

**FINAL INQUIRY REPORT**

PEER  
REVIEWED

FINAL REPORT NO. 339

# Inquiry into integrated housing support for vulnerable families

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Publication Date October 2020

DOI 10.18408/ahuri7116001

The logo for AHURi features a red curved line above the text 'AHURi'. The 'i' is lowercase and has a red dot. The text is in a bold, sans-serif font.

**Title**

Inquiry into integrated housing support for vulnerable families

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**ISBN**

978-1-922498-04-5

**Key words**

Alcohol and other drugs, anti-social behaviour, children, crime, domestic and family violence, eviction, housing outcomes, housing pathways, Indigenous domestic and family violence, Indigenous housing outcomes, residential tenancies law, risk, safety, service integration, social housing, tenants, termination, vulnerable families, women.

**Series**

AHURI Final Report

**Number**

339

**ISSN**

1834-7223

**Publisher**

Australian Housing and Urban Research Institute Limited  
Melbourne, Australia

**DOI**

10.18408/ahuri7116001

**Format**

PDF, online only

**URL**

<https://www.ahuri.edu.au/research/final-reports/339>

**Recommended citation**

valentine, k., Cripps, K., Flanagan, K., Habibis, D., Martin, C. and Blunden, H. (2020) *Inquiry into integrated housing support for vulnerable families*, AHURI Final Report No. 339, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/339>, doi: 10.18408/ahuri7116001.

**Related reports and documents**

Flanagan, K., Blunden, H., valentine, k. and Henriette, J. (2019) *Housing outcomes after domestic and family violence*, AHURI Final Report No. 311, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/311>, doi: 10.18408/ahuri-4116101.

Martin, C., Habibis, D., Burns, L. and Pawson, H. (2019) *Social housing legal responses to crime and anti-social behaviour: impacts on vulnerable families*, AHURI Final Report No. 314, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/314>, doi: 10.18408/ahuri-7116301.

Cripps, K. and Habibis, D. (2019) *Improving housing and service responses to domestic and family violence for Indigenous individuals and families*, AHURI Final Report No. 320, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/320>, doi: 10.18408/ahuri-7116201.

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**Acknowledgements**

This material was produced with funding from the Australian Government and state and territory governments. AHURI Limited gratefully acknowledges the financial and other support it has received from these governments, without which this work would not have been possible.

AHURI Limited also gratefully acknowledges the contributions, both financial and in-kind, of its university research partners who have helped make the completion of this material possible.

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- Heather Nancarrow, ANROWS
- Kym Goodes, TasCOSS
- Ruby Steele, Legal Aid NSW
- Moo Baulch, DV NSW
- Tammy White, NT Department of Housing and Community Development NT
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- Nicole Fields, Department of the Prime Minister and Cabinet
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## Acronyms and abbreviations used in this report

<b>ABS</b>	Australian Bureau of Statistics
<b>AHURI</b>	Australian Housing and Urban Research Institute Limited
<b>AIHW</b>	Australian Institute of Health and Welfare
<b>COAG</b>	Council of Australian Governments
<b>CRA</b>	Commonwealth Rent Assistance
<b>DFV</b>	Domestic and family violence
<b>NSW RTA</b>	<i>Residential Tenancies Act 2010</i> (NSW)
<b>SA RTA</b>	<i>Residential Tenancies Act 1995</i> (SA)
<b>SHS</b>	Specialist Homelessness Service(s)
<b>Tas RTA</b>	<i>Residential Tenancy Act 1997</i> (Tas)
<b>Vic RTA</b>	<i>Residential Tenancies Act 1998</i> (Vic)
<b>WA RTA</b>	<i>Residential Tenancies Act 1987</i> (WA)

## Glossary

A list of definitions for terms commonly used by AHURI is available on the AHURI website [www.ahuri.edu.au/research/glossary](http://www.ahuri.edu.au/research/glossary).

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# Executive summary

## Key points

- In general, crisis and emergency responses are reportedly effective in meeting the short-term needs of women and children, especially non-Indigenous women and children in major urban areas. However, this is not universal. Indigenous women and children in remote and regional areas face acute shortages in housing support and culturally safe service.
- Moving from short-term or transitional accommodation into permanent, independent housing is very difficult, and sometimes unachievable, for women and children affected by domestic and family violence (DFV).
- Specialist Homelessness Services (SHSs) and other human services are not able to compensate for the absence of affordable, suitable housing across the housing system: the provision of such housing is not within their remit or control yet it is critical to allowing women and children to flourish in the longer-term.
- Social housing is valued by tenants, and investment to overcome current undersupply could address problems with pathways to permanent housing.

- **In social housing's currently marginalised state, tensions exist between aspirations to support vulnerable groups and policies relating to tenancy management: in particular, the role of social landlords in relation to crime and anti-social behaviour.**
- **Housing pathways are constrained by capacity and resource scarce constraints within housing support systems. These constraints appear to be more significant barriers to safe and sustainable housing pathways than problems of integration between systems.**
- **Other areas of government policy, such as the income support system, exacerbate poverty and disadvantage and make re-establishing stable housing more difficult for women who have experienced DFV.**

## Key findings

The housing and other needs of vulnerable families cannot be met by one sector. This is increasingly recognised in policy and program design. The *National Plan to Reduce Violence against Women and their Children*, for example, recognises that ‘all systems need to work together’ and aspires to ‘an unprecedented level of collaboration with the broader community and governments’ (Council of Australian Governments 2010: 11). However, there are gaps in provision to vulnerable families across the housing system, and a need for improved responses in emergency accommodation, social housing, and private rental housing. The interactions between housing and human services, particularly child protection and family support, also work against policy aspirations to improve support for vulnerable families and reduce the risks of homelessness and other adverse events. While areas of strength and effective service delivery are evident, these are not uniformly available to all groups and in all areas.

Refuges, shelters and transitional accommodation remain a vital, albeit necessarily specialised and limited, part of the service system and provide valuable support for many families. However, the lack of secure, affordable and permanent housing is a systemic issue.

Indigenous women and children, especially in regional and remote areas, have very limited housing options and housing pathways in the aftermath of DFV. Acute shortages in crisis, transitional and long-term accommodation mean that Indigenous women and children are routinely turned away from refuges and safe houses because they are at capacity. In these circumstances they become trapped in a revolving door seeking shelter with family/friends or returning to an unsafe home. This is the case even in the context of a significant growth in awareness and resources to respond to families who have experienced DFV. The capacity of the service system away from metropolitan areas, and the cultural safety of services, remain areas where policy development, and resources to build workforce capacity and service quality are needed.

Social housing continues to be an important destination tenure for women leaving DFV. While it does not always offer an ideal living environment for women dealing with trauma or safety concerns, it does provide secure tenure and ongoing affordability. The marginalisation of social housing, through years of underinvestment, means not only is there insufficient housing for all who need it, but the little there is often comes in concentrations of disadvantage, and subject to sharply judgemental conditionality. Social housing legal responses to crime and to non-criminal anti-social behaviour (hereafter referred to as ‘misconduct’) conflict with other policies and practices to support vulnerable families in sustaining their tenancies. Although social housing landlords are generally strongly committed to assisting women leaving DFV, in social housing women are subject to unrealistic expectations about controlling the misconduct of male partners and visitors—and may be evicted because of violence against them. Tenancy termination is a blunt, heavy instrument that especially impacts on women, children, Indigenous persons and persons with problematic alcohol and other drug use.

## Policy development options

Policy development options to better integrate specialist homelessness services with the broader service system include:

- greater investment in a range of affordable housing options, particularly social housing that is planned and designed to be safe, secure and supportive, as well as affordable in the long-term
- strategies to address the impact of different levels of affordability and availability of housing across private rental markets, which make rental subsidies ineffective in some areas and severely limit the housing options for vulnerable families
- alignment of integrated, trauma-informed practice, which occurs at the level of local service delivery, with broader systemic interventions
- changes to income support policies to address poverty and social exclusion.

Policy development options to better support Indigenous families include:

- establishing and building the capacity of specific Indigenous landlord organisations, housing officers in mainstream providers, support workers and tenant advocates
- harnessing the experience and knowledge of Indigenous landlord organisations to build community capacity with a view to adjusting tenancy law, policy and practice. In particular, these organisations and communities can work towards changes that recognise cultural obligations and extended family responsibilities, rather than imposing responsibility and liability on tenants individually
- sustained investment in building the cultural safety of mainstream services and systems
- strategies to address the tensions between policies to support families to maintain care of their children, with child protection policies that mandate permanency planning.

Policy development options to better integrate social housing policy with policies to support vulnerable people include:

- reviewing social housing policies and practice for gender impacts, and sponsoring the cultivation of respectful relationships
- adopting 'the best interests of the child' as the paramount factor in decisions about tenancy termination affecting children
- moving support out of the shadow of tenancy termination
- giving tenants more certainty through commitments that no-one will be evicted into homelessness
- ensuring proper scrutiny is applied to termination decisions and proceedings, and to sector practice
- more effective service integration between housing and child protection practices, so that children are not removed or remain in out-of-home care unnecessarily
- reforming the law regarding tenants' extended and vicarious liability for other persons
- adopting harm minimisation as a guiding principle for responses to alcohol and other drug use, including where there is criminal offending.

In the jurisdictions where they are already established, specific Indigenous landlord organisations, housing officers in mainstream providers, support workers and tenant advocates are often able to collaborate and negotiate the complexity of Indigenous tenants' complex personal histories, institutional contacts and interpersonal relations, shaped by past and present institutionalised racism and colonialism. Establishing and building the capacity of these organisations and workers should be a priority in all jurisdictions.

## The study

Domestic and family violence (DFV), mental illness and problematic alcohol and other drug use are significant risk factors for homelessness. A range of policy responses has been devised to prevent homelessness among those affected by these issues, and to provide support to those who are experiencing homelessness. Evidence is emerging of promising practices that could be expanded. However, there are also indications of existing practices and policies in the housing field that may impede effective responses or worsen the hardships and injustice faced by vulnerable groups (Jones, Phillips et al. 2014).

Vulnerability to homelessness and violence are produced by multiple causes, and integrated responses to address this vulnerability have been identified in a number of strategies and policies as a priority. This Inquiry investigated how policy and program responses are experienced by key population groups in different types of housing tenure. The research focused on how integration is actually operating in different contexts:

- the integration of housing and other support for women experiencing DFV in different housing tenures
- integrated support for Indigenous women experiencing DFV
- the integration of social housing policy with policies to support women affected by domestic and family violence and other especially vulnerable households.



The overarching research question for the Inquiry is:

- How can housing support for vulnerable families be best integrated with other types of support, to enhance safety and wellbeing?

This research question is supported by three more specific research questions, which were addressed by individual projects:

- How effective are existing housing policies and practices in preventing homelessness and enhancing safety and wellbeing for women who have experienced domestic violence and their children?
- How can housing and other service responses to DFV be improved to meet the needs of Aboriginal individuals and families more effectively?
- Do social landlords' legal responses to occupier misconduct appropriately address women affected by DFV and other especially vulnerable households?

These three research projects encompass the experiences of different population groups, across critical transition points and different housing sectors.

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# 1. Introduction

## 1.1 Why this Inquiry? Investigating policy responses to homelessness caused by ‘vulnerability’

Domestic and family violence (DFV), mental illness and problematic alcohol and other drug use are significant risk factors for homelessness, and significant policy concerns in their own right. It is timely to review policies and programs designed to address them, in part because of the recent increase in visibility and resources attached to these responses. Emerging as a key policy concern in recent years, DFV is now subject to significant reforms designed to improve the safety of women and children (Council of Australian Governments 2010). Substantive national and state-based initiatives have incorporated strategic and systemic reform to promote the provision of more integrated, ‘seamless’ services to women and children affected by violence.

Evidence is emerging that people are benefiting from these reforms, with services becoming more attuned to identifying and meeting housing and other needs in a timely manner. However, this research adds to other evidence that there are critical shortfalls, including in the housing and homelessness sectors, and some groups of people are not served well.

### 1.1.1 Key concepts: vulnerability, integration and intersectionality

Our analysis of policy responses to homelessness among people who have experienced DFV, or have other significant support needs, draws on critical analysis of the three key concepts of: *vulnerability as a cause of homelessness*, *intersectionality as a lens on the complexity of vulnerability*, and *service integration as a means of addressing multiple vulnerabilities*.

- **Vulnerability:** DFV is a leading cause of homelessness for women and their children. Other groups of people are also at increased risks of homelessness, and there is a growing research base on their experiences and needs. Mental health problems, and problematic alcohol and other drug use, are particular risk factors. The concept of ‘vulnerability’ is commonly used as an umbrella term for these groups of people, who otherwise have diverse characteristics and circumstances. The term is also useful in highlighting the compounding nature of adverse experiences, which are not only consequential in their own right, but also heighten the risk of other adverse experiences. People who have unmet support needs are more vulnerable to homelessness than others, and research from the United Kingdom (Fitzpatrick, Bramley et al. 2013) indicates that it is those with the most significant support needs who are most likely to have the most sustained experiences of homelessness.

- **Intersectionality:** The concept of vulnerability has policy salience and is supported by a strong evidence base on risk factor research. However, it is conceptually weak. As such, our analysis draws on the concept of 'intersectionality' to strengthen it. 'Intersectionality' refers to the ways in which experiences and identities are formed by the intersections of gender with other aspects of identity, such as Indigeneity, class, disability and age (Cho, Crenshaw et al. 2013; Crenshaw 1991). Where vulnerability describes the presence of multiple adverse experiences, intersectionality draws attention to the social and economic structures that form these experiences. Intersectionality can be understood as the characteristics and environments, and their complex interactions with each other, that inform an individual's perspective. An awareness of intersectionality can lead to a better understanding of contexts and responses to, and appropriateness of, service options offered.
- **Service integration:** There is growing recognition of the multiple and complex support needs faced by many people experiencing homelessness. Service integration is a current policy priority as a way of responding effectively to these needs. Although a lack of services creates difficulties, so too does a 'siloe'd' system in which discrete providers work in isolation on single problems without information exchange, either about mutual clients or about their work in general (Bromfield, Lamont et al. 2010). Service integration proposes communication, cooperation and collaboration to ensure accessibility, efficiency, minimal duplication of effort, consistent decision-making and continuity of care (see valentine, Fisher et al. 2006; ALRC & NSWLRC 2010; Zweig, Schlichter et al. 2002). However, as Breckenridge, Rees and colleagues (2016: 28) argue, although '[t]here is broad support in research, policy and practice that integration is necessary to prevent the harms caused by service fragmentation', what kind of integration and how far it should be extended are less clear. Above the level of individual services, integration is also pursued at a policy level, particularly through overarching plans or policy frameworks that span different sectors and, indeed, the whole of the community. These include the *National Plan to Reduce Violence Against Women and their Children 2010–2022*, the *National Framework for Protecting Australia's Children 2009–2020*, principles of Indigenous peoples' self-determination, and the principle of harm minimisation in the *National Drug Strategy 2017–2026*. These plans are deliberately framed as agenda for reforming existing institutions and practices, so there is always a question as to what progress is being made—especially in areas where private institutions and market provision dominates activity, as is the case with housing.

## 1.2 Policy context

### 1.2.1 Integrated service responses: aspirations, evidence, and unintended outcomes

In Australia, the task of integration is complicated by federal and sectoral governance structures. As Jones, Phillips and colleagues (2007: 8–9) put it, '[t]he integration "problem" in Australia involves the need to bring about policy and service coherence in a system involving three levels of government, a large number of state organisations, and significant roles played by the state, community, market and informal sectors in service provision'. This must all occur in both metropolitan areas and rural and remote areas in which immense distances and a dispersed population create significant practical barriers.

However, there are also existing examples of integration that have unintended and negative effects. In particular, the intersections of systems of child protection and law enforcement can sometimes be understood as an instance of integration that does not work in the interests of extremely vulnerable people. Policy tensions between DFV and child protection impact especially harshly on Indigenous women and children. Despite concern at the number of Indigenous children in out-of-home care (AIHW 2019a), current child protection policy and related legislation often holds women accountable for the safety of children. The National Plan to Reduce Violence against Women and their Children 2010–2022 (the National Plan)'s recognition of the harmful effects of DFV on children has resulted in some jurisdictions defining exposure to DFV as a form of child abuse and this has been enacted in their child protection legislation. Consequently, child protection officers may remove children if parents are unable to provide a safe environment for children as a result of violence within the home (Funston, Herring and ACMAG 2016: 54).

This is especially a concern where legislation requires mandatory reporting of child abuse with some jurisdictions requiring housing officers to report any concerns (AIHW 2016). Despite the policy emphasis on culturally appropriate service provision, rates of removal of Indigenous children continue to rise with concerns that these are related to safety issues due to DFV (AIHW 2018a; AIHW 2019b; Courtney, McMurty et al. 2004; Victorian Commission for Children and Young People 2016). In 2017-2018, Indigenous children were the subject of substantiated abuse and/or neglect reports at almost seven times the rate of non-Indigenous children, and they were admitted to out of home care at nine times the rate of non-Indigenous children (AIHW 2019b). These figures are important as it has been estimated that in some jurisdictions exposure to DFV is as high as 88 per cent (Victorian Commission for Children and Young People 2016). However, there is no public data available that conclusively demonstrates the number of children who have been removed as a direct consequence of DFV.

In complex DFV situations, child protection services often blame the mother for failing to protect the children and place significant conditions on the care and custody of their children (Cripps 2012). This effectively doubly punishes Indigenous women, who are not only victims of violence, but who also risk removal of their children despite severely limited options to ensure their safety (Cripps 2012; Cripps and Adams 2014; Culhane, Webb et al. 2003; Courtney, McMurty et al. 2004; Hinton 2018).

### **1.2.2 Tensions between social housing policy and integrated service objectives**

In the contemporary social housing sector, the emergence of multiple providers, tighter targeting and greater policy interest in the achievement of non-shelter outcomes has created pressure for housing services to better integrate with other service providers (Phillips, Milligan et al. 2009: 52–53). Yet there are specific concerns around the integration of social housing's objectives of supporting vulnerable families with its role of enacting and enforcing sanctions. Existing research on social housing tenancy management, in the context of broader social and housing policy, indicates the contradiction and tension around social housing's increasing targeting of need, and the reactionary, even punitive, character of recent developments in law and policy. Over the past two decades or so, housing policy in Australia has enlarged the role of social landlords in relation to misconduct. In some respects, this role has been conceived of with the aim of 'sustaining tenancies', through policies and practices for preventing misconduct and, where it occurs, ameliorating its effects (Habibis, Atkinson et al. 2007). In other respects, however, social housing's role has been conceived of as disciplinary, even punitive: 'getting tough' and 'cracking down' on misconduct by excluding persons from social housing, particularly through legal proceedings for the termination of tenancies (Martin 2015; 2016). This aspect of social housing's role is reflected in the recent widespread adoption of 'three strikes' policies to guide responses to misconduct, and in amendments to residential tenancies legislation to facilitate termination proceedings by social housing landlords. The support, therefore, that social housing policy has offered to other areas of policy regarding vulnerable persons and families is ambiguous. The support has targeted housing assistance to vulnerable groups, but this assistance is marginalised housing, which has sharpened notions of housing as 'a privilege not a right', and facilitated reactive approaches to misconduct.

### **1.2.3 The place of housing in integrated responses to domestic and family violence**

DFV is recognised as a leading cause of homelessness. Addressing homelessness is prioritised in policy and strategic responses to DFV, and yet housing provision has only a peripheral role. Almost all jurisdictions have recently enacted provisions in their residential tenancies legislation to assist women to more easily assume a tenancy from an excluded perpetrator. Although, the terms and conditions vary between jurisdictions and evaluations of 'safe at home' initiatives show that these provisions are insufficient to prevent the risk of homelessness in many instances. Most states also have DFV initiatives that indicate homelessness prevention and addressing homelessness are priorities. Current DFV policy responses are framed around an 'integrated' support model that aims to increase information sharing, improve co-ordination of crisis response, build the capacity of frontline workers across relevant sectors, and strengthen partnerships between government agencies and Non-Governmental Organisations (NGOs), including housing services. As Spinney (2012: 2) argues, 'the most effective homelessness prevention measures for women and children who have experienced domestic and family violence often combine legal/judicial, housing and welfare policy and practices in an integrated manner in order to improve their safety'.

However, few of these initiatives are substantial in terms of housing provision. They cannot counter the systemic shortfall in affordable housing supply, or address the multiple barriers that face vulnerable households, including women leaving violence, in securing the housing that is available. Long stays in brokered emergency accommodation or refuges are inappropriate. Moving frequently amongst crisis, emergency and transitional housing options are also problematic for victims, particularly if the result is frequent changes to children's schools (or a varied or difficult commute to the same school), lack of stable employment, and the inability to build connections to the community. Avoiding these undesirable situations requires timely access to stable, independent housing. Few states have made a concerted effort to strategically address women's need for ongoing safe, secure and affordable housing following DFV (Victoria and Tasmania are partial exceptions).

The scant investment in integrated housing policy is not the only challenge, particularly for Indigenous families and those facing multiple vulnerabilities. Current initiatives overwhelmingly target generic populations, despite the considerable socio-economic and cultural variability within the victim population and their different life experiences and situations (AIHW 2014). Gaps in service delivery and systemic responses are also still significant barriers to the effective provision of DFV support, and the effective integration of DFV and housing support. These gaps include a lack of capacity at practitioner and individual service level, barriers to take-up of legislative and other entitlements by vulnerable women, and waiting times and unmet needs for key forms of assistance. Housing affordability restricts the capacity of many women to remain in their own home or assume a new tenancy after separation, including after the exclusion of the perpetrator. Indigenous women, those without permanent residency status and on visas that restrict their incomes, and those subject to Family Court processes, are particularly vulnerable to gaps and shortages in support. There is also little understanding of the extent to which programs designed with an urban focus are easily transferable to rural and remote contexts. This is particularly problematic for Indigenous populations, where policy assumptions may be poorly calibrated against Indigenous cultural and socio-economic realities (Spinney, Habibis et al. 2016).

Moreover, where implemented, integration attempts between service areas may not be robust enough to support long-term positive outcomes because, often, they are not constructed to deal with complex matters (valentine and Breckenridge 2016; Spinney 2012). Integration efforts cannot be successful if there are insufficient funded services and programs to form a well-functioning service network. This is an issue particularly relevant to Indigenous populations in regional and remote locations where services are constrained by short-term government funding. This ultimately affects the long-term effectiveness of initiatives responding to DFV in Aboriginal communities (Cripps and Davis 2012; Cripps 2007).

### 1.3 Research methods

The overarching research question for the Inquiry is:

How can housing support for vulnerable families be best integrated with other types of support, to enhance safety and wellbeing?

- This research question is supported by three more specific research questions, which were addressed by individual projects.
- How effective are existing housing policies and practices in preventing homelessness and enhancing safety and wellbeing for women who have experienced domestic violence and their children?
- How can housing and other service responses to DFV be improved to meet the needs of Aboriginal individuals and families more effectively?
- Do social landlords' legal responses to occupier misconduct appropriately address women affected by DFV and other, especially vulnerable households?

These three research projects encompass the experiences of different population groups, across critical transition points and different housing sectors. The reports from these projects inform the analysis and findings of this report. Illustrative extracts are presented throughout.

To address the research questions, each project used a range of methods.

Table 1: Inquiry projects: methods and outputs

Research question	Methods	Focus jurisdictions	Outputs
How effective are existing housing policies and practices in preventing homelessness and enhancing safety and wellbeing for women who have experienced domestic violence and their children?	<ul style="list-style-type: none"> <li>• Desktop policy review</li> <li>• Qualitative interviews with women who have experienced DFV (n=28)</li> <li>• Interviews with policy and service delivery stakeholders (n=74)</li> </ul>	<ul style="list-style-type: none"> <li>• Commonwealth</li> <li>• New South Wales</li> <li>• Tasmania</li> </ul>	Flanagan, K., Blunden, H., valentine, k. and Henriette, J. (2019) <i>Housing outcomes after domestic and family violence</i> , AHURI Final Report 311, Australian Housing and Urban Research Institute Limited, Melbourne
How can housing and other service responses to DFV be improved to meet the needs of Aboriginal individuals and families more effectively?	<ul style="list-style-type: none"> <li>• Evidence and policy review</li> <li>• Qualitative interviews with Indigenous women who have experienced DFV (n=9)</li> <li>• Interviews with policy and service delivery stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Commonwealth</li> <li>• New South Wales</li> <li>• Northern Territory</li> </ul>	Cripps, K., and Habibis, D. (2019) <i>Improving housing and service responses to domestic and family violence for Indigenous individuals and families</i> , AHURI Final Report 320, Australian Housing and Urban Research Institute Limited, Melbourne
Do social landlords' legal responses to occupier misconduct appropriately address women affected by DFV and other, especially vulnerable households?	<ul style="list-style-type: none"> <li>• Reviews of high-level policy principles and frameworks</li> <li>• Reviews of laws and policies relating to social housing legal proceedings and responses to misconduct</li> <li>• Cases and published decisions of termination proceedings (n=95)</li> <li>• Stakeholder interviews (n=11)</li> </ul>	<ul style="list-style-type: none"> <li>• New South Wales</li> <li>• Tasmania</li> <li>• Victoria</li> <li>• Western Australia</li> <li>• Northern Territory</li> </ul>	Martin, C., Habibis, D. Burns, L. and Pawson, H. (2019) <i>Social housing legal responses to crime and anti-social behaviour: impacts on vulnerable families</i> , AHURI Final Report 314, Australian Housing and Urban Research Institute Limited, Melbourne

Source: Authors.

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## 2. Policies and practices across housing sectors

- **Crisis accommodation**

- Crisis and emergency responses are generally effective in meeting the short-term needs of non-Indigenous women and children in major urban areas. However, Indigenous women and children in remote and regional areas face acute shortages in housing support and access to culturally safe services.
- There are also differences in the quality of service provided to some groups of women and children, which are based on systemic discrimination and views of ‘deservingness’.

- **Private rental accommodation**

- Moving from short-term or transitional accommodation into permanent, independent housing is very difficult, and sometimes unachievable, for women and children affected by DFV.
- Specialist Homelessness Services (SHSs) and other human services are not able to compensate for the absence of affordable, suitable housing. Reliance on private rental market subsidies to achieve housing outcomes is problematic.
- The private rental market varies across locations and jurisdictions in its accessibility to vulnerable groups, even with the assistance of subsidies.
- Subsidies are useful in assisting some people find sustainable housing but, for the most part, do not overcome other barriers such as limited affordable supply and competition from other prospective tenants.

- **Social housing**

- Social housing is valued by tenants, and investment to increase supply could potentially address problems with pathways to permanent housing for vulnerable groups.
- Insufficient social housing supply results in blocked pathways for women leaving violence and, for those who make it into social housing, tenancy management practices that are shaped by sharp conditionality, unrealistic expectations about controlling the behaviour of others, and punitive approaches to crime and anti-social behaviour.
- Recent developments include ‘three strikes’ policies and legislative amendments intended to facilitate termination proceedings and evictions. Tenancy termination is a blunt instrument with a heavy impact. Many disputes between tenants and social housing landlords lead to escalating threats to the tenancy and pushes towards ‘engaging’ with the landlord. This suggests that encouragement to seek support should move out of the shadow of termination. In particular, referrals should be made more freely, and earlier in a tenancy, and support delivered by services at arm’s length from the landlord.



## 2.1 Crisis accommodation and emergency responses

In research conducted for this Inquiry (Flanagan, Blunden et al. 2019a), it was found that services mostly respond quickly for women and children in crisis, and others who need emergency accommodation. However, some groups of people are not well supported, and geography plays a role in the effectiveness of responses; rural and regional areas more likely to be unable to meet demand. In addition, while a crisis response seems mostly to be possible, the quality of accommodation and the duration of support often fall short of what is best for women who have experienced violence and their children.

Services operate on an immediate response basis in most jurisdictions, and temporary accommodation may be provided by government agencies, SHS providers or other NGOs. Refuges and shelters are often full, which leaves providers with few options, other than brokered accommodation. In many cases, this immediate response is achieved by agencies paying for motel accommodation. Refuges and shelters also provide relatively short-term accommodation. This temporary accommodation in smaller towns is often problematic, especially if the perpetrator lives in the same town.

In some jurisdictions, this precarious situation is exacerbated by policies around temporary accommodation, which is not part of the SHS system. In New South Wales (NSW), for example, it is a requirement that people needing emergency accommodation re-request this every two days.

The experience for many service users is accommodation in a motel for a day or two, before being sent to whichever refuge has a bed available. This experience of disruption and uncertainty can pose risks to clients: women and children may return to an unsafe home, or seek accommodation with relatives, creating problems of crowding and possible lack of safety.

“My time was up and other families needed to move in, I had no other choice but to go live with my family. At one point I had to go back to my ex because there was no room there.” (Service user)  
(Cripps and Habibis 2019: 32)

Indigenous women and children continue to experience significant barriers to receiving a model of care that respects and embraces their difference. Indeed, their experiences give voice to being judged and questioned as to whether they are worthy victims deserving of support. This is influenced by the appearance of attitudes expressing a normalisation of violence, complacency towards that normalisation, and a further undertone of racism, both within the community and—of most concern—within the service sector. This impacts directly on victims’ safety, their housing pathways, and whether they are able to retain custody of their children.

Most jurisdictions now have DFV safety frameworks that are designed to increase service integration and improve the safety of women and children in imminent danger of harm. These appear to be effective in many areas. The establishment of a register of women in immediate danger and the development of plans to ensure their safety at regularly held meetings, together with information sharing and collaborative working relationships have increased service co-ordination, improved service responsiveness and accountability, and reduced service duplication. However, there are still a number of gaps and concerns in the response for Indigenous women including: inadequate geographical coverage, the extent to which the housing needs of women are prioritised alongside the justice response, as well as the unintended consequences for women of information sharing for child protection issues.

In some cases, crisis accommodation providers have exclusion criteria that prevent women receiving support. Examples of such exclusion criteria include:

- Boys over the age of 12 are often excluded from women’s shelters. Finding safety for the woman may mean separating from her older, male children, and risking their care to another family member, or strangers, at a time of severe family stress.
- Bans on the use of alcohol and other drugs.
- Failure to follow the accommodation rules, and clashing with other residents or workers.

- Family pets are excluded from some shelters and transitional accommodation. Some services offer boarding at discounted rates, but take-up of this service is low because costs are still too high for most people. Dogs in particular are an important source of security in Aboriginal households.

## 2.2 Private rental housing

The private rental market is an important and growing destination for those leaving crisis or transitional housing (such as that provided by SHS). Governments have developed specific subsidies or programs to assist people into the private rental market. At the national level, Commonwealth Rent Assistance is also available to some people with low incomes, such as those receiving a pension, who rent in the private market.

The effectiveness of these subsidies varies between locations, because of the impact of local market conditions on affordability and availability.

Regardless of the availability of subsidies, the private rental market is difficult for many vulnerable groups. This is most obviously because of cost; vulnerable groups often have very low incomes and constraints on employment.

“Real estate rental, private rental is very, very expensive [here], as it is everywhere. Even if I had been working, which I’m not, I just wouldn’t have been able to afford it. My income always goes just over the threshold where you can’t get any assistance.” (service user) (Flanagan, Blunden et al. 2019a: 63)

Cost is not the only barrier for vulnerable families looking for housing in the private rental market. Landlords and their agents typically select tenants from a field of applicants and when competition for available rentals is higher, this field of applicants expands in number. Landlords seek to minimise risk and maximise return and are therefore inclined to choose tenants whom they perceive to be most likely to pay rent and sustain a tenancy. People with poor or no rental histories, who are unemployed, or in insecure work are often perceived as presenting a greater risk. Households with children, pets, or from particular cultural backgrounds may also face discrimination and stereotyping.

In the private sector, when women present with their tenancy guarantees, the [rental subsidy], all those housing products, because of the demand for housing here, they don’t complement your application, they actually can have the reverse effect. (service provider) (Flanagan, Blunden et al. 2019a: 64)

Nine times out of 10 they are on TICA [a tenancy ‘blacklist’ database] and getting them removed from TICA because of DV-related crimes or damages or whatever—you can’t do it. (service provider) (Flanagan, Blunden et al. 2019a: 65)

We have a lot of clients on TICA and it’s not necessarily through their own fault. Partner hasn’t paid rent, partner has gambled it, used it on drugs, done a lot of damage, and so the women are then left with the debt and often the perpetrators, they don’t seem to be chasing them up. So if they can’t locate the perpetrator or he goes to jail, the woman is then left with the whole debt. So that puts her further behind the eight ball. (service provider) (Flanagan, Blunden et al. 2019a: 65)

The quality of affordable housing in the private rental market is concerning to clients and service providers in some areas. Service providers reportedly need to take time to manage clients’ expectations of housing size and quality. Those who had previously lived in a larger, better quality dwelling were sometimes aghast at the size and quality of the rental housing on offer.

The private rental market is even more out of reach for many Indigenous people, because of systemic racism, which drives both discrimination in private rental markets, and high rates of poverty and exclusion among Indigenous people. Unemployment rates for Aboriginal and Torres Strait Islander populations are much higher than for non-Indigenous people, with almost 50 per cent of the population being unemployed in many regional towns (PMC 2017). Even when they are employed, average earnings are substantially less than amongst non-Indigenous people (ABS 2016).

Initiatives to increase the accessibility of the private rental market to vulnerable families, such as stronger subsidies or rental guarantees for landlords, are likely to have limited effectiveness. Strategies that seek to 'socialise' (Parkinson and Parsell 2018) the costs of the private rental market to make it affordable can provide some pathways to affordability and stability, but their cost to government is likely to increase, and their effectiveness is likely to decline over time. There is research emerging that demonstrates that investment in new social and affordable housing supply, planned in response to patterns of population growth, is a more sustainable and efficient option to meet widespread housing need than demand-side subsidies, and produces a range of other social and economic gains (Flanagan, Martin et al. 2019b). While the rental market is an important part of the DFV policy response, a policy reliance on this form of housing tenure will be less effective than investment in social and affordable housing.

### 2.3 Social housing

There are many constraints on entry to the private rental market, and it is not feasible for many people on very low incomes. Home ownership is unrealistic for many people leaving DFV, although for some it may be a legitimate and feasible future aspiration. Social housing therefore remains a very important component of the system of housing support available to vulnerable people, despite the strong limits on its availability.

As the other primary form of housing tenure, the circumstances in which social housing is available, and the experience of vulnerable tenants, is of critical importance. It remains an important housing option for women escaping DFV and is often valued for the ongoing affordability and tenure security it offers. However, these circumstances and experiences can be highly problematic. Access to the social housing system is afforded to those with the most complex needs. Women and children who have experienced DFV both significant risks and potential benefits from social housing. Because of its tight targeting and high concentration of very vulnerable tenants, social housing areas do not always provide supportive environments for women and their children, especially those who have recently experienced DFV. In these areas, service providers are reportedly reticent to recommend social housing to clients due to the risk that the perpetrator could be living in, or have contacts in, the same area.

Aboriginal women and children who are excluded from the private rental market because of cost face specific barriers to gaining access to social housing. Even securing a place on list can be delayed if women lack the necessary identity documentation confirming Aboriginality, which is required as part of the application process. This is a significant stumbling block as it delays applications for housing and obtaining income support whilst new documentation is obtained. Exclusion due to a negative housing history is a further cause of delays due to rental arrears or property damage. Although these commonly occur due to the DFV itself, a woman's position as the leaseholder can also be used by her partner as one of the ways of controlling her.

A broader policy concern is the changing role of social landlords, which is both a product of, and contributor to, the increasing inaccessibility of social housing to those who are most vulnerable. In particular, the role of social landlords has expanded in relation to misconduct.

A review of our 95 cases of recent social housing misconduct proceedings shows that social housing providers take legal proceedings in response to a very wide range of types of misconduct—from serious criminal offences to minor ones, and from highly abusive inter-personal conflict to low-level neighbour disputes and incivilities.

Examples of cases involving alleged use of premises for an illegal purpose include:

- alleged possession of methamphetamine valued at \$100,000, for which the tenants' partner and son faced trafficking charges
- possession of (in the tribunal's words) 'an Aladdin's cave' of stolen motorcycles, power tools and other goods, valued at \$50,000, and prohibited weapons, for which the tenant pleaded guilty and received a two-year good behaviour bond
- possession of identity documents with the intent to commit fraud, for which the tenant pleaded guilty and received a nine-month prison sentence
- use of illegal drugs by the tenant and visitors at the premises, for which the tenant pleaded guilty and received a 12-month good behaviour bond
- about 20 small (\$10–\$20) marijuana deals conducted at or near the premises by the tenant's casual boyfriend, for which the tenant was not charged
- an alleged act of 'harbouring or concealing a child' in contravention of accommodation orders under child protection legislation, for which the tenant was facing charges.

Examples of 'nuisance' cases include:

- over a period of years, frequent incidents of the tenant and her adult and teenaged children yelling, screaming and swearing at neighbours, and at each other
- complaints from neighbours about the tenant swearing, blocking the driveway with her car and making 'the rude finger gesture' (the tribunal's words, describing photographic evidence)
- an alleged series of incidents of rock throwing and verbal abuse of a neighbour by the tenant's children.

Cases under the direct application provisions for threat, injury and danger include:

- an alleged threat against a neighbour by the tenant, while holding a knife, for which the tenant was charged with making threats
- the tenant swearing and throwing objects at a housing officer who had attended the premises without notice to photograph the yard
- an attack on a housing officer by a dog (subsequently destroyed) tied up in the front yard of the premises. (*Martin, Habibis et al. 2019: 36-7*)

Research conducted for this Inquiry (Martin, Habibis et al. 2019) shows a significant gender dimension to social housing legal responses to misconduct. Social housing landlords are generally strongly committed to assisting women affected by domestic violence into safe housing, but this commitment may falter during a social housing tenancy. Tenancy obligations and extended liability under residential tenancies legislation—and social housing landlords' use of them—impose hard harsh expectations that women will control the misconduct of male partners and children. Even violence becomes framed as a 'nuisance' in tenancy legal proceedings; some women are evicted because of violence against them.

Analysis of the cases of misconduct proceedings (Martin, Habibis et al. 2019) also shows the variation in social housing landlords' responses. Some misconduct was met initially with only the logging of a complaint or other information. Where the behaviour was more pressing, or repeated, this was followed by attempts by housing officers to 'modify' the behaviour, through a combination of referrals to support and threats that the tenancy may be at risk—backed by warning letters, strikes, and applications for orders to comply with the agreement, and for termination orders. This was sometimes a protracted process but at other times escalated rapidly through threats to formal proceedings. In a few of the cases, termination was sought, but with the offer of another tenancy in prospect. Other misconduct—in particular, use of premises for an illegal purpose, but also some cases of threats, injury, damage and nuisance—was responded to with termination proceedings, where the sole objective was termination of the tenancy and the exclusion of the tenant and their household from social housing.

### Other vulnerable persons and households

As well as examining the impacts of social housing policy and practice on women affected by DFV, our research considered impacts on other vulnerable persons and groups. Children are sometimes the instigators of misconduct, but more often are innocent bystanders to misconduct by others. Where termination proceedings would affect children, social housing landlords typically make additional efforts to find alternatives, but the interests of children are a marginal consideration in the determination of proceedings.

Research conducted for this Inquiry reviewed tenancy termination cases and found strong Indigenous representation, especially in the cases involving women and children (Martin et al. 2019). The cases involving Indigenous persons and families often present complex personal histories, institutional contacts and interpersonal relationships, shaped by past and present institutional racism and colonialism. This makes the responsibility imposed on tenants towards 'engagement' in support services to avoid termination even more problematic.

Responses to misconduct relating to alcohol and other drug use are not expressly guided by harm minimisation. Public housing landlords have adopted a particularly active and uncompromising attitude to drug offences, typically taking illegal use termination proceedings wherever charges are laid against an occupier. Even where the proceedings are not overtly punitive, termination is pursued to the disruption of treatment and rehabilitation.

## 2.4 Policy implications

The policy implications of our findings relate to gaps and shortfalls in existing systems and in problematic connections between systems, as well as opportunities to build on what seems to be working well. Examples of the latter are practice integration for emergency and crisis accommodation, both as a principle guiding service delivery and as an explicit aspect of policy and service design. At the level of encounter with the service system, vulnerable people who seek assistance, especially non-Indigenous women and children, are finding the support they need.

However, the primary source of pressure on the crisis system, and therefore the principal point at which integration is failing, is the interface, or lack thereof, between the DFV system and the wider housing system. Women leaving violent relationships are routinely unable to readily obtain safe, affordable, accessible and appropriate housing in which they can settle for the long-term. Without this, they remain in crisis and transitional housing for longer than is appropriate, and the consequences of this are felt, not just in their insecurity and uncertainty, but throughout the whole system. Resolving this situation will require substantive and extensive measures to improve integration between the DFV system and the housing system, particularly in relation to social and affordable housing.

While the specific needs of Indigenous women and children are recognised in policy, significant challenges remain in meeting their needs, particularly in regional and rural areas. Indigenous people face a shortage of short-term accommodation options in the immediate aftermath of leaving a violent relationship; a shortfall in transitional housing; barriers to the private rental market; and difficulties in demand and waiting lists for social housing. These systemic failures relating to the safety and wellbeing of Indigenous women and children are both significant and problematic in their own right, and illustrative of the inconsistent, variable effectiveness of services for different vulnerable groups.

Social housing is an important part of the housing support systems available to vulnerable groups. Highly valued by many tenants, social housing has nonetheless also been subject to residualisation and under-investment which makes it unsafe and unsupportive for others. For social landlords, there are tensions between the goal of supporting these vulnerable groups in recognition of complex and intersecting and support needs, and the goal of managing tenancies in a context of high demand and insufficient supply. Social housing landlords respond to a wide range of criminal offending and anti-social behaviour, typically first with attempts to engage the tenant in support and intimations of threats to the tenancy. The research conducted for this Inquiry found evidence that a single substantial contact between the social housing landlord and the tenant appears, in most cases, to be sufficient to address a minor problem. More time, however, is spent responding to continuing problems, where unsatisfactory engagement and escalating threats often result in termination proceedings. In cases involving drug offences, social housing landlords typically take a 'zero tolerance' approach and seek termination, without 'engagement'. Where a tenancy is terminated, eviction usually follows. Typically, 'engagement' is by then lost, and so too is the prospect of further housing assistance.

Policies and programs are increasingly targeted at the private rental market, as social housing has been reframed in policy as available only to the most vulnerable, and home ownership is unrealistic for most people on low incomes. Subsidies are effective in some markets and for some people, but this is driven by local housing markets and the capacity of clients to afford market rent when the subsidy period finishes.

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## 3. Housing pathways for vulnerable groups

- **Housing pathways are constrained by capacity and resource constraints within housing support systems. These constraints appear to be more significant barriers to choice and safety than problems of integration between systems.**
- **Social housing termination proceedings pose barriers to the provision of support to vulnerable individuals and families, and to Indigenous tenants.**
- **The availability of safe, secure and affordable housing is critical to supporting women who have experienced DFV. In the absence of this, women may decide to return to a violent relationship because they perceive this as a safer option than the alternatives.**
- **The SHS sector plays a critical role in providing assistance for people experiencing, or at risk of, homelessness, and provides the principal crisis response for women and children who have to leave their home due to violence.**
- **There is evidence of very good local service coordination and a strong commitment to providing support, particularly for women and children requiring crisis and emergency accommodation. However, this is not universal.**

- **Services that work with Indigenous families do not always collaborate effectively, in some cases because of resource constraints and in some cases because of apparent racism and poor practice.**
- **For many clients, there is little services can do to provide a pathway from crisis into stable, secure and long-term accommodation.**
- **Other areas of government policy, such as the income support system, can exacerbate poverty and disadvantage and make re-establishing stable housing more difficult for victims.**



### 3.1 Risks and constraints on housing pathways

While there are many instances of service working well and vulnerable people being supported, this is not the case in all areas, and for all people. Constraints on support are driven by funding to services, as well as local housing markets. The consequence of this is that factors that should not be relevant to support, such as geographic location, affect the quality of support available.

One example of this is the use of 'safe at home' provisions for Indigenous women and children in remote communities. Most women prefer to remain in the family home. However, 'safe at home' policies that support home upgrades for women to stay in their home are only realistically available in limited locations in community housing, because of property management budgets. Even if funds are available, the length of time to carry out upgrades may be prohibitive. Service providers reported that they have often had to wait weeks for someone to assess properties, and that it took several more weeks before formal approval was provided. They could then organise contractors to complete the works, which can also take some time.

After a process of informal contacts, referrals to support and strikes, social housing landlords may apply to the court or tribunal (depending on the jurisdiction) for orders that the tenant comply with the agreement; this is particularly a requirement in Victoria, but it can occur in other jurisdictions. More often, however, proceedings for termination are taken. Interviews with Housing Tasmania (Tas PH) and the Victorian Department of Health and Human Services (Vic PH) observed that in many cases the tenancy will terminate even before the court or tribunal application, when the termination notice is served:

In Tasmania there aren't many cases that get to the magistrate, as once tenants receive warnings, and then termination notices, they will leave without going to the magistrate. (Tas PH)

Generally speaking, there is a real criminalisation through going through the tribunal. People perceive going through the tribunal as being bad. You occasionally get people who stick up... that's not the majority. (Vic PH) (*Martin, Habibis et al. 2019: 40*)

Housing pathways are also constrained by the difficulty in gaining social housing for many. For those who do secure access, the status of the tenancies is precarious because of the risk of termination proceedings when disputes over misconduct arise. These proceedings pose barriers to the provision of support to vulnerable individuals and families, and to Indigenous tenants. There is also evidence of women who are victims of violence, and children, being evicted from social housing, elevating their risk of homelessness and vulnerability to further violence.

FACS Housing took proceedings to terminate PCA's tenancy for use of the premises for an illegal purpose, after PCA pleaded guilty to offences relating to the supply of cannabis (about 70 grams) and dealing with the proceeds of crime. PCA had received a four-month suspended sentence and a three-month good behaviour bond.

PCA is a 79-year old woman, and had been a public housing tenant for 30 years. She is also the carer of a 59-year daughter who has cerebral palsy, and had cared for a second daughter who had recently died. In the months before her death the daughter used cannabis to relieve her pain, and PCA testified that it was her daughter's unused drugs that she had sold. She testified that termination of the tenancy would place at risk her surviving daughter's employment placement, and they had no alternative accommodation. She also testified as to her regret and humiliation, not only as a result of her sentence, but from media reporting of her case.

The tribunal terminated the tenancy. (*Martin, Habibis et al. 2019: 54*)

The data available on SHS clients affected by DFV suggests that for many, SHS assistance is not able to help them to transition into long-term, stable housing. This is especially true of those who are in very poor housing circumstances when they seek support.

*AIHW data on unmet need (AIHW 2018, cited in Flanagan, Blunden et al. 2019a) suggests that a high proportion of requests for assistance with accommodation, particularly long-term accommodation, are unable to be met.*

Our analysis of AIHW data also indicated that for many recipients of SHS assistance, there is little change in housing situation over the time in which they receive support. The data implies that the most important determinant of someone's post-support housing situation may well be the housing situation they were in prior to commencing support. Services do appear able to move people who are entirely without shelter into some kind of housing, but few of these clients are moving into stable, long-term, appropriate accommodation. *(Flanagan, Blunden et al. 2019a: 2)*

Indigenous women and children are faced with more barriers to sustainable housing pathways than other vulnerable groups. Bottlenecks in crisis and transitional accommodation services mean many Indigenous women are trapped in a revolving door involving short-term departure of a few days, weeks or months from the family home, then shifting between different types of accommodation including relatives' homes, safe houses (in remote communities), shelters and temporary accommodation, such as caravans and motels.

*There's the issue of the children and the disruption it causes them. For women there's the obligation to have access to the father. So the needs of the children can be a major barrier. And grandmothers and in laws can get very volatile because it's their son's children that are being taken away. There's a strong belief that the father has a right to see the children. Both sides have a right to see the children...Often women are left leaving the children behind and that then draws back into perhaps unsafe situations, or situations where they feel they have no choice (service provider). *(Cripps and Habibis 2019: 23)**

*I look around and you see posters everywhere that say domestic violence isn't on, you know report, it's everybody's business. That's bullshit, it really—no-one gives a rat's arse, nobody really knows what to do. And I would say that I completely understand now why women go back and it's not just because of the terrible hold that the abusers have over you. (service user) *(Flanagan, Blunden et al. 2019a: 68)**

Service providers are often unable to offer clients viable housing pathways to long-term, high quality accommodation in a preferred location. Often, services cannot offer clients who are at risk of harm any real choice of housing other than an emergency option, such as a hotel room. There are many circumstances in which clients may decide that this is not feasible. For example, when women have multiple children or older children, or when the available hotel room or caravan park is not clean, or felt to be unsafe. These are circumstances in which clients have no real choice, and no safe option. This compounds the complexities and difficulties of leaving a violent relationship, which for many people are very significant. When services are only able to offer accommodation that is perceived by their client to be *more* dangerous than current arrangements, this results in women feeling that they have no choice but to stay with the perpetrator. Where the lack of choice is interpreted by police as a victim choosing danger, it can lead police to respond differently to the needs of those victims, which then places them at further risk.

*[If women do not leave violent homes because of a lack of options] then the police are like 'well she's not helping us keep her safe, she's putting herself at risk'. And really it's about a system not working and blaming the victim for not behaving in a certain way or making the choices that can create a situation where they might get a poor response from police out of their own frustration and then she's reluctant to call them. (service provider)*

People leaving violent relationships often also leave behind furniture and other essentials. The quality of available goods and services is important, especially for women with children.

Having a clean mattress is one of the most important things because they've probably come from having really nice stuff and if you're forced to put your child on a soiled mattress because that's all there is then you start thinking, this is what I've forced my children into, maybe it wasn't so bad at home. A stained mattress is a huge barrier to a woman staying away. (worker) (Flanagan, Blunden et al. 2019a: 70)

Some women will go back because it takes so long. You know, they're staying in dreadful accommodation because we just don't have anything that's affordable. We're very, very limited apart from our one DV hotel where we can do a couple of nights, it's not sustainable. (service provider) (Flanagan, Blunden et al. 2019a: 68)

We had a woman here not that long ago in a motel. She didn't stay, she returned home because she was isolated. All she needed was somebody to be able to listen to her and someone to be able to give her advice. She didn't even get that. (service provider) (Flanagan, Blunden et al. 2019a: 68)

When women do leave violent relationships, housing needs are determined in part by the need to either stay close to their community, to stay connected to support networks, schools and employment; or to move away, to create distance from the perpetrator. Relocation away from family and community was described as relatively uncommon for Indigenous women in regional and rural areas, partly because of the difficulty in accessing secure housing, and partly because of the strength of ties to community and place, as well as the distances involved. People are also reluctant to leave because even if they are rehoused, they have no experience of living on their own, away from community.

Women and children leaving DFV have support needs relating to safety, but there are shared constraints on support that are experienced by other groups of vulnerable people. While most of the findings in this section relate to women and children who have experienced DFV, they are likely to be true for other groups as well.

### 3.2 Interactions of housing and non-housing support

The SHS sector plays a critical role in providing assistance to people experiencing, or at risk of, homelessness. In many areas and for many vulnerable groups, including women leaving violence and their children, SHSs provide effective crisis support. This support is underpinned by strong relationships between workers and clients, and by strong local service networks. However, the system is under considerable pressure, much of it deriving from the lack of realistic, appropriate exit points from crisis assistance into stable, long-term housing. The shortfall in exit points is itself driven by the fact that SHSs often cannot facilitate access to long-term housing and must rely on other parts of the system, including social housing and the private rental market.

In addition, while integration at local practice levels is often working well, there is little integration between DFV service systems and the wider housing system. Women leaving violent relationships are routinely unable to obtain long-term, safe, affordable, accessible and appropriate housing. As noted above, the tensions between tenancy management for misconduct and support for vulnerable clients in social housing has adverse effects for vulnerable groups (Martin, Habibis et al. 2019). This has particular implications for the experience of Indigenous women and their children. The heavy reliance of Indigenous populations on social housing, given their general exclusion from the private housing market, particularly in regional and remote areas, means the wait for long-term accommodation can be considerable. Delays in being placed on priority housing wait lists were also regularly experienced due to a high proportion of Indigenous women having housing debt specifically related to their experience with DFV.

A huge proportion of women have housing debt - about 50 per cent of those presenting. Most who have tenancy have bad history. In this case they're excluded from priority housing. My understanding is having a bad housing history means excluded from priority housing ... They either exit our service and that might be a planned service and they tend to go back to where they came from. ...They're going back to violence. When they do that, we try to intervene we try to see what other options are available for them here in town. (Service provider) (*Cripps and Habibis 2019: 30*)

Given housing instability is a risk factor for child protection service involvement, women will be subject to their ongoing surveillance. Indigenous women in particular, given historical and intergenerational experiences with child removal, found this involvement threatening and were fearful of its consequences for their children, themselves and their families.

A service user was told that to get her children back she had to prove that she was: no longer using drugs or alcohol; no longer involved with her ex-partner; she had to have suitable housing for her and the children; and she also had to have a job. She told us that she had achieved all of the requirements but for finding a house. She was still on a wait list two years after leaving her partner. She had tried to obtain private rental accommodation only to be turned away at the Real Estate Office when they realised she was Aboriginal. When we asked was she sure that that was the reason, she said 'they told me it was taken already but it is still up on the internet as available, what other reason could there be?'. Her last interaction with Child Protection about getting her children back broke her heart: the child protection worker told her 'your children are settled now perhaps you should just move and start a new life somewhere else'. She said 'they are my kids, I'm their mother, I want to be there for them, I just need a house' (Service user). (*Cripps and Habibis 2019: 43*)

The complexities and difficulties of leaving a violent relationship are significant. Ongoing harassment by the perpetrator can make daily activities, such as paid work, challenging and insecure. Victims leaving relationships often face significant financial costs, which are only partly offset by income support payments, and these payments may be contested or delayed. There are often ongoing emotional bonds between partners and children, and leaving the relationship can result in emotional isolation, loneliness, and distance from other family members and friends. Other aspects of income support policy were also raised as issues for women leaving violence. The provision that penalises those moving to an area considered to offer fewer employment prospects was highly problematic for women who needed to go elsewhere for safety reasons. Similarly, the provisions that move single parents from parenting payments to Newstart Allowance once their youngest child turns eight presented a significant future obstacle.

There are gaps in the current system, including inadequate legal assistance, delays in access to counselling and other services, and constraints on the length of time women can receive intensive assistance. More critically, policies and practices in other areas of government can undermine integration and work against the needs of people trying to leave violent relationships. In particular, the research identified:

- inadequate income support payments that leave women and children living in poverty and unable to afford decent housing
- limited protection and assistance for migrant women sponsored to come to Australia by men who later become violent and abusive
- challenges at the intersection point between the child protection and family violence systems
- Family Court decisions that trap some women in unaffordable housing markets to enable their violent ex-partner to continue to have access to children.

The nexus between child protection, family violence, and housing support systems is particularly challenging for Indigenous women and their children. All states and territories have introduced legislative timeframes prescribing specific time limits (typically between one and two years) for children to transition from out of home care to permanent care, and parents need to demonstrate that they have stable housing quickly for reunification with their children. Finding stable housing is not feasible for many people.

### 3.3 Unintended consequences

There are several unintended and perverse consequences of current policy settings, affecting women and children who have experienced DFV and other vulnerable groups, across housing types. These include:

- **Unsafe 'housed homelessness'.** DFV is one of the biggest drivers of homelessness. However, DFV victims make decisions to stay with the perpetrator because no suitable housing can be provided to them. This is being driven in part by the growing policy and public awareness of DFV, and an increase in the number of people seeking help, during a period in which housing availability has decreased. Services may only be able to offer accommodation that is perceived by their client to be *more* dangerous than current arrangements, and this results in clients feeling that they have no choice but to stay with the perpetrator. In some cases, the decision to stay with, or return to, the perpetrator will result in the victim being 'homeless' as defined by the Australian Bureau of Statistics (ABS 2012). The ABS definition includes lived elements of 'home', including 'a sense of security, stability, privacy, safety, and the ability to control living space', which women and children living with a perpetrator are often denied.
- **Eviction from social housing.** Social housing landlords generally have a strong commitment to assist women affected by domestic violence into safe housing. However, as research conducted for this Inquiry showed (Martin, Habibis et al. 2019), this commitment may falter as violence becomes framed as 'nuisance' in tenancy legal proceedings. There are numerous parties involved in this 'framing': the neighbours (and local MPs) who make complaints about 'nuisance', the social housing landlords who take proceedings, and the tribunal members who determine proceedings. Tenancy obligations and extended liability impose hard expectations that women will control male partners and children. This analysis showed some women are evicted because of conduct that oppresses and victimises them, including violence against them. The research also showed that where children are involved, social housing landlords typically make additional efforts to avoid termination, but in the determination of proceedings, children's interests are a marginal consideration (Martin, Habibis et al. 2019).
- **Eviction and exclusion from private rental.** Accessing the private rental market is especially difficult during the tourist season when rents increase due to rising demand for temporary accommodation. Discrimination is a further barrier to the private rental market, with many informants describing landlords and real estate agents being reluctant to rent properties to Indigenous people, among others they perceive as risky or undesirable. Small towns are very familiar with local families and respondents reported that local knowledge of prior rental history, including damage or not paying rent, or a history with using alcohol, drugs or being violent will mean families are precluded from entering the private rental market.
- **Compounding violence and victimisation with statutory child protection intervention.** Inadequate or insecure housing or unsafe homes, including exposure to DFV, can be grounds for the removal of children. Women who do not report or act on domestic and family violence, such as by taking out a protection order, are at risk of their children being removed. This demand is problematic for all women, because of the nature of DFV and the resources required to leave a violent relationship. However, it is particularly problematic for low-income, Indigenous women because of their situational and cultural context: the woman may have a close bond with the perpetrator and feel he is only violent when he is drunk; reporting may violate kinship obligations that she should support her husband; reporting may violate cultural and kinship expectations that a father has contact with his children; and extreme rates of Indigenous incarceration make her reluctant to take action that will result in her partner's imprisonment (Cripps and Habibis 2019).

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## 4. Policy development options

The housing and other needs of vulnerable families cannot be met by one sector. There are areas in which responses can be improved in emergency accommodation, social housing, and private rental markets. The interactions between housing and human services, particularly child protection and family support, also currently work against policy aspirations to improve support for vulnerable families and reduce the risks of homelessness and other adverse events. While areas of strength and effective service delivery are evident, these are not uniformly available to all groups and in all areas.

Women trying to leave a violent relationship exercise agency and make decisions based on their own circumstances and needs. In many cases, these needs are governed by the desire to ensure the best possible outcome for their children. For women who have experienced coercive, controlling relationships but not physical violence, living with their children in substandard accommodation may be considered more harmful, especially for children, than does remaining in or returning to the relationship. This indicates that the consequences of poor integration between governmental responses to DFV and the wider housing system extend beyond homelessness and include the victims of DFV continuing to live in violent relationships because they perceive there to be no reasonable or genuine alternative.

The intersections between the DFV, housing and child protection sectors can have significant, life-long effects. Decisions made within, and between, these sectors impact directly on whether women are able to maintain custody of their children. In the event that children have already been removed, housing decisions can impact directly on whether reunification will even be possible. Given the historical and intergenerational experiences of child removal in Indigenous families and communities, it is important that policy makers be aware of the influence that housing decisions hold in child protection related matters. Where possible, they should also actively resolve conflicts in policy and practice so as to ensure women and children in DFV situations are supported and safely accommodated together as a family unit.

There is a need for Indigenous women's empowerment and self determination to be a central focus. It has been widely established that there is a direct and positive link between community and individual empowerment, self-determination, and the reduction of violence against women (Luna 1999). In carrying the burden and responsibility of managing the DFV perpetrated against them, women demonstrate their strength, resilience, and resourcefulness every day. Indeed, their ability to negotiate the complex interpersonal, interfamilial, and outsider relationships that arise from DFV is a reflection of their ability to assess risk, manage conflict, and achieve self-determination in complex and difficult circumstances.

There is also further need for policy makers to consider the long-term sustainability and continuity of DFV services and accommodation pathways in Indigenous communities. It is now widely recognised that DFV is not something that can be completely eliminated from any community, yet the sector continues to be funded on a short-term basis (contracts rarely being more than one to two years). It is important for the long-term safety of women and children that services are funded beyond this so that there is trust in the community that, in times of crisis, support is available.

### 4.1 Crisis and emergency accommodation

Women and children leaving violence make up one of the largest groups of people in need of emergency and crisis accommodation, and have diverse circumstances and needs.

In many cases, refuges, shelters and transitional accommodation are vital immediate responses and provide valuable support for many families. However, Indigenous women and children, particularly in regional and remote areas, have very few housing options in the aftermath of DFV. Acute shortages in crisis, transitional and long-term housing mean that Indigenous women and children are routinely turned away from refuges and safe houses because they are at capacity. In these circumstances they become trapped in a revolving door, seeking shelter with family and friends, or returning to an unsafe home. This is the case even in the context of a significant growth in awareness and resources to respond to families who have experienced DFV. The capacity of the service system away from metropolitan areas, and the cultural safety of services, remain areas where policy development is needed.

Even where emergency and crisis services are sufficiently resourced (generally through the SHS program), and local service networks are collaborating well, the lack of secure, affordable and permanent housing is a systemic issue. To meet the needs of vulnerable families, greater investment is needed in a range of affordable housing options, particularly social and affordable housing that is planned and designed to be safe, secure and supportive, as well as affordable in the long-term.

### 4.2 Social housing

Social housing is an important protection against further vulnerability and a profound source of safety and security for many. Much of the poor practice in social housing arises from the tension between punitive responses to misconduct and supportive responses for vulnerable clients, and from organisational imperatives around rationing (see also Flanagan, Levin et al. 2020). Resources are needed to improve supply of housing and build the capacity and responsiveness of the social housing workforce.

Social housing policy needs to better integrate with other policy frameworks and principles, specifically the *National Plan to Reduce Violence Against Women and their Children 2010–2022*, the *National Framework for Protecting Australia's Children 2009–2020*, principles of Indigenous peoples' self-determination, and the principle of harm minimisation in the *National Drug Strategy 2017–2026*.

The best form of integration would be a social housing policy that ensures assistance for these groups in a non-marginalised social housing sector of diverse providers, built forms and connections with community development and other support agencies. Changes to law, policy and practice would also improve the way in which social housing landlords relate to vulnerable persons and families.

Current social housing legal responses to misconduct conflict with other policies and practices to support vulnerable families in sustaining their tenancies. Tenancy termination is a blunt, heavy instrument that impacts on tenants, family members and other persons.

The tenancy experiences of Indigenous persons and families often involve complex personal histories, institutional contacts and interpersonal relations, shaped by past and present institutionalised racism and colonialism. In the jurisdictions where they are already established, specific Indigenous landlord organisations, housing officers in mainstream providers, support workers and tenant advocates are often able to collaborate and negotiate this complexity. Establishing and building the capacity of these organisations and workers should be a priority in all jurisdictions. As well as being applied to individual casework, the experience and knowledge of these organisations and workers should also be turned to supporting communities determine broader questions about tenancy law. This would include appropriately adjusting law's imposition of responsibility and liability on tenants individually, to reconcile with cultural obligations and extended family responsibilities.

Policy development options to better integrate social housing policy with policies to support vulnerable people include:

- reviewing social housing policies and practice for gender impacts, and sponsoring the cultivation of respectful relationships (particularly salient for women and children who have experienced DFV)
- adopting 'the best interests of the child' as the paramount factor in decisions about termination affecting children (particularly salient for women and children who have experienced DFV)
- establishing specific Indigenous housing organisations, officers and advocates, particularly in regional and remote areas
- moving support out of the shadow of tenancy termination
- giving tenants more certainty through commitments that no-one will be evicted into homelessness
- ensuring proper scrutiny is applied to termination decisions and proceedings, and to sector practice
- reforming the law regarding tenants' extended and vicarious liability for other persons
- adopting harm minimisation as a guiding principle for responses to alcohol and other drug use, including where there is criminal offending.

### 4.3 Private rental

Over time, expenditure on direct or supply-side housing subsidies has declined and expenditure on indirect or demand-side subsidies has increased. But reliance on demand-side responses in very tight and costly rental markets is problematic, and for women and children leaving DFV, housing options are limited, and safety and security is not assured. Affordability is a serious barrier to the feasibility of rental subsidies being an adequate response in high cost housing markets, including inner and middle ring Sydney, Hobart, Melbourne and some regional areas. Even the shorter-term options available to service providers in many housing markets are vulnerable to the impact of seasonal demands and other shocks. In contrast, rental subsidies are working effectively in assisting women out of refuges in some suburban regions of large cities and some regional areas.

Overall, rental subsidies and other government policies that seek to make the costs of the private rental more affordable can provide some pathways to affordability and stability. However, their cost to government is likely to increase, and their effectiveness is likely to decline, over time. Research demonstrates that investment in new social and affordable housing supply, planned in response to patterns of population growth, is a more sustainable and efficient option to widespread housing need than demand-side subsidies, and produces a range of other social and economic gains (Flanagan, Martin et al. 2019b; Lawson, Pawson et al. 2018).

### 4.4 Final remarks

Integration between housing support and other support services for vulnerable groups is a policy priority. However, there are clear tensions and gaps, particularly in links between social housing tenancy management and client support policies, and between the DFV, child protection, and housing service systems. These are compounded by significant supply issues in crisis, transition and long-term housing.

Private rental market subsidies have become the housing assistance policy of preference for Australian governments. Yet, our findings suggest that the assumption that the private rental market will act as part of the social welfare system is overly optimistic. Private landlords often perceive those who are most in need of housing as risky potential tenants. This presents barriers to long-term accommodation, compounded by affordability and availability for many.



For women and children who have experienced DFV, the consequences include extended stays in refuges, brokered and transitional accommodation, homelessness and, in some cases, a decision to return to the perpetrator. For women with children, who need to demonstrate access to secure and safe housing to avoid statutory child protection intervention, this may also lead to losing custody of their children. The risks to Indigenous women and children are especially high.

While systemic and practice challenges are evident, we did identify promising elements of existing systems that could be used as models. This includes ways in which policy and services may better integrate to empower Indigenous women to potentially remain safely in their home or community. Services are working within constraints to support vulnerable families, through locally responsive service provision and collaboration.

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