

# Keeping Women Out of the Justice System

Final report – August 2023 | Priority themed grants funding



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# Acknowledgement of Country

The Victorian Legal Services Board and Commissioner acknowledges Aboriginal and Torres Strait Islander people as the First Peoples and Traditional Owners and custodians of the land and waterways upon which our lives depend.

We acknowledge and pay our respects to ancestors of this country, Elders, knowledge holders and leaders – past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples. We recognise that Aboriginal and Torres Strait Islander communities are steeped in culture and lore having existed within Australia continuously for some 65,000 years.

We acknowledge the ongoing leadership of Aboriginal communities across Victoria and Aboriginal and Torres Strait Islander women in striving to build on these strengths to address inequalities and improve Aboriginal justice outcomes.

We recognise that Aboriginal and Torres Strait Islander women are disproportionately affected by discrimination and that Aboriginal self-determination requires a systemic shift of power and control from government and non-Aboriginal services to Aboriginal communities and their organisations.

# Message from the Commissioner

I am very pleased to launch this final report about our *Keeping Women Out of the Justice System* priority funding stream.

Our grants program is funded through the Public Purpose Fund. Since 2007 we have awarded over \$59 million in grant funding to non-profit organisations in Victoria working to improve access to justice. It is an honour and privilege to oversee this program.

As an organisation, we are committed to improving access to justice. Along with protecting and empowering consumers, and improving legal practice and ethics, we have a third area of responsibility: to improve access to justice. It is the third pillar in our Corporate Plan 2022–24.

Our understanding of access to justice is broader than being able to access a lawyer. It refers to a person's ability to access any component of the justice system and takes into account the barriers that different members of our community face when accessing justice. These include social and economic factors, such as racism, mental illness, poverty and violence. Many of the women who were the focus of this funding round have encountered barriers in accessing justice for these reasons.

This funding stream emerged in response to the dramatic increase in the number of women being held in Victorian prisons. Many of these women experienced poor mental health, addiction issues, were survivors of family violence and lived in poverty. We were interested to test models that could disrupt women's trajectory, diverting them away from the justice system. Our concern was that placing women, who were committing low-level offences, in prison was exacerbating their problems rather than resolving them. This in-turn has flow on effects for their well-being, community safety and leads to intergenerational consequences for their families.

This report outlines the funded project achievements and our learnings.

I'm proud of the important work we fund through our Grants Program. I commend the outstanding work of the staff and volunteers involved in the projects outlined in this report.



**Fiona McLeay**  
Board CEO and Commissioner

# Overview

Our Grants Program provides the community and legal assistance sectors with the financial support to drive and deliver strategic change that improves access to justice for all Victorians.

In 2017, we identified Keeping Women Out of the Justice System (KWOJS) as a priority funding theme. This themed grant round emerged in response to a 75% increase in Victoria's women's prison population since 2006.<sup>1</sup> Aboriginal

and Torres Strait Islander women were significantly over-represented, comprising 10% of the female prison population.<sup>2</sup> The 2015 Victorian Ombudsman's Report into the Rehabilitation and Reintegration of Prisoners in Victoria found that women were imprisoned in Victoria at more than double the rate of the male prison population.<sup>3</sup>

The Ombudsman's report noted findings from research commissioned by Corrections Victoria:

**'It is the case that very few women held in custody are serious violent offenders and that generally they are categorised as 'low risk offenders'. Many are single parents with dependent children. They experience multiple disadvantages with high levels of poverty, low levels of educational attainment and poor employment histories. Many offenders have a history of sexual and physical abuse.'**<sup>4</sup>

The question we asked then is, what is driving these incarceration rates and what is a better response, given that so many women in custody are vulnerable people who do not present a risk to community safety? The rising rates of women's imprisonment could not be solely attributed to an increase in crime. The 5.8% increase in women committing crimes between 2012 and 2017<sup>5</sup> could not account for the 75% increase in women's imprisonment. It was not due to an increase in women committing violent crimes; almost half of the women entering prison on remand had committed drug or property offences as their most serious charge.<sup>6</sup> Nor was it because more women were committing serious crimes that necessitated custodial responses; two thirds of women on remand were released without receiving a custodial sentence.<sup>7</sup>

From this evidence we hypothesised that two key factors were therefore driving this rise in incarceration:

- 1.** Women experiencing disadvantage were not receiving the health and social service support they needed to address their experiences of trauma, addiction and/or poverty. This was in turn driving rates of low level, drug and property offending.
- 2.** Once arrested, criminal justice policy settings were unnecessarily funnelling these women through the prison system.

