppliers and partners, organisation and people, outcomes, location, information and technology, cost structure and revenue.

Figure 1 below visually reflects the framework used to develop this document. As this is an initial business case, the content primarily focuses on the business and operating models.

Figure 1: Business Case Framework



01 The case for change

Case for change

Aboriginal and Torres Strait Islander people represent a greater proportion of the prison population than they do the general population in each Australian State and Territory^[1]. Despite Aboriginal and Torres Strait Islander people comprising an estimated four percent of the Australian population^[2], they account for 32 percent of the prison population^[3] and 50 percent of the youth detention population^[4].

Aboriginal and Torres Strait Islander incarceration in Australia has been the subject of reports and reviews published over the last 30 years, however, during this time the proportion of the Aboriginal and Torres Strait Islander prison population has more than doubled^[5].

Modelling conducted in 2017 suggests that the **cost of Aboriginal and Torres Strait Islander incarceration to the Australian economy is almost \$8 billion per year**. If nothing is done to address disproportionately high rates of Aboriginal and Torres Strait Islander incarceration, this cost is forecast to rise to \$19.8 billion per year by 2040^[1]. This figure does not take into account the loss of culture, marginalisation, isolation and absence from family and community.

In 2022, the Australian Bureau of Statistics reported that the Aboriginal and Torres Strait Islander imprisonment rate was 2,315 persons per 100,000 in the adult Aboriginal and Torres Strait Islander population^[2] making **Aboriginal and Torres Strait Islander people the most incarcerated in the world**.

In Victoria, **Aboriginal and Torres Strait Islander imprisonment rates continue to increase at a time when non-Aboriginal and Torres Strait Islander imprisonment rates are decreasing**^[6]. Aboriginal and Torres Strait Islander adults continue to be imprisoned at **16 times** the rate of the general adult population^[6] and Aboriginal and Torres Strait Islander young people were imprisoned at **20 times** the rate of non-Aboriginal and Torres Strait Islander young people^[4]. Furthermore, **78 percent** of Aboriginal and Torres Strait Islander offenders experienced prior adult imprisonment^[7].

The over-representation of Aboriginal and Torres Strait Islander people in the justice system is a complex issue, requiring an enhanced focus on programs that reduce the likelihood of reoffending.

The correlation between housing and reoffending is relatively well published and understood, with one in three homeless in the 30 days prior to being incarcerated^[8], half of those exiting prison anticipated to experience homelessness^[10] and Aboriginal and Torres Strait Islander people more likely to be homeless than non-Aboriginal and Torres Strait Islander people.

Upon release, Aboriginal and Torres Strait Islander people are known to experience significant challenges in securing medium to long-term housing due to poor tenant history, substance or alcohol abuse, gambling, violence, racism and poor payment history. Aboriginal and Torres Strait Islander people who cannot source appropriate housing are often found living on the streets, which increases their likelihood of coming into contact with the criminal justice system^{1.[9]}.

Furthermore, people applying for parole may face difficulties securing appropriate and affordable accommodation, leading to refusal of parole or breach of parole conditions and subsequent return to prison^[9].

There is a critical need for access to safe, stable and affordable accommodation to support successful reintegration into the community with unstable housing or homelessness a key risk factor for recidivism^[1]. This change will require comprehensive, co-ordinated and holistic approaches which involve leadership and partnership from the Federal and state governments to shift more investment into post-release housing support as a mechanism to support Aboriginal and Torres Strait Islander men and young people as they exit prison.

This service model presents an opportunity to disrupt the cycle of reoffending by supporting Aboriginal men and young people exiting prison to successfully return to community and connect to culture by recognising housing as a catalyst for change.

1. PwC's Indigenous Consulting, 2017, Indigenous Incarceration: Unlocking the facts. <https://www.pwc.com/australia/indigenous-consulting/indigenous-incarceration>

2. Australian Bureau of Statistics, 2022 Aboriginal and Torres Strait Islander Peoples. <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples>

3. Australian Bureau of Statistics, 2022, Corrective Services, Australia. Retrieved from <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/corrective-services>

4. Australian Institute of Health and Welfare, "Youth detention population in Australia 2021". [aihw.gov.au](https://www.aihw.gov.au/reports/youth-detention-population-in-australia-2021). In Youth detention population in Australia 2021, Australian Institute of Health and Welfare, 2021. <https://www.aihw.gov.au/reports/youth-detention-population-in-australia-2021>

5. Sentencing Advisory Council, 2022, Victoria's Indigenous Imprisonment Rates. Retrieved from <https://www.sac.vic.gov.au/reports/victorias-indigenous-imprisonment-rates>

6. Australian Government Productivity Commission, "8 Corrective services". In 8 Corrective services. Report on Government Services Productivity Commission, 2022. <https://www.psc.gov.au/research/ongoing/report-on-government-services/2022/justice/corrective-services>

7. Aboriginal Justice, State Government of Victoria, "Aboriginal cohorts under justice supervision." in Aboriginal Justice, Aboriginal Justice, State Government of Victoria, 2021. <https://www.aboriginaljustice.vic.gov.au/the-government/aboriginal-user-experience/for-the-justice-system/aboriginal-cohorts-under-justice-supervision>

8. Australian Institute of Health and Welfare (2022) Specialist homelessness services annual report 2020–21, AIHW, Australian Government, accessed 23 November 2022.

9. Schöster, L. (2013). Beyond the prison gates: the experiences of people recently released from prison into homelessness and housing crisis. Sydney: Public Interest Advocacy Centre.

10. Australian Institute of Health and Welfare (2019) Prisoners more likely to be homeless, unemployed and suffer poor mental and physical health. Retrieved from <https://www.aihw.gov.au/news-media/media-releases/2019/may-1/prisoners-more-likely-to-be-homeless-unemployed/>

The voices of lived experience

As previously mentioned, a series of lived experience consultations were undertaken to understand the relationships between Aboriginal and Torres Strait Islander peoples with experience of the justice system and their journeys through these systems. In total, we engaged with an estimated 24 people across 3 organisations, including:

- eight people from Bunjilwarra Healing Centre,
- one person from Koorie Men's Diversion Program,
- 15 people from Wulgunggo Ngalu Men's Program.

We would like to thank each of these people for sharing their time, experience and knowledge. Their contributions provided an invaluable insight into the strengths and weaknesses of the current system, and the disconnection between its intention and reality. These conversations were held either online, or in-person at the service location, according to the preferences of the participants. Conversations were held in a manner conducive to cultural safety, with participants advised that their consent could be withdrawn at any time, and that they were able to opt out of any question that they did not feel comfortable answering. Participants were paid for their time and knowledge. The thematic outcomes of these conversations are detailed below.

Access to Information

In general, participants found it difficult to access information to prepare them for their release and reintegration back into the community. They felt as if they received little support from the system, its staff and the services within it. When information was shared, it was said to come from peers, but was often limited, outdated, or carried restrictions that eventually excluded the participant.

Some participants described difficulty accessing support officers and other information, due to prejudice or malignity of prison staff at the time of their request.

Consideration

1. The service should consider active and regular outreach support for men and young people while they are incarcerated to ensure they are informed of their housing options prior to release and have a contact person who can support them on their housing journey.

Access to housing

Housing was the single greatest concern for all participants reintegrating post-release. Building on the challenges faced in accessing general information and services, access to housing-specific information was described as a significant and overwhelming challenge. This is further exacerbated by:

- the prejudice associated with being incarcerated
- the limited availability of services specifically for men, despite their over-representation as a proportion of the post-incarceration population
- the long wait lists for public housing
- the need to secure a job to pay for housing.

While incarcerated, participants found it difficult to know what their post-release housing options were unless they proactively and persistently inquired. Even then, the nature of support was said to come down to the capacity, capability and availability of the support officer, as well as whether access was given by prison staff. The majority of participants found themselves with no housing or accommodation options post-release.

"It's shit. They open the [prison] doors and out you go. You might be lucky to get a few nights in a hotel, but after that you're either homeless, or back living with the same people and the same bad habits that you just kicked in prison."

- Participant, Male, 55.

For many lived experience participants, returning to their previous accommodation post-release was not an option, due to:

- previous relationships having ended
- the passing of family members
- strained relationships with family and/or community
- legal or cultural restrictions (intervention orders, or cultural protocols that ban a return to Country)
- the cost associated with travelling back to Country
- post-release conditions set on proximity to justice workers, making it impossible to return to Country.

02 The proposed service model

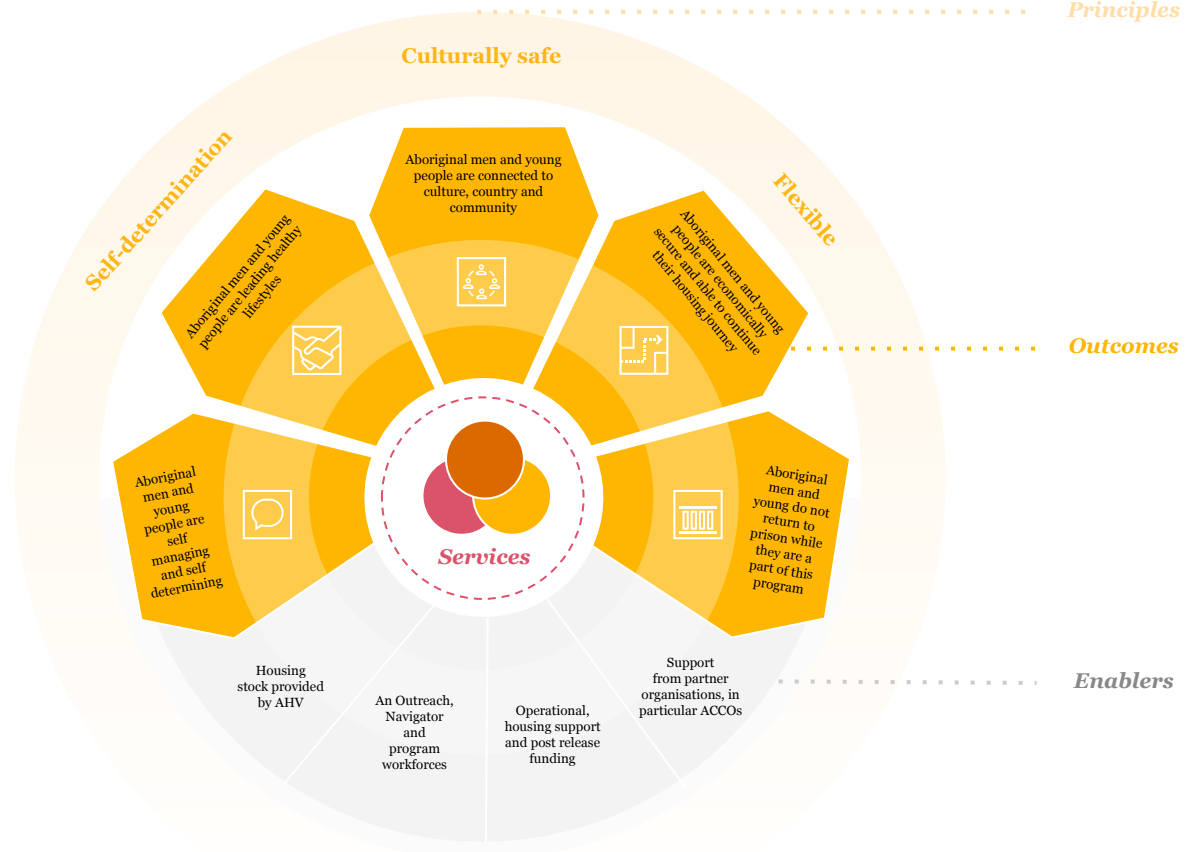
A visual representation of the service model

The image to the right is a visual reflection of the service model, indicating how each component contributes towards supporting Aboriginal men and young people exiting prison to successfully return to community and connect to culture while recognising housing as a catalyst for change.

Starting from the bottom, the components include:

- **enablers** - which underpin all elements of the service model and are critical to its success
- **services** - which address the current challenges faced by Aboriginal men and young people exiting incarceration
- **outcomes** - which are realised through the provision of services and support
- **principles** - which guide all elements of the service model.

Each of these components are summarised on the following two pages and described in greater detail in the following sections.



The voices of lived experience - continued

Where former accommodation was a potential option, participants were concerned about returning because it would be detrimental to their reintegration, due to:

- contact with people associated with unlawful activities
- physically, mentally, and/or emotionally unsafe environments
- access to alcohol, drugs and other vices that the participants had worked hard to overcome during their incarceration.

For participants who had experienced incarceration multiple times, almost all directly linked their subsequent prison terms with their necessary return to previous accommodation, or no accommodation, post-release (due to lack of other options). For a small number of participants, they felt so unsafe and so unsupported post-release, that they would violate their bail conditions, or commit petty crimes, in the hopes of returning to prison.

"The hardest part about it is that you spend so much time working on yourself, and getting excited about leaving that horrible place [prison] and going back to your life, and then you get out and you just wanna go back [to prison] again. You just want know you'll have a roof over your head tomorrow."

- Participant, Male, 43.

Regardless of the underlying reason, in the vast majority of participants' experiences, they were seeking new accommodation at the time of their release. Where this was the case, participants expressed difficulty in accessing information, or support in contacting or applying for housing services.

Participants shared experiences of wait times of up to 6 months to get into residential programs that include temporary accommodation. Even when people with lived experience were in transitional programs, on occasion they still faced difficulty in accessing information about their ongoing housing options prior to leaving the program.

"It's a chicken and egg sort of thing - you need a house to get bail but there aren't any houses; you need a house to get a job, but you need a job to get a house. It's so hard."

- Participant, Male, 28.

Consideration

2. The service model should partner with housing providers to facilitate access for people prior to their release to ensure they have accommodation lined up. For this to occur, systemic changes need to be made to both incarceration and temporary post-release support programs, to ensure men and young people are prepared for release and reintegration. This service should consider how it can alleviate pressure from the existing system and support men and young people with a realistic level of outreach.

Housing characteristics

When describing their ideal housing conditions, perspectives of men and young people differed slightly.

Young people favoured housing arrangements that allowed them to live with two-to-three people. Participants believed that this sort of arrangement would alleviate loneliness, enable connection to culture and community, and help them keep each other accountable during the critical post-release period.

Many young people also had aspirations to start their own families, and to be able to live and support their family independently - but even these participants preferred a shared living arrangement in the first instance.

Adult men also drew distinctions between their initial post-release housing situation, and their long-term goals. Men were similarly interested in living with two-to-three other people, but it was important that their housemates shared a similar lived experience. Preferably, this housing would act as a transition from a post-release support program, such as Wulgunggo Ngalu, to a private/social housing market.

Adult men were more eager to move into their own accommodation, seeking space, privacy and independence.

Consideration

3. The service will need to consider how it can facilitate flexibility and self-determination within the bounds of a set housing stock in its initial years.

The proposed service model

Overview of the service model

The purpose of the service is to **support Aboriginal men and young people exiting prison to successfully return to community and connect to culture by recognising housing as a catalyst for change.**

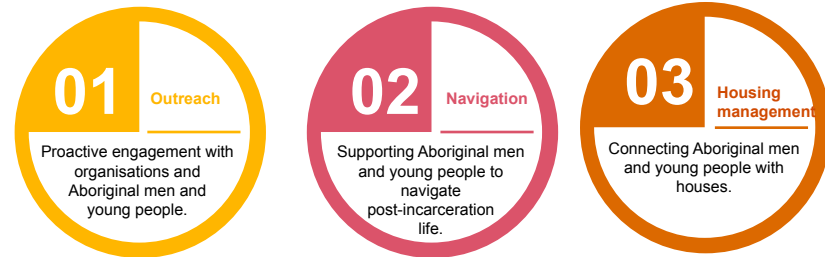
It will achieve this by strengthening existing services and support available to Aboriginal men and young people as they exit incarceration. Specifically, the service will collaborate with cross-sector public, private and community organisations to alleviate the pressure they face in housing Aboriginal men and young people.

It seeks to address common barriers faced by Aboriginal men and young people as they exit incarceration, which are understood as:

- **lack of awareness of options** - by proactively reaching out to Aboriginal men and young people while they're incarcerated to ensure they're aware of their housing options prior to exit
- **limited access to housing** - by partnering with existing housing providers and drawing on the anticipated growth of social housing to facilitate access to houses for this specific population
- **recidivism** - by offering stable, safe and affordable housing to a significant proportion of the prison population and strengthening connection to culture, country and community
- **prejudice** - by administering a program that reduces barriers to entry and sets Aboriginal men and young people up for future housing success
- **racial discrimination** - by offering a culturally appropriate service that is designed and delivered by Aboriginal people.

In addition, it will take pressure off the existing ecosystem by adding to the continuum of care for Aboriginal men and young people as they exit incarceration. These are further explained on pages 12.

The core services are listed below.



Although housing is the entry point, the service model recognises that in order for Aboriginal men and young people to successfully transition into their chosen community, they need access to a wider range of support services made available. Therefore, the service model will facilitate access to mainstream and Aboriginal community social and emotional wellbeing services. Direct and indirect services are described in greater detail on pages 14 and 15.

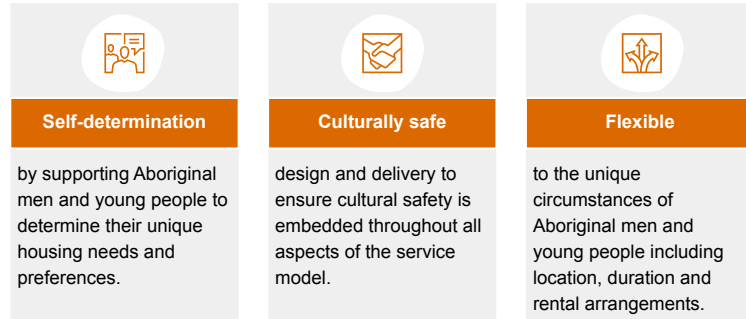
The **outcomes** of this service are for Aboriginal and Torres Strait Islander people to be:



Each of these outcomes, and proposed indicators of progress, are detailed on page 20. Furthermore, the connection between the barriers, services and outcomes is set out in the benefits map in Appendix 1

The proposed service model

The service will be guided by three overarching principles:



The proposed service model has been divided into two subsections, the business model and the operating model, summarised below. Each section is intended to provide a high-level overview of the characteristics of a potential service model and considerations for further development.

The business model

The business model has been divided into 5 sections, including:

1. **value proposition** - describes how the program can deliver value, where it should operate within the current ecosystem and the challenge it could solve
2. **partnerships** - identifies who potential partners may be, the nature of these partnerships and how they add value to this service
3. **services** - describes the direct and indirect services, which may include administering housing, a support worker and coordinating with social and emotional wellbeing services
4. **customer segments** - identifies who the program is creating value for, including Aboriginal men and young people post-incarceration, current service providers and the wider justice system
5. **pathways** - describes how the program will engage with Aboriginal men and young people and through what channels.

It is important to reinforce the importance of self-determination and community involvement in the design and delivery of a service such as this. This requires more than consultation, but control and community ownership. The high-level business model is available on pages 13 - 19.

The operating model

The operating model builds on the business model by exploring key characteristics and considerations for the service to become operational. This information has been divided into 7 sections, including:

1. **suppliers and partners** - identifies key suppliers and partners, and what their role may be in support the outcomes of this service model
2. **organisation and people** - identifies potential organisational structures and number of people require to support this service model
3. **outcome measures** - identifies how progress and success can be measured, and what it should be measured against
4. **location** - identifies options for location of houses, with consideration for areas that are heavily populated, where services exist and where there are gaps
5. **information and technology** - identifies the potential technology requirements for the service
6. **cost structure** - identifies the most significant costs to the program
7. **funding streams** - identifies the sources of funding and how it can contribute to overall funding.

The high level operating model is available on pages 20 - 26.

2.a *The high-level business model*

The high-level business model

Value proposition

The over-representation of Aboriginal and Torres Strait Islander people in the justice system is a complex issue, requiring an enhanced focus on programs that reduce the likelihood of reoffending and offer holistic support.

Currently, an estimated **46 percent** of people discharged from prison return to prison within two years with the annual per person cost of imprisonment at **\$113,000**. There are significant cost savings associated with decreasing the rate of recidivism in Australia^[10]. This figure fails to account for unquantifiable benefits associated with (re)connection to culture, self-determination, social connection and engagement with family and community, all of which are restricted during incarceration.

The connection between recidivism and unstable housing is well understood, with people discharged from prison known to experience significant challenges in securing medium to long-term housing as a result of the stigma associated with a history of incarceration, prejudice and racial discrimination. This has resulted in organisations and programs being established to bridge this gap and alleviate the pressures Aboriginal and Torres Strait Islander people face post-incarceration. However, there remains a significant shortage in stable medium-to-long term housing options.

This service model proposes to break the cycle of reoffending by offering Aboriginal and Torres Strait Islander people access to stable, secure and affordable housing across the medium-term. The service model addresses significant barriers such as:

- **lack of awareness of options** - by proactively reaching out to Aboriginal men and young people while they're incarcerated to ensure they're aware of their housing options prior to exit
- **limited access to housing** - by partnering with existing housing providers and drawing on the anticipated growth of social housing to facilitate access to houses for this specific population
- **recidivism** - by offering stable, safe and affordable housing to a significant proportion of the prison population and strengthening connection to culture, country and community

- **prejudice** - by administering a program that reduces barriers to entry and sets Aboriginal men and young people up for future housing success
- **racial discrimination** - by offering a culturally appropriate service that is designed and delivered by Aboriginal people.

It aligns with key Federal and State priorities identified in the:

- *Victorian Aboriginal Justice Agreement* which was developed in response to recommendations from the 1991 Royal Commission into Aboriginal Deaths in Custody and subsequent 1997 National Ministerial Summit on Indigenous Deaths in Custody^[11]
- *National Agreement on Closing the Gap*^[12] priorities including:
 - Outcome 10 to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 percent by 2031
 - Outcome 11 to reduce the rate of Aboriginal and Torres Strait Islander young people in detention by 30 percent by 2031
- The *National Housing Accord* priority to address the supply and affordability of housing challenges across Australia^[13]
- *Aboriginal Housing Victoria's* vision to ensure Aboriginal Victorians secure appropriate, affordable housing as a pathway to better lives and stronger communities and the Mana-na woorntyeen maar-takoort Framework that seeks to ensure every Aboriginal person has a home^[14].

Consideration

4. This service model is not intended to address the significant housing stock shortage in Victoria, nor is it intended to contribute to the growth of the housing stock, but rather to coordinate access to existing and future housing stock.

10. Australian Institute of Health and Welfare (2022) Specialist homelessness services annual report 2020–21, AIHW, Australian Government, accessed 23 November 2022.
 11. The Victorian Aboriginal Justice Agreement (2022) The Victorian Aboriginal Justice Agreement. Retrieved from <https://www.aboriginaljustice.vic.gov.au/the-agreement/the-victorian-aboriginal-justice-agreement>
 12. National Agreement on Closing the Gap (2022). Closing the Gap Targets and Outcomes. Retrieved from <https://www.closingthegap.gov.au/national-agreement/targets>
 13. Australian Government (2022). National Housing Accord. Retrieved from <https://ministers.treasury.gov.au/sites/ministers.treasury.gov.au/files/2022-10/national-housing-accord-2022.pdf>
 14. Aboriginal Housing Victoria (2014) Strategic Plan 2014-2025. Retrieved from <https://ahvic.org.au/about>

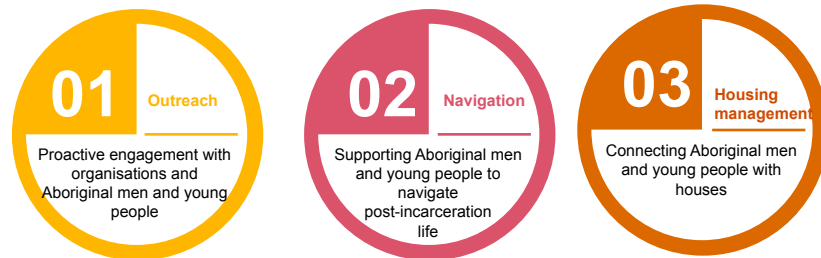
The high-level business model

Services

The service model should include both the direct and indirect services that will be made available to Aboriginal men and young people during and post-incarceration. Consistent with the principles of the service model, this model should allow for self-determination, be culturally safe and enable flexible options.

The core services are summarised in Figure 2 below and explained in further detail on the subsequent pages.

Figure 2: Primary services



It is anticipated that Aboriginal men and young people in prison will initially engage with an Outreach worker, and once accepted into the program they will be assigned a Navigator who will work with the housing manager to assign a house. Although housing is the entry point, the Navigator role will have a strong focus on supporting Aboriginal men and young people to return to community and connect to culture.

01. Outreach

The role of the Outreach workforce is to connect with organisations and Aboriginal men and young people to ensure they are aware that this post-incarceration housing service is available prior to being discharged. Proactive and regular outreach is important for several reasons:

- as a new service, effort will need to be made to ensure Aboriginal men and young people, partners and community service providers are aware of this services and its benefits
- Aboriginal men and young people face significant barriers in accessing information about their post-incarceration housing options while in prison
- in some cases, the workforce is unaware of housing support options for Aboriginal men and young people prior to their release from incarceration
- there are significant personal and system benefits associated with having a point of contact (outreach worker) to support the transition from prison to the community that are likely to reduce the likelihood of reoffending.

Outreach workers will establish strong relationships with Corrections Victoria, Private Prisons and temporary housing providers that support the post-incarceration population to ensure reciprocal information can be shared in a timely manner. Particularly, information regarding Aboriginal men and young people who may face housing challenges upon release.

As it is recommended that the service has three hubs across Victoria, Outreach workers will likely service a region (location details on page 23) requiring one to two outreach workers in year one before increasing to three employees in later years (to ensure one worker per region).

Considerations

5. This service will require outreach workers to have strong connections into existing prisons (both public and private) to ensure channels of communication remain open and Outreach workers are seen to reduce pressure on the workforce, rather than add to it.
6. As Outreach workers will be required to travel, consideration should be given to how work-related travel will be accounted for.

The high-level business model

02. Navigation

The role of a Navigator is to support Aboriginal men and young people to navigate post-incarceration life. Navigators will be responsible for intake, assessment, case management, advocacy and ongoing referral into this support services. Navigator support will begin when Aboriginal men and young people have been accepted into the program, and commence 6 months after exiting the program.

The service will likely require one Navigator to five Aboriginal men or young people. With this in mind, the service will need to employ at least three Navigators in year one before increasing the workforce to as many as 6 Navigators in outyears. The size of this workforce will be largely dependent on the capacity of the housing stock and housing preferences of Aboriginal men and young people.

In alignment with the purpose of this model, Navigators will connect Aboriginal men and young people to existing holistic services in their region. Initial priority services include cultural connection, health, employment and justice. Furthermore, Aboriginal men and young people will be encouraged to grow a range of skills while a part of this service, this includes:

- budgeting and financial planning
- social and emotional wellbeing
- other 'life' skills (cooking, cleaning etc).

Considerations

7. The service should consider partnering with Homes Victoria to leverage the anticipated future housing stock to ensure access to a growing supply of houses.
8. Consideration should be given to the role of this service in preparing Aboriginal men and young people to enter the private market. Within this are opportunities for the service model to partner with organisations that strengthen financial capabilities, or include a savings fee in rental prices for tenants to access when existing this housing model.
9. Consideration should be given to the correlations between housing and employment, and the potential for the model to offer or facilitate employment through its partners in the sector.

03. Housing management

For a service model of this nature to be successful, access to an ongoing housing stock is critical. The details of this service will depend on whether it owns, rents or facilitates access to housing and whether the housing stock is publicly or privately owned.

The role of the Housing Manager is to connect Aboriginal men and young people with housing partners for up to three years post-incarceration. They will liaise between Outreach workers and housing providers such as Aboriginal Housing Victoria (AHV) to ensure those who have been accepted into the program have access to housing. It is our understanding that 12 houses owned by AHV will be made available for this service model initially.

The Housing Manager will be responsible for monitoring the current housing stock and securing future housing stock to ensure an ongoing supply is available to allow an annual intakes of Aboriginal men and young people to the program. The housing manager is not anticipated to interact directly with Aboriginal men and young people and will instead work closely with the Navigators, who will have an established relationship, to ensure property inspections are conducted and maintenance is undertaken as required.

Considerations

10. The design of the model will need to identify:
 - a. the maximum amount of time an individual can stay in a house?
 - b. the number people per house?
 - c. what are alternative avenues for Aboriginal men and young people to securing housing?
 - d. how can the model ensure benefits beyond the first cohort?
 - e. what role should the model play in growing the housing stock?

The high-level business model

Customer segments

As previously mentioned, this model is intended to support both Aboriginal men and young people who have been incarcerated. Specifically, it is seeking to support those who are likely to experience housing instability as a result of their incarceration. It is important to note that there are different reasons for supporting Aboriginal men and young people. These motivations are summarised below.

- Aboriginal male adults** - Aboriginal men comprise a significant proportion of the total prison population in Australia and Victoria. Nationally, three quarters of Aboriginal and Torres Strait Islander men have been in prison before and are anticipated to be a significant proportion of people released from prison in the coming years. Although there are many programs available to support Aboriginal men as they exit incarceration, very few of these are housing specific and even fewer are intended to offer medium-term housing support. For this reason, there is considered to be a gap in housing support for this population.
- Aboriginal male youth** - Aboriginal youth represent 50 percent of the total youth detention population and face their own unique challenges in securing suitable housing post-incarceration. In supporting this young population, the service model aims to break the cycle of recidivism early to ultimately reduce the likelihood of Aboriginal youth becoming a part of the adult prison population. This is, in essence, a preventative measure.

Similar to the Baggarook program, this service is open to trans and gender diverse, non-binary, sistergirls, brotherboys, intersex, two spirit and queer folk who identify as male and feel comfortable accessing a men housing service.

Considerations

- Consultations identified slight differences in housing preferences between Aboriginal men and young people. The model does not explore practically how housing arrangements will work, however the next stage should progress this thinking.
- Consideration should be given to whether the model is aiming to do too much and whether there is merit in narrow the focus of the initial years. In particular, the benefits and challenges associated with support both Aboriginal men and young people and whether it would be more appropriate to focus on one of these two cohorts.
- The youth age range will need to be carefully defined, which may include consideration as to whether Aboriginal youth (16+) can be encapsulated within the Aboriginal male cohort.

Pathways

Aboriginal men and young people are able to access this service through direct referrals from organisations in the justice sector (such as prisons or temporary post-incarceration programs) or self-referrals. The outreach service is intended to connect with both public and private prisons to share information and facilitate proactive and regular engagement with Aboriginal men and young people. A secondary pathway to access services is through post-release services that are offered in the community. These pathways are described in greater detail below.

Direct referral

Aboriginal men and young people can access housing support by way of direct referral from partner organisations who are responsible for caring for Aboriginal men and young people while they are incarcerated and/or for a short period of time post-incarceration.

The success of these referral pathway will be heavily reliant on the ability for support workers within corrections facilities to identify housing as a potential challenge for this cohort, and knowing where to go to seek post-incarceration support.

Self-referral

Housing support will also be accessible through self-referral from Aboriginal men and young people while incarcerated, in post release programs or in the community, this is an important element of the service model intended to facilitate self determination for Aboriginal men and young people.

Considerations

- This model does not address the existing workforce pressures that may pose challenges in Aboriginal men and young people being referred to this service.

The high-level business model

Partnerships

Partners are critical to the success of this service. This section identifies who potential partners may be, the nature of these partnerships and how they add value to this service. It builds on the stakeholder map detailed on the following page and the services list in Appendix 2 to describe the role each partner will play in the success of the model and supporting Aboriginal men and young people to break the cycle of reoffending. The majority of organisations listed on the following page represent potential referral partners. In addition to these partners, where there is a need for the service to connect Aboriginal men and young people with services in their community, the service will refer Aboriginal men and young people to this services (i.e. a two-way referral system).

1. Justice sector partners

Justice sector partners are responsible for administering incarceration programs within the justice sector and reflect the incarceration stage of an individual's journey. Justice sector organisations can add value by identify Aboriginal men and young people in their care who are in need of housing-related support and directly refer them to this service. This is possibly the simplest entry point into this service, reducing the potential distress of Aboriginal men and young people and further support them to successfully reintegrate into their chosen community.

These partners include:

- Corrections Victoria
- DJCS
- private prisons.

2. Post-incarceration programs partners

Post-incarceration programs partners are a degree removed from justice sector partners. In general, they receive referrals from the justice sector and provide short-term support to men and young people post-incarceration. As a result, a relationship with these organisations is critical to ensure that Aboriginal men and young people are referred into this service to access medium-to-long-term housing. These partners are listed on the following page.

3. Community partners

Similar to the post-incarceration program partners, community partners are known to offer a wide range of programs that are likely to engage with Aboriginal men and young people post incarceration but do not provide support exclusively to this population.

It is important that the service model has relationships with these organisations to ensure that they are aware that support of this nature exists and are able to refer Aboriginal men and young people as identified.

4. Community organisations

There are also a wide range of organisations that offer support mainstream and Aboriginal and Torres Strait Islander people. Although their programs are not specific to the priorities of this service model, they may still engage with Aboriginal men and young people post-incarceration who are in need of housing support and should therefore be considered as a part of this model.

Considerations

15. This service model does not explore whether existing community providers across the state will have the capacity to support Aboriginal men and young people post incarceration as the service begins to scale. Further work is required to engage with Aboriginal Community Controlled Organisations (ACCO) across the state to ensure they are involved as partners in the success of this model.
16. Consideration should also be given to the programs offered by ACCO's and where they fit within the ecosystem of services and support available to Aboriginal men and young people through this service model. These partnerships should be formalised by way of memorandum of understanding.
17. This model does not address the challenges in forming partnerships with Private prisons who sit outside the direct influence of the DJCS.

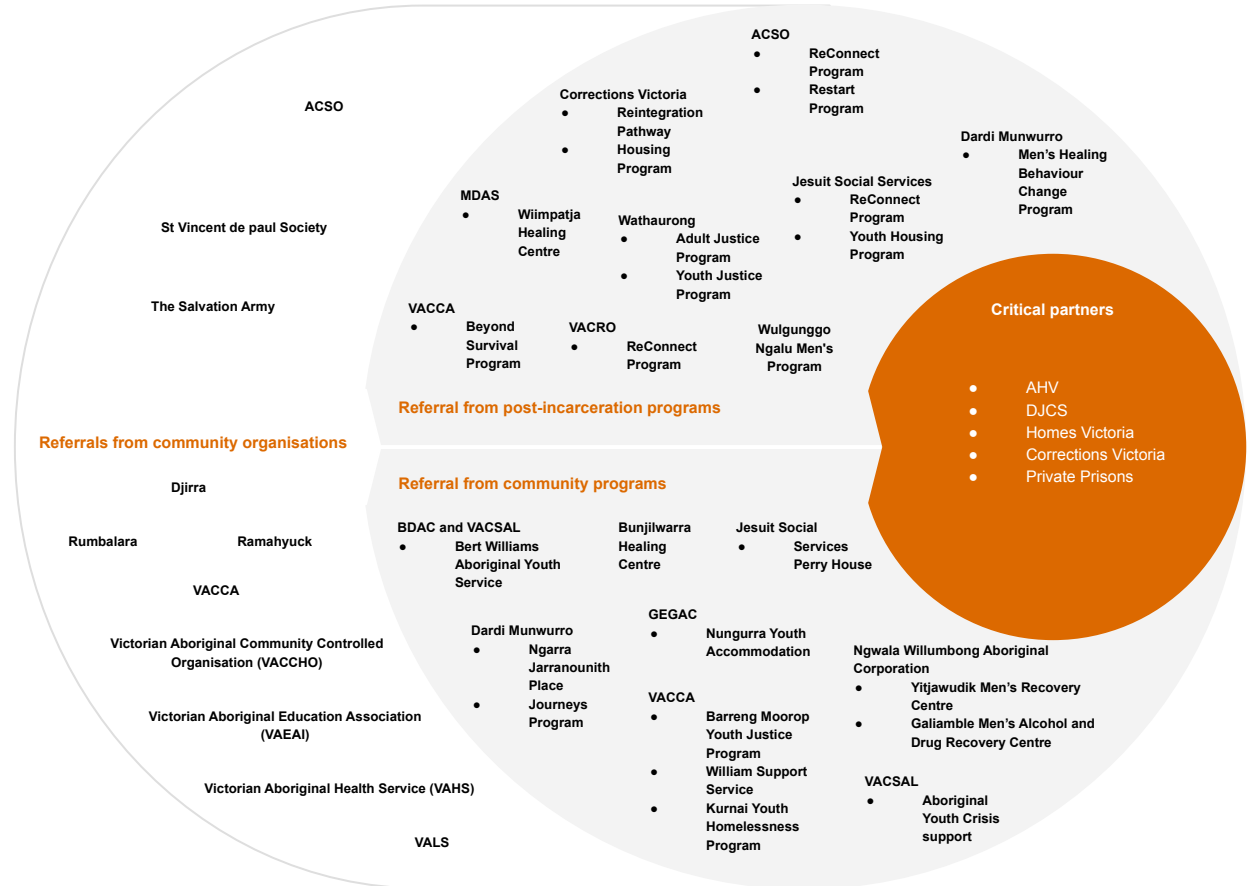
Partnership ecosystem

The diagram to the right builds on the previous page by organising partners into four groups.

- 1. Community organisations** - located on the far left are organisations that offer general support to the Aboriginal and mainstream populations.
- 2. Community programs** - located at the bottom of the middle layer, are partners and programs that are available to the wider community and will also be able to refer Aboriginal men and young people into this service.
- 3. Post-release programs** - located at the top of the middle layer are organisations and programs that support Aboriginal men and young people post-incarceration and will directly refer to this service.
- 4. Critical Partners** - located on the far right hand side are critical partners.

Each of these services, and a description of their services are detailed in Appendix 2. It is clear that many of the pieces are already there, they simply need to be brought together to support Aboriginal men and young people as they exist prison to ensure they don't return.

It is important to note that the services are specifically within the context of men and young people. Services that offer women specific programs have therefore been excluded.



2.b *The high-level operating model*

The high-level operating model

Outcome Measures

The ultimate outcome of this model is for **Aboriginal men and young people exiting prison to successfully return to community and connect to culture by recognising housing as a catalyst for change**. As the purpose statement suggests, justice-related measures are not the only indicators of success.

In determining high-level outcomes, we drew inspiration from international Indigenous programs that aim to create integrational change for their communities. Suggested outcomes measures for this service model is that Aboriginal men and young people are:



These are not short term, transactional outcomes and instead focus on long-term transformational change. For this reason, progress against an outcome and achievement of an outcome will both be measured. Suggested outcome indicators for the service model are listed to the right.

Considerations

18. Further research is required to determine how Victorian Aboriginal communities and what outcomes they deem to be relevant across the short-medium and long-term.
19. As Bond is likely not required, the future model should consider including a \$15 weekly fee to be returned to Aboriginal men and young people upon exit from the service. Should they stay for the full three year time period, they will have estimated \$2,340 to go towards future bond payments.

	Aboriginal men and young people are				
Outcome	self-managing and self-determining	leading healthy lifestyles	connected to culture, country and community	economically secure and able to continue their housing journey after 3 years	not return to prison while they are a part of this program
Indicator	<ul style="list-style-type: none"> • Able to determine their housing preference including location, size, and interior • Afforded freedom and independence in their home • Connected to holistic services through partner organisations • Supported to transition out of the service into the community • Able to manage basic housing responsibilities 	<ul style="list-style-type: none"> • Supported to maintain healthy housing conditions • Supported to maintain healthy relationships • Supported to manage their income 	<ul style="list-style-type: none"> • Connected to services that support connection to culture • Connected to services that support connection to country • Able to access housing on Country where appropriate 	<ul style="list-style-type: none"> • Supported to secure employment • Supported to maintain healthy money habits • Connected with budgeting support services • Supported to save money for bond or a deposit for future housing 	<ul style="list-style-type: none"> • Do not reoffend while a part of this service • Do not return to prison • Supported to reduce the likelihood in the 6 months following support from this service

The high-level operating model

Suppliers and operating partners

As this service model intends to connect Aboriginal men and young people to safe, stable and affordable housing it is important that it partners with organisations that have access to existing and future housing stock. Particularly, AHV, the Department of Families, Fairness and Housing and Homes Victoria.

Despite uncertainty around who will be responsible for delivering this service, it should also consider Corrections Victoria and ACCOs as close operating partners. Further details of these suppliers and operating partners are summarised below.

Suppliers and operating partners

- Aboriginal Housing Victoria is assumed to be the primary housing supplier, committing in supply 12 houses in principle in year 1*.
- It is proposed that the service also partners with Homes Victoria which intends to increasing the social housing stock. This partnership is important to ensure an ongoing stock is accessible and that the first cohort of Aboriginal men and young people are not the only cohort to benefit from the service.
- Corrections Victoria is considered a close operating partner as it will play a critical role in referring Aboriginal men and young people into the program.
- Similarly, ACCOs will play a critical role in supporting the service to achieve its outcomes by Aboriginal men and young people access a wide range of support service.

Considerations

- Consideration should be given to AHV's ability to add to the housing stock year on year
- Consideration should be given to how relationships will be formalised between suppliers and operating partners, and whether that be by Memorandum of Understanding, Joint Venture or another mechanisms.

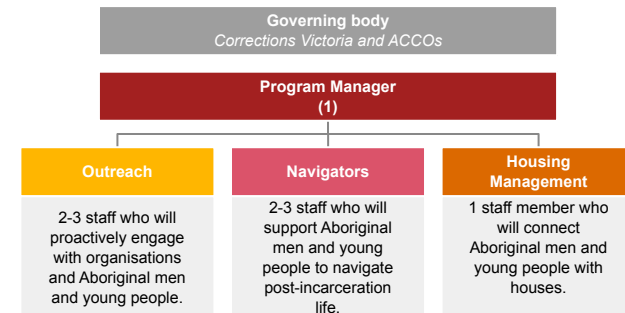
Organisation and People

At this stage it is unclear who will be ultimately responsible for this service. However, it is suggested that the service model sits as a joint venture between Corrections Victoria and the Aboriginal Community. Below is a draft organisational structure that reflects this and includes roles and estimated staff numbers.

Assuming the service will support between 12 and 24 Aboriginal men and young people in its first year, the service model will require at least 8 staff to ensure it is able to deliver on its outcomes in year one before increasing to an estimated 11 in out years. This includes a Program Manager, Program Coordinator and Outreach and Navigator support workers.

A description of each service is available on Page 15, and costing estimates associated with this service model are available on Page 24.

Figure 3: High-level organisational structure



* We are yet to receive confirmation from AHV as to the number of houses, location and availability of their stock in addition to the potential housing arrangement.

The high-level operating model

Location

With regard to location there are two service model considerations. Firstly, where the houses are physically located and secondly, where the service is located.

Although the physical locations of the houses are likely to be determined by AHV in the early stages, the model should look to have access to a suite of houses across Victoria for Aboriginal men and young people post-incarceration to have options and choice.

The location of the service, and its respective hubs, will depend on which organisation is responsible and whether this service will sit alongside an existing service or not. If the service were to be a joint venture between Corrections Victoria and ACCOs then a mutually beneficial location will need to be agreed between the two groups.

The service should consider a hub and spoke model, where there is a central place for the organisation to sit, and its service to be accessed, and also having a smaller presence in locations such as Gippsland, Mildura, Ballarat and Shepparton. These locations should also take into consideration where existing correctional facilities are located to ensure regular and proactive outreach can occur.

Considerations

21. The model will need to allow for a regular supply of houses to be made available to Aboriginal men and young people across the state so the benefits extend beyond the first 12 people across the state.

Information and Technology

From a service delivery perspective, technology will enable Aboriginal men and young people to be connected with houses post-release, support services, agencies and wider society. Technology, such as cell phones, should also be provided to Aboriginal men and young people as they seek to re-establish themselves and their place in their communities. This expense, along with other post-release necessities, features in the organisational costs on the following page.

From an operational perspective, technology will support staff to deliver on their roles and responsibilities, the service to operate effectively and collaborate with its partners. At a minimum, staff will include electronics, software and documents. Additional technology may include an employee cell phones or a contribution to their monthly plan, as the Outreach and Navigator services require regular and proactive engagement with external stakeholders.

Considerations

22. The system adopted by the service will need to consider a way to track individual's touch points with various agencies, collection of data (and data sovereignty and protection principles).
23. Consideration should be given to the ability and need for the service to access information held by partner organisations, such as release dates for Aboriginal men and young people.
24. In considering technological systems, the model should look at adopt system that will allow easy transfer of information between correctional facilities and the service.

The high-level operating model

Phasing of costs

The high-level costing indicates the service is estimated to cost \$901,280 in year one before increasing slightly year-on-year as it scales and matures. The most significant costs are:

- the workforce which are steady from year two onwards
- housing furnishing which operate in cycles as Aboriginal men and young people enter the program.

These costs assume 12 houses provided by AHV at no cost and up to 30 Aboriginal men and young people supported by this service at any one point in time. These costs assume Aboriginal men and young people enter in three year cycles and stay for the full duration. The below figures are intended as a starting point and should not be relied on.

Organisational costs		Multiplier	Est unit cost	Year one	Year two	Year three	Year four
General organisational costs	• Office space	8 - 11 staff	\$8,160	\$65,280	\$89,760	\$89,760	\$89,760
	• Technology	8 - 11 staff	\$3,500	\$28,000	\$10,500	\$0.00	\$0.00
	• IT support services	8 - 11 staff	\$125	\$1,000	\$1,375	\$1,375	\$1,375
Workforce	• Program Manager	1 person	\$115,000	\$115,000	\$115,000	\$115,000	\$115,000
	• Program Coordinator	1 person	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000
	• Navigator workforce	3 - 6 staff	\$95,000	\$285,000	\$380,000	\$475,000	\$570,000
	• Outreach workforce	2 - 3 staff	\$90,000	\$180,000	\$270,000	\$270,000	\$270,000
Housing costs							
Housing costs	• Housing furnishing	Per property (12)	\$4,500	\$54,000	\$0.00	\$0.00	\$54,000
	• Basic essentials	Per person (30)	\$500	\$15,000	\$0.00	\$0.00	\$15,000
	• Maintenance	Per property (12)	\$5,000	\$0.00	\$30,000	\$30,000	\$0.00
Turnover costs	• Cleaning	Per property (12)	\$1,000	\$0.00	\$0.00	\$12,000	\$0.00
	• Rubbish removal	Per property (12)	\$1,000	\$0.00	\$0.00	\$12,000	\$0.00
Additional costs		(12)					
Post-release necessities	• Clothing	Per person as required (30)	\$250	\$7,500	\$0.00	\$0.00	\$7,500
	• Cell phone	Per person as required (30)	\$100	\$3,000	\$0.00	\$0.00	\$3,000
	• Food basics	Per person as required (30)	\$250	\$7,500	\$0.00	\$0.00	\$7,500
	• Rent relief	Per person as required (30)	\$2,000	\$60,000	\$0.00	\$0.00	\$60,000
Total costs				\$901,280.00	\$976,635.00	\$1,112,135.00	\$1,219,135.00

The high-level operating model

Phasing of costs

The table below describes the high-level costs included on the previous page. These costs are intended to represent the upper end of potential costs and will change as elements of the service model change.

General organisational costs	<ul style="list-style-type: none"> • Office space - based on the an average cost per employee per annum in a start-up hub in Melbourne. As this is a per employee cost, it is multiplied by 8 in year one before increasing to 11 in the following years. • Technology - based on the average cost per employee per annum of a laptop kit and the current cost to Baggarook of \$3,500. As this is a per employee cost, it is multiplied by 8 in year one before increasing to 11 staff in year two. As it is assumed that no new staff join in year three and four, no new technology costs are incurred. • IT support services - based on Bagarooks cost of \$125 per staff member per year. These costs are ongoing and are therefore incurred each year.
Workforce costs	<ul style="list-style-type: none"> • Program Manager - based on the average salary for a program manager in Australia. This figure includes superannuation and long service leave. • Program Coordinator - based on the average salary of a program coordinator in Australia. This figure includes superannuation and long service leave. • Navigator workforce - based on the average salary of a social worker in Australia and the Baggarook Support Worker salary. The model assumes one Navigator per five Aboriginal men and young person. As the workforce increases over time, the Navigator salary reflects three employees in year one, before increasing to four Navigators in years two, three and four. This includes superannuation and long service leave. • Outreach workforce - based on the average salary of an outreach worker in Australia and the Baggarook Support Worker salary. The model assumes one Outreach worker per regions (3) and includes superannuation and long service leave. As the Outreach workforce increases over time, the salary reflects two employees in year one, before increasing to three employees in years two and beyond.
Housing costs	<ul style="list-style-type: none"> • Housing furnishing - a estimate of the cost of furnishing a small home. Furnishings include a bed, bedside table, dresser, couch, television, television stand, dining table, fridge, washing machine, microwave, desk and chair. These costs are incurred in year one as all houses are assumed to be occupied and require furnishing. Year four assumes half of the houses will require new furnishings. Should the housing stock increase, or houses accommodate more than one person, these costs will also increase. • Basic essentials - costs are incurred in year one and a reduced cost is applied in year four in preparation for a new intake as items may need to be replaced. Basic essentials include basic bedding, kitchenware. These Should the housing stock increase, or houses accommodate more than one person, these costs will also increase. • Maintenance - based on an assumed cost of \$5,000 per person applied equally across years two and three. No maintenance is assumed to take place in year one or four.
Turnover costs	<ul style="list-style-type: none"> • Cleaning - based on the Baggarook program costs of \$1,000 per property. As Aboriginal men and young people are assumed to vacate the property after three years, these costs are only incurred in year three. • Rubbish removal - based on the Baggarook program costs of \$1,000 per property. As Aboriginal men and young people are assumed to vacate the property after three years, these costs are only incurred in year three.
Post-release necessity costs	<ul style="list-style-type: none"> • Clothing - a small allowance will be provided to support Aboriginal men and young people to purchase clothing upon existing incarceration. This is a particularly important part of the model to ensure Aboriginal men and young people have the necessities to successfully transition back to their chosen community. As Aboriginal men and young people are assumed to enter the program in years one and four these costs are only incurred in these years. • Cell Phone - based on the cost of a basic cell phone and top up in Australia. As Aboriginal men and young people are assumed to enter the program in years one and four these costs are only incurred in these years. • Food basics - a small food allowance to ensure Aboriginal men and young people are able to fill their cupboards with basic food necessities for the first few weeks. As Aboriginal men and young people are assumed to enter the program in years one and four these costs are only incurred in these years. • Rent relief - based on the average rental price per week in Melbourne and the current rent relief provided by the Baggarook program. This cost is built into the model to allow Aboriginal men and young people time to secure employment before paying rent and assumes one month of rent relief. This model intended to offset rent relief with existing accommodation support provided. Rent relief may be recovered across the duration of the lease or be considered a sunk cost. As Aboriginal men and young people are assumed to enter the program in years one and four the rent relief costs are only incurred in these years.

The high-level operating model

Funding streams

Determining a sustainable revenue stream will ensure this service model is able to withstand economic changes and respond to the unique needs and aspirations of Aboriginal men and young people who seek stable, secure and affordable housing.

There are 3 initial sources of revenue, which include:

- a. baseline funding - and the possibility the this service to be funded by DJCS should be explored
- b. rental income - from Aboriginal men and young people
- c. additional funding - from organisations that offer funding for basic necessities to support Aboriginal men and young people post-incarcerations.

At a minimum, the service model would need an estimated minimum \$901,280 in funding per annum to meet its operating expenses with restricted offerings. In order to be operating sustainably, the service model would require an estimated \$1.2 million in funding per annum. This will allow for the model to be more flexible to the unique needs of Aboriginal men and young people.

Considerations

There is the opportunity for this model to be innovative in how it uses revenue to achieves its outcomes, particularly supporting Aboriginal men and young people to be economically secure and able to continue their housing journey unsupported after 3 years. For this reason, careful consideration should be given to the way in which rental payments are structured. These are summarised below.

25. **The rental price** - which should be fair yet comparable with the private market to ensure Aboriginal men and young people are not significantly incentivised to stay in this service for longer than 3 years, and supported to enter the rental market unsupported.

26. Rent as a proportion of income may also be a model worth exploring. Thirty percent of an individual's income is generally considered an acceptable proportion to be allocated to housing. However, this may present revenue challenges as there is no minimum level of rental revenue.
27. **Rental payment start date** - and whether a generous grace period could be afforded to Aboriginal men and young people as they seek to secure employment.
28. **Savings fee included in the rental price** - as a mechanism to support Aboriginal men and young people to build their savings base to enter the housing market unsupported. This could be determined alongside Aboriginal men and young people to ensure they have are given the autonomy to identify the amount based on their circumstances.
29. **Including housing expenses in rent** - whether basic expenses such as power, internet and water should be included in the initial rental price to reduce the burden on Aboriginal men and young people themselves.

Other considerations include:

30. The ability for this service model to sit as an extension of DJCS, and therefore receive baseline finding from DJCS. This will:
 - ensure a clear pathway for Aboriginal men and young people from public prisons to the service model
 - enhance communication between the service and reduce information sharing barriers that may arise
 - increase the likelihood of Aboriginal men and young people becoming aware of this service model well before their release
 - allow for a smooth transition from prison to the community.

Appendices

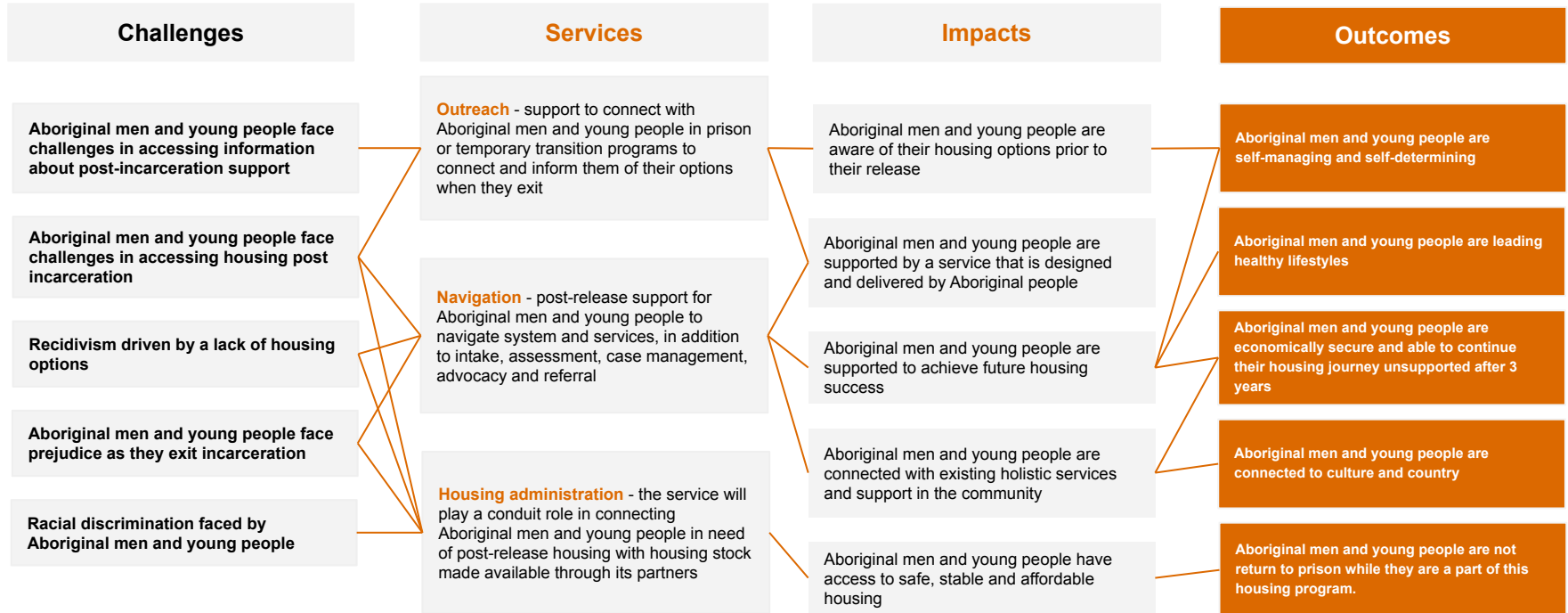


**PwC's Indigenous
Consulting**



Appendix 1: High-level benefits map

This page is intended to visually reflect the relationship between the challenges faced by Aboriginal men and young people, the service and the outcomes of the service model.



Appendix 2: Services in the sector

Service	Program	Population supported	Post-Incarceration support	Support for men and young people	Nature of housing support
Aboriginal Housing Victoria (AHV)	AHV is an Aboriginal community organisation responsible for managing over 1,500 rental properties for Aboriginal and /or Torres Strait Islander people living in Victoria. Additionally, AHV has a key role in developing and implementing housing and homelessness policies across the state.	Housing is managed for the purpose of supporting Aboriginal and Torres Strait Islander peoples in Victoria	Houses are non-specific, but are available to those who have been incarcerated	Houses are non-specific, and available to men and young people	Access to AHV housing stock for a limited time
Australian Community Support Organisation (ACSO)	ACSO works with people at risk of entering or who have already entered the justice system. Their work supports, diverts or reintegrates people through a range of services including mental health, alcohol and other drug treatment, intensive residential support, housing and employment.	Mainstream	Services are for the general population but do not exclude post-incarceration	Services are non-specific and available to men and young people	Advocacy and support to access housing
	ReConnect supports high-risk offenders on parole, straight release, and community corrections orders to transition into the community in a manner that decreases their risk of offending.	Mainstream and Aboriginal and Torres Strait Islander people	Yes	Yes	Advocacy and support to access housing
	ReStart is a support program targeted towards short sentence and remand prisoners assessed as having high reintegration needs. ReStart provides three months of post-release intensive, assertive outreach support to promote sustainable links and reintegration back into the community.	Mainstream and Aboriginal and Torres Strait Islander people.	Yes, people on remand or short sentences	Yes, youth between 18 and 25 are a priority group	Advocacy and support to access housing
Bendigo & District Aboriginal Co-operative (BDAC)	The Aboriginal Tenants At Risk support worker provides support and advocacy assistance to those who are tenants or prospective tenants of AHV or the Office of Housing. Additionally, ATAR aims to address any underlying barriers that hinders their clients in accessing housing.	Support for Aboriginal and Torres Strait Islander people	Yes	Yes	Advocacy and support to access housing
	BDAC also has Koorie Justice Workers, Justice Workers, & Children's Resource Workers to assist Aboriginal and /or Torres Strait Islander people from entering, and re-entering the justice system.	Support for Aboriginal and Torres Strait Islander people	Yes	Yes	Advocacy and support to access housing
	Bert Williams Aboriginal Youth Services aims to deliver a proactive and preventative services to Koorie youth who reside and/or visit the North and West Metropolitan Region. The program focuses on reducing youth over-representation in the justice system, and their progress through the youth justice and homeless service system.	Support for Aboriginal and Torres Strait Islander people	Yes	This service is for youth	Short term accommodation is available in the North and West Metropolitan areas
Bunjilwarra	Bunjilwarra is a rehabilitation and healing centre for Aboriginal young people aged between 16 and 25. Their Hastings rehabilitation centre is a 12 bed facility for both male and female young people.	Bunjilwarra is exclusively for Aboriginal and Torres Strait Islander youth.	Accommodation is non-specific, but is available to those who have been incarcerated	This service is for youth	Residential housing for 3 - 6 months
Corrections Victoria	The Corrections Victoria Reintegration Pathway provides a range of pre & post-release assessments and support programs responsive to each prisoner's transitional needs. This includes the Reconnect and Restart Programs delivered by ACSO.	Mainstream service	Yes	Yes	Support to reduce debt and address both current and future housing arrangements <i>PuoC's</i>

Appendix 2: Services in the sector

Service	Program	Population supported	Post-Incarceration support	Support for men and young people	Nature of housing support
Corrections Victoria (continued)	The Corrections Victoria Housing Program can provide housing and support to individuals who are at risk of homelessness and at an increased risk of reoffending upon release from prison. The CVHP has access to transitional housing placements through arrangements with Registered Housing Agencies.	Mainstream service	Yes	Yes	Yes, referral support
	Corrections also employs an Aboriginal Wellbeing Officer which is available to Aboriginal and Torres Strait Islander inmates for the length of their incarceration.	Support for Aboriginal and Torres Strait Islander people	No. Support available during incarceration	This program supports both men and young people	No
	Wulgunggo Ngalu is a Corrections Program designed to support Aboriginal men who are placed on a Community Corrections Order. Via this program provides accommodation, skill building workshops, engagement with community activities, and support in participants fulfilling their release conditions.	Support for Aboriginal and Torres Strait Islander people	No. Support for those on a Community Corrections Order	This is a men's program	Yes, participants live on site for 3-6 months
Dardi Munwurro	Naalamba Ganbu and Nerrlinggu Yilam are responsible for leading the design, development, implementation, and monitoring of Corrections Victoria policies, programs and services aimed at reducing the over-representation of Aboriginal people within the Victorian correctional system.	Support for Aboriginal and Torres Strait Islander people	No. Support is available during incarceration	Yes, initiative is directed towards all Aboriginal and Torres Strait Islander prisoners	No
	Men's Healing and Behaviour Change programs involves men's group counselling sessions led by two facilitators and supported by community Elders and is delivered in the community and in prisons.	Support for Aboriginal and Torres Strait Islander people	Yes. Service is available to those who have been incarcerated	This is men's program	No
	Ngarra Jarranounith Place (NJP) is a residential program that supports at-risk men to strengthen their spirit and culture, adopt positive behaviours, and nurture healthy relationships. The program accepts men on Family Violence Intervention Orders, those charged with family violence offences in the previous 12 months, court-ordered referrals, and self-referrals from Dardi Munwurro's prison program.	Support for Aboriginal and Torres Strait Islander people	Unclear	Yes	Yes, residential housing is provided for 16 weeks
Department of Justice and Community Safety (DJCS)	The Journeys Program draws on key elements of the MHBC program to engage and empower young Aboriginal men, with the intention of diverting them from the justice system.	Support for Aboriginal and Torres Strait Islander people	This diversion program is available to those who have been incarcerated	Yes. Directed towards young men between 10 and 17	No
	The Koori Justice Unit is responsible for coordinating the development and delivery of Aboriginal justice policies and programs across the Victorian Government and justice agencies. The core role of the Koori Justice Unit within the Aboriginal Justice Branch in the Department of Justice and Community Safety is to develop and support improved and equitable justice outcomes for the Aboriginal community.	Advocacy for Aboriginal and Torres Strait Islander people	Yes	Yes	Yes, although services are delivered through partner ACCOs
	Nine Regional Aboriginal Justice Advisory Committees (RAJACs) have been established throughout Victoria. Each RAJAC is supported by a full-time Executive Officer employed by the DJCS who is responsible for day-to-day management and planning for the committee.	Advocate for Aboriginal and Torres Strait Islander people	Yes	Yes	No, this is an advocacy group

Appendix 2: Services in the sector

Service	Program	Population supported	Post-Incarceration support	Support for men and young people	Nature of housing support
Department of Justice and Community Safety (DJCS) (continued)	Local Aboriginal Justice Action Committees (LAJACs) have been established to develop close relationships and build trust with local Aboriginal communities experiencing poor justice outcomes. The LAJACs are responsible for promoting and nourishing improved relationships, linkages and reconciliation between the wider local Aboriginal community, justice agencies, local government and community service providers.	Advocacy for Aboriginal and Torres Strait Islander people	Yes	Yes	This is an advocacy group
	Aboriginal Justice Caucus (AJC) is to be a conduit between the Aboriginal community and the justice system. The Aboriginal Justice Caucus provides leadership, advocacy and drives continuous change to address the drivers of offending as well as system and programmatic reform within the criminal justice system.	Advocacy for Aboriginal and Torres Strait Islander people	Yes	Yes	This is an advocacy group
	The Aboriginal Justice Forum brings together leaders in the Aboriginal community and the most senior representatives of the Justice, Health and Human Services, and Education government departments and Aboriginal Victoria (within the Department of the Premier and Cabinet).	Advocacy for Aboriginal and Torres Strait Islander people	Yes	Yes	This is an advocacy group
Djirra	The Aboriginal Family Violence Legal Service is a program of Djirra. Their legal team helps Aboriginal and Torres Strait Islander people with both legal and non-legal support.	Support for Aboriginal and Torres Strait Islander people	Yes	Services are designed for women	Unclear
Gippsland & East Gippsland Aboriginal Co-Operative Ltd (GEGAC)	Nungurra Youth Accommodation provides a home-like residential environment for youth that are no longer able to live at home. Nungurra is a supportive and safe place for young people experiencing homelessness or at risk of homelessness.	Support for Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander people	Yes	This program supports youth between 16 and 21	This is a residential facility
Jesuit Social Services	The ReConnect program supports high-risk and high-profile men and women to transition from prison to community. ReConnect provides targeted (up to four weeks) and intensive (up to 12 months) reintegration outreach services for serious violent or sex offenders, Aboriginal and Torres Strait Islander, women prisoners, and prisoners with high transitional needs.	Mainstream, but offer Aboriginal and Torres Strait Islander specific support	Yes	This program supports men and women	Referral support
	The Link Youth Justice Housing Program supports young people exiting the criminal justice system by facilitating access to housing, cultivating ongoing and stable living arrangements and providing an unparalleled and crucial after-hours support service.	Mainstream	Yes	This program supports young people	Referral support

Appendix 2: Services in the sector

Service	Program	Population supported	Post-Incarceration support	Support for men and young people	Nature of housing support
Jesuit Social Services (continued)	Perry House is a residential facility for young people with intellectual disabilities who have involvement with the youth justice system to learn independent skills.	Mainstream	Yes	Accommodation is non-specific, and is available to men and young people	Medium-term accommodation is available for up to 12 months
	Next Steps is a flexible, responsive early intervention program which aims to address both homelessness and the criminal offending of young people. The program works intensively, both in a residential setting and in an outreach case management capacity, to provide access to secure, sustainable housing and simultaneously reduce a young persons' risk of re-offending.	Mainstream	Yes	Yes, people aged 16-24	Provides supported accommodation & case management
Local Justice Program	The Local Justice Program is delivered by various Aboriginal Community Controlled organisations across Victoria and aims to prevent adults from entering, or re-entering the justice system.	Support for Aboriginal and Torres Strait Islander	Yes	Yes, support for people over the age of 18	No
Youth Justice Program	Youth Justice Program is delivered by various Aboriginal Community Controlled organisations across Victoria. The purpose of this is to support youth to avoid entering, or re-entering the justice system.	Support for Aboriginal and Torres Strait Islander	Yes	Yes, support for youth	No
Mallee District Aboriginal Services (MDAS)	The Wiimpatja Healing Centre is a rehabilitation program for men who suffer from alcoholism and other drug addictions. Referrals into the program come from corrections, court, justice and self-referral.	Support for Aboriginal and Torres Strait Islander	Yes	This is a men's program	Short (4 weeks), medium (6-8 weeks) and long term (12 week) programs
	MDAS also provides crisis accommodation , support for Aboriginal tenants at risk of eviction and Koori private tenancy support services.	Support for Aboriginal and Torres Strait Islander	Yes	Houses are non-specific, and available to men and young people	Yes, short term private crisis accommodation is available
	Koori Youth Justice Program aims to improve justice outcomes, and to reduce over-representation of Aboriginal youth on custodial sentences.	Support for Aboriginal and Torres Strait Islander	Yes, this is a diversion program	This is a youth service	No
Ngwala Willumbong Aboriginal Corporation	Yitjawudik Men's Recovery Centre is a 24 hour Residential Rehabilitation Centre for Aboriginal men over the age of 18 years who suffer from alcohol and/or drug dependency problems.	Support for Aboriginal and Torres Strait Islander people	Yes	This service supports men over the age of 18	Yes, short term accommodation is available for 16 weeks for 8 men
	Galiamble Men's Alcohol and Drug Recovery Centre is a 24 hour residential alcohol and rehabilitation centre for men located. It offers a 15 week highly structured residential program in a calm and supportive environment, giving an opportunity for clients to live a life free of substances.	Support for Aboriginal and Torres Strait Islander people	Yes	This service supports men over the age of 18	Yes, for the length of the program which is 15 weeks
Ramahyuck	Ramahyuck District Aboriginal Corporation was established as an Aboriginal Community Controlled organisation that offer housing referral support through the Safety and Wellbeing program.	Support for Aboriginal and Torres Strait Islander people in the East Gippsland Region	Yes	Yes	Referral support

Appendix 2: Services in the sector

Service	Program	Population supported	Post-Incarceration support	Support for men and young people	Nature of housing support
Rumbalara	Rumbalara Aboriginal Co-operative provides an array of different programs and initiatives surrounding housing, justice prevention, and youth support. Rumbalara's housing support includes affordable long-term, innovative health support for homeless youth (unstable or unsafe housing), community Housing (emergency relief for Elders and families) and emergency relief.	Support for Aboriginal and Torres Strait Islander people in the Goulburn Valley	Yes	Yes	Provides long term-housing, and support for those looking for alternative social housing
St Vincent de paul Society	The St Vincent de Paul Society has a strong commitment to the range of issues that lead single men and women and families to become homeless or at risk of homelessness.	Mainstream services in the North Western Metro region	Unclear	Yes	Services include case-management and advocacy
The Salvation Army	Salvation Army Housing (SAH) and Salvation Army Housing (Victoria) are community housing organisations that provide homes for individuals and families who are homeless or at risk of homelessness, are on low incomes and those with specific support needs.	Mainstream services available in the East Metro, East Gippsland, Western Victoria, Melbourne, Geelong and Shepperton.	Unclear	Yes	Long-term housing, transitional housing, crisis accommodation and rooming house properties
Victorian Aboriginal Child Care Agency (VACCA)	The Beyond Survival Program supports Aboriginal men and women to reintegrate into their family and community once they are released from prison and helps stop the cycle of re-offending.	Support for Aboriginal and Torres Strait Islander people in the Outer Metro region & Morwell	Yes, support is offered during and post-incarceration	Yes, this service is available to men and women	Support is centred around reconnection with community and family, rather than housing
	The Bareng Moorop Youth Justice Program helps young Aboriginal people aged 10-14 years who are involved, or their families are involved, in the justice system. This is delivered in collaboration with VAHS and Jesuit Society.	Support for Aboriginal and Torres Strait Islander people	Yes	Yes, this is for youth between 10 and 14 years old	Referral support
	The William Support Service program aims to assist Aboriginal singles, couples, families and young people 17 years or older who are homeless or at risk of homelessness to find stable housing.	Support for Aboriginal and Torres Strait Islander people in the Northern Metro region	Unclear	Yes, support for people 17 years and older	Support includes help to find long-term housing
	The Kurnai Youth Homelessness Program aids Aboriginal youth who are either at risk, or experiencing homelessness, in accessing long-term & affordable housing	Support for Aboriginal and Torres Strait Islander people in the Morwell region	Yes	Youth	Support to secure long-term affordable housing
Victorian Aboriginal Community Controlled Organisation (VACCHO)	VACCA's Local Justice Workers support Aboriginal people who are in contact with the justice system, providing advocacy, assistance in fulfilling obligations, and connecting community members to other Aboriginal service providers. The Victorian Aboriginal Community Controlled Health Organisation is the peak body for Aboriginal and Torres Strait Islander health and wellbeing in Victoria. They primarily operate within the health space, although there are intersectionalities with social determinants of wellbeing of which housing features.	Support for Aboriginal and Torres Strait Islander people	Yes	Yes, support is available for people over 18	Advocacy support
		Support for Aboriginal and Torres Strait Islander people	Services are available to all, although do not appear to be specific services for post-incarceration	Yes	No

Appendix 2: Services in the sector

Service	Program	Population supported	Post-Incarceration support	Support for men and young people	Nature of housing support
Victorian Aboriginal Community Services Association (VACSAL)	The Bert Williams Aboriginal Youth Services aims to deliver proactive and preventative services to Koorie youth in the North and West Metropolitan Region. The service is focused around delivering proactive and preventative measures regarding over-representation within the youth justice & homelessness system. The service runs varying specialised programs to provide support prior, during, and post interactions with the justice system.	Support for Aboriginal and Torres Strait Islander people in the North and West Metropolitan Region	Yes	Support for male and female youth across varying programs	Yes
	As part of the Bert Williams Aboriginal Youth Services the Aboriginal Youth Hostel Crisis/Homelessness short term accommodation offers safe and secure crisis accommodation, 24 hours a day, case management, independent living and life skills, networking, assistance to secure, medium-term accommodation and / or reconnect to family and/ or community.	Support for Aboriginal and Torres Strait Islander people	Unclear	Support for men aged 16-22	12 weeks accommodation
	As apart of the Bert Williams Aboriginal Youth Service, the Koori Youth Justice Program offers court advice, networking, case work, secondary consult, Aboriginal Cultural Support Plans, Community supports and linkages, early intervention and prevention programs to male and female young people.	Support for Aboriginal and Torres Strait Islander people	Yes	Support for male and female youth between 10 and 20	Referral support
Victorian Aboriginal Health Service (VAHS)	VAHS offers a range of services including a Preventative Healing Unit, Men's unit and community programs.	Support for Aboriginal and Torres Strait Islander people	Yes	Yes	No
Victorian Aboriginal Legal Services (VALS)	VALS provides legal advice and support to Aboriginal men and young people. VALS administer the Baggarook program which supports Aboriginal women to secure housing for several months post-incarceration.	Support for Aboriginal and Torres Strait Islander people	Yes	No, support is for women	Women have access to housing for 12 months
Victorian Association for the Care & Resettlement of Offenders (VACRO)	ReConnect supports people to successfully settle back into their communities after being released from prison. It's a voluntary program that provides assertive outreach and practical assistance to ease the pressures of returning home. VARCO's in-prison program, ReLink, provides a safe space for people to hope and plan for a better future for themselves and their families. ReConnect provides the support needed for those plans to take shape.	Mainstream	Yes	Yes	Unclear
Wathaurong	The Adult Justice Program liaise with the Department of Justice, Sheriff's Office, Community Corrections, Department of Health and Human Services (Youth Justice) and other related agencies to improve outcomes for community members who may have come into contact or be at risk of coming into contact with the justice system.	Support for Aboriginal and Torres Strait Islander people	Yes, this program aims to reduce recidivism	Yes, support for adults over the age of 25	Unclear
	Wathaurong Aboriginal Co-operative Youth Justice Program provides a culturally supportive service for young people. This service is provided to young Aboriginal people who have been involved, or are at risk of becoming involved with the criminal justice system or court system.	Support for Aboriginal and Torres Strait Islander people	Yes, this program aims to reduce recidivism	Yes support for youth between the ages of 10 and 24 years old	Unclear

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