In response, we saw the potential to fund holistic services that moved beyond a purely legal response for women in the criminal justice system. We were interested to explore services which supported vulnerable women to navigate the justice system and make the changes needed to avoid repeat offending. We were also interested in organisations who applied a systemic lens to their work; who would advocate for evidence-based policy and/or law reform.

We selected organisations that proposed integrated models of wrap around support informed by women's lived experiences and empirical evidence. People's needs

can be complex and intersecting, so wrap around models identify the services an individual requires and provides them, for as long as they need them. These services may include housing, legal assistance, mental health, addiction, education and employment.

This approach considers the interconnected social factors that drive women's encounters with the justice system. The projects tested whether these models would enhance women's prospects of bail, support them to live safely in the community and divert them from entrenched justice involvement.

Over a period of five years we allocated almost \$5 million to seven innovative projects. Through our funding, we enabled the projects to test models for reform and work toward reducing:

- + women's encounters with the justice system
- + the factors driving growth in the women's prison population and
- + women's incarceration and recidivism rates.

The organisations worked collectively and individually to address some of the systemic issues causing the high rates of female incarceration. The work they trialled and implemented has ongoing relevance as women continue to be held unsentenced on remand and in tragic cases die in custody.

In Victoria, over the last twelve months, an average of 50% of women in prison were unsentenced and awaiting a hearing or trial.<sup>8</sup> Clearly, a more holistic, evidence-based approach that involves understanding the drivers of women's offending and incarceration would be cost-effective and build a more cohesive society.

## The funded projects and the organisations behind them:

Funded project	Organisation
Women Transforming Justice	Fitzroy Legal Service (FLS) (in partnership with Flat Out and Law & Advocacy Centre for Women)
The Women's Voices	Women and Mentoring (WAM)
Living Free	Taskforce Community Agency
Women's Arts Officer in Prisons & Community	The Torch
Stories of Strength	Federation of Community Legal Centres
Pathways Out of the Justice System for Women in Regional Victoria	Law & Advocacy Centre for Women (LACW)
Beyond Survival	Inner Melbourne Community Legal (IMCL) (formerly Flemington & Kensington Community Legal Centre) and Flat Out

This is the final report detailing the collective impact and the individual activities and outcomes of the funded projects. Our first report can be read [here](#) and the second report can be read [here](#).

## Concerning statistics

↑ **64%**

female prisoners over  
the past decade<sup>9</sup>

↑ **155%**

women entering prison on remand  
in Victoria (2012–17)<sup>10</sup>

↑ **60%**

expected increase in women  
held on remand by 2023<sup>11</sup>

**54%**

unsentenced women in  
Victorian prisons<sup>12</sup>



Female offenders who are  
victim-survivors of domestic abuse  
and living in poverty<sup>13</sup>

Aboriginal and Torres Strait  
Islander women are

**21x**

more likely to be in prison<sup>15</sup>

Before entering prison:

**65%**

had received a mental  
health diagnosis

**40%**

of women were released from  
prison into homelessness<sup>16</sup>

**27%**

were at high risk of  
alcohol-related harm

**\$297.34**

per day:  
the cost of imprisoning  
a person in Victoria<sup>17</sup>

**74%**

had used illicit drugs<sup>14</sup>

\*Please note the views and opinions expressed in this report are those of the funded projects and do not necessarily reflect the official policy or position of the VLSB+C.

## Our support

In addition to providing multi-year funding, we prioritised ensuring that the projects were set-up for success. To support this, we engaged an independent Monitoring and Evaluation (M&E) consultant to work both collectively and individually with the grantees to develop their M&E frameworks. By developing their M&E framework, which included a Theory of Change, grantees were able to establish or refine data collection methods to collect the information they needed to be able to track their impact. We maintained an outcomes-oriented approach and projects evolved in response to the needs of their clients as well as the shifting operational context, including the 2018 bail law reforms and COVID-19.

We also convened regular community of practice meetings. By bringing everyone together to discuss their vision, successes and challenges, the projects were nurtured as project staff supported and learned from each other. This led to increased collaboration, which spanned collective advocacy to co-location of services.

Their focus was always on addressing the systemic issues causing the high rates of female incarceration including poverty, family violence, alcohol and other drug dependence, homelessness, intergenerational trauma leading to offending and the effects of the 2018 bail laws.



**Amber Schmidt**, *Hope 2023* from the WAM Picturing My Strengths exhibition, May 2023



# Collective impact

The insights and results achieved by this community of practice point to a different and effective way to respond to women in the justice system.

Consistent with the research and media commentary around rising incarceration rates for women, the projects highlight the intersecting causal factors of poverty, family violence, alcohol and other drug dependence, homelessness, intergenerational trauma and changed bail laws.

Collectively these funded initiatives have reduced women's encounters with the justice system, reduced the factors that lead them there, reduced their rates of incarceration and recidivism, and provided proven options for reform. In the face of the distressing statistics involving women in the justice system, and the very real human stories behind them, this is cause for celebration.

The projects have also played an important role in the push for bail law reform. The rates of women's imprisonment dramatically increased following the 2018 bail law reforms. Those changes particularly impacted Aboriginal and Torres Strait Islander women. The number of Aboriginal women held on remand doubled over the subsequent two years.<sup>18</sup>

Women in custody on remand typically present with legal needs beyond their criminal law problem, as well as a range of complex and interrelated non-legal needs. Even short periods of incarceration can result in women having their children removed and losing their home, job and connection with their community. The most devastating impact occurred in January 2020 when Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman Veronica Nelson died while being held on remand for shoplifting. Ms Nelson's family, with support of the Victorian Aboriginal Legal Service, have been, and continue to, campaign for change to Victoria's bail laws.

In response to public concern and effective lobbying, including some on the part of this community of practice, the Victorian Government introduced bail law reforms in August 2023. These include making it easier for people charged with minor, non-violent offences to be granted bail and avoid being held on remand. When we launched this funding round in 2017 39% of women in prison were unsentenced.<sup>19</sup> The introduction of the 2018 bail laws led to a notable increase: by January 2023 that percentage had risen to 55%; more than half of the women in custody being unsentenced.<sup>20</sup> Consequently, we anticipate these reforms will have a positive impact on keeping women out of the justice system.

## The following recommendations\* were collectively endorsed by the funded organisations:

- + bail law reform and abolition of short sentences

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- + policy reform and funding to promote enhanced diversionary options

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- + improved education of legal professionals about gendered pathways to offending

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- + jurisprudence development through strategic litigation

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- + flexible, long-term service delivery models, including early intervention and wrap-around services, and

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- + enhanced service linkages, including improved regional services.

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\*Please note the views and opinions expressed in this report are those of the funded projects and do not necessarily reflect the official policy or position of the VLSB+C.



**Over 700**  
women and girls  
assisted through  
our funding

Reducing women's encounters with the justice system:



Remand rates –

**100%**

of Living Free participants  
and



Access to justice –

**50%**

improvement in Pathways out  
of the Justice System for Women  
in Regional Victoria project



Legal experience reported by

**86%**

of Women's Voices participants

**79%**

of Women Transforming  
Justice participants  
released upon their  
first bail application



Charges dropped –  
Beyond Survival project

**0%**

Living Free participants  
received a custodial sentence

## Reducing the factors driving growth in the women’s prison population



Linkage to specialist services, family protection support and community support –

**86%**

of WAM participants



Engagement with mental health support –

**11.5%**

increase for Living Free participants



Engagement with alcohol and other drugs treatment –

**6%**

increase for Living Free participants



Employment and income – The Torch participants collectively earned

**\$185,516**



Reengagement with education and employment –

**58%**

Living Free participants



% of stable accommodation –

**85%**

of Living Free participants in stable accommodation

## Reducing women’s incarceration and recidivism rates

**90%**

of WAM participants reported reducing their criminogenic risk factors



Reoffending – only

**9%**

of active Living Free participants and

**13%**

of WAM participants (state average is 43.6%<sup>21</sup>)



Keeping women out of the justice system –

**92%**

of The Torch’s Women’s Arts Officer in Prisons & Community

## Providing models for reform

- ✓ Bail reform,
- ✓ Early intervention,
- ✓ Wrap-around support,
- ✓ Arts programs,
- ✓ Service linkages, and
- ✓ Story-sharing and advocacy.

## What we've learnt

Our findings point the way to a different approach which is much needed given that the number of women in Victorian prisons more than doubled over the decade preceding this work,<sup>22</sup> and the number of Indigenous women in prison more than tripled.<sup>23</sup>

These concerning statistics were reflected in the participants in the funded initiatives. For example, while The Torch was the only project specifically provided to Indigenous women, Indigenous women represented an important cohort in other projects. As identified in the Women Transforming Justice's Constellation of Circumstances Report:

**'Aboriginal and Torres Strait Islander women are 21 times more likely to be imprisoned than non-Indigenous women in Australia. In Victoria, Aboriginal and Torres Strait Islander women are the only prisoner cohort with more remandees than sentenced prisoners.'**<sup>24</sup>

In light of this over-representation, it is critical that targeted, culturally safe services for First Nations women, that address the underlying causes of offending, are adequately resourced.

We've also learnt that the overwhelming majority of women in Victorian prisons are victims of abuse and violence, particularly family violence and childhood abuse and neglect.<sup>25</sup> These experiences often lead to mental and physical health issues, drug and alcohol misuse and dependence, challenges accessing safe and stable housing and financial insecurity. This can cause a vicious cycle of offending that is difficult to break. Through our funding, this body of work has demonstrated new models and ways of working in this space that can break this cycle and be adopted broadly.

**'Like I really hope that that's a program that can continue to grow and stay afloat and get all the resources it needs and be able to pay its social workers properly and a really good wage so that they can in turn help other young women. Because it's not always someone's fault that they're in a situation, [things] just happen and it only takes one really, really good person to put in the time and effort for someone that needs help to literally change a life. ... it's literally changed my life.'**

**Living Free participant**

We also have demonstrated that longer-term funding leads to greater impacts. Change takes time, particularly in relation to policy and service system reform. Our multi-year funding has given these organisations the opportunity to strengthen their foundational work while allowing them to grow and expand their reach. It has also provided them with sufficient time to collect relevant data, documenting their impact and potential savings to government. The service models they developed provide a significant platform for advocacy and showcase initiatives that have materially improved access to justice for Victorian women. With the stability of our support, several of the projects have now secured long-term funding that will enable them to continue their critical work. To realise the true promise of these models in the future, organisations require stable, long-term government funding.

Many of the programs developed through this funding round are well-suited to outcomes-based funding models. They are effective and have developed clear outcome indicators to track program efficacy. WAM has already been funded through the Victorian Government's Early Intervention Investment Framework. To further this potential, the community of practice agreed that a Justice-Reinvestment-like mechanism in Victoria would be valuable. It would direct funds away from incarceration towards programs that address the causes of female offending, such as those piloted through our funding. Recent modelling by the Committee for Economic Development of Australia states that Australian governments could save \$405 million by diverting 50% of sentenced women away from prison by 2030.<sup>26</sup> Justice Reinvestment presents a cost-effective opportunity to support at-risk or criminalised women and their families whilst also improving community safety.

'There's a housing crisis out there and we're putting money into prisons?'

'Sara' (participant in Stories of Strength) in *The Age*

Since 2017 the number of women in prison has reduced. There are a range of factors that have contributed to this trend. When the bail laws are reformed, we should see a further reduction. It is important to remember that behind these numbers are women who will be able live freely, to stay with their loved ones, care for their families and avoid entanglement in the criminal justice system. If they are women engaged with one of the KWOJS services, they will find support, respect and hope.



Having someone who believes in you makes a world of difference.

## Acknowledgement of participants

We acknowledge the significant contribution of all Project staff and participants in delivering the collective impact of this community of practice.

They faced many challenges on this journey, including the restricted access to prisons, heightened social isolation and reduced referrals caused by COVID-19 and the associated lockdowns.

Despite this, they have collectively achieved changes – informed by women's lived experiences and empirical evidence – that have helped improve justice outcomes for women individually and systemically.

# Project outcomes



# Women transforming justice

## Fitzroy Legal Service (incorporating Darebin Community Legal Centre and in partnership with Flat Out and LACW)

Women Transforming Justice is a multi-component program, led by women with lived experience, which sought to address the rising rates of women's incarceration in Victoria.

The program aimed to support women to be released from, and stay out of, custody. The project recognises the needs of women on remand and the disproportionate impacts that the 2018 bail and other legislative reforms have had on women and their children.

Women Transforming Justice has addressed the drivers of women's rising incarceration at both an individual and systemic level by:

- + developing an integrated Court Support Program for women applying for bail
- + facilitating a Women's Leadership Group (WLG) for women with lived experience of the criminal justice system, and
- + undertaking advocacy for system reform and influencing decision-makers to consider the gendered nature of women's offending.

The Court Support Program delivers expert, integrated and women-specific legal advice and representation, as well as gender-informed, outreach-based case management to support women on remand. This has improved women's prospects of being granted bail initially and then supported them to remain safe and stable in the community on release.

The WLG members are employed by Fitzroy Legal Service to lend their lived experiences of criminalisation to influence broader systemic understandings. These women have generously shared their personal experiences of childhood abuse, homelessness, family violence and drug use to explain how these experiences shape offending behaviour. The group is highly sought after for consultation and service design by researchers and service providers.

Women in the WLG also regularly present at webinars, conferences, forums and training workshops and participate in other forms of advocacy.

## Of the women in custody on remand or conditional release supported by WTJ:

**79%**

were released from being on remand with the first bail application

**<50%**

of women could identify social supports in the community

**52%**

of women had children generally not in their care

**66%**

of women identified mental health distress

**93%**

of women released had no stable accommodation

**>50%**

of women identified current family violence – however, the statistics are much higher if previous family violence is considered

## Activities and impact



**Established processes and policies that promote connection** between the WLG and the FLS staff, including:

- ✓ involving the WLG in recruiting a senior lawyer,
- ✓ design and delivery of their own advocacy agenda, and
- ✓ responding to requests from internal and external stakeholders for their expertise and input.



**Designed and implemented the Court Support Program** in partnership with the LACW and Flat Out. Providing integrated wrap around service to women applying for bail.

**Created a consolidated data set about criminalised women, showing:**



**A greater proportion of women** are on remand compared to men

Women are **most likely to be incarcerated on drug-related charges** – the most serious charge for roughly

**25%**  
of all women

Roughly  
**50%**  
spend **<1 month** incarcerated

**75%**  
spend **<3 months** incarcerated

**Indigenous women**

**38%**  
and **CALD** women

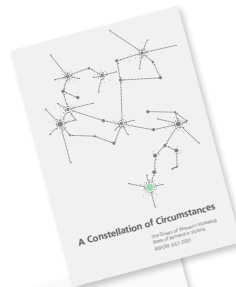
**24%**  
are over represented amongst women supported by Women Transforming Justice

**Made submissions to the:**



- + Spent Convictions Inquiry,
- + Royal Commission into Mental Health,
- + Parliamentary Inquiry into Homelessness, and
- + Parliamentary Inquiry into Victoria's Criminal Justice System.

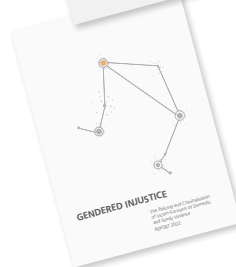
**Fitzroy Legal Service advocacy to increase the prominence of the issues of women's incarceration and need for reform of the Bail Act through:**



**A Constellation of Circumstances – The Drivers of Women's Increasing Rates of Remand in Victoria**

[Click to read](#)

FLS in partnership with the La Trobe Centre for Health Law and Society.



**Gendered Injustice – The Policing and Criminalisation of Domestic and Family Violence** and associated webinar.

[Click to read](#)



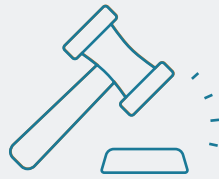
[Click to view](#)

The **Women's Lived Experience in Decarceration & Carceral Resistance**

event which featured the insightful contributions of a number of expert panellists, including practitioners, and women with lived experience of incarceration and the criminal justice system.



Activities and impact



**FLS conducted strategic litigation to influence jurisprudence**, including being an interested party in the Coronial Inquest into the death of Veronica Nelson.



Produced the **Women Transforming Justice Evaluation Report**

[Click to read](#)

‘I have to have regard to the fact that you’ve got a history of failing to answer bail, and I suspect in terms of some of the things now explained to me, that’s not entirely surprising... but you will now have Flat Out’s support and they’ll make sure that, in relation to the dates you need to be at court, you’ll be at court. In those circumstances, I’ll grant you bail ...’

**Magistrate, court observation**



**Held meetings with Ministers, MPs and high-level decision-makers** to advocate for improving the response to criminalised women, including

- + through bail law reform,
- + public health approaches to drug dependence and decriminalisation, and
- + homelessness.



**Resulted in FLS being involved in systemic advocacy** including strategic litigation. For example, *Hill v The Queen (2020) VSCA 220*.



Contributed to media stories, including **Majority of women in Victoria’s prisons have not been found guilty.**

*The Age*, 19 July 2021

[Click to view](#)

and an article in *Parity* magazine (June 2020)



**Led to the Women’s Integrated Legal Outreach program which has subsequently been funded by Department of Justice and Community Safety (DJCS).** The program currently funds a team consisting of a lawyer and 2 social workers at FLS, in collaboration with Flat Out and other key services to provide an holistic, early intervention approach to women’s incarceration.

# The women's voices – a collaborative model of specialised help for criminalised women

## Women and Mentoring (WAM)

WAM provides an early intervention program for women with a criminal offence, or who are at risk of offending, by matching them with a supportive, trained female mentor. The mentor provides emotional, social and practical support for the participants as they move through the court process and engage in sentencing outcomes. Once out of the court system, the mentor helps the client connect with community organisations to address the causes underpinning their interactions with the justice system.

Being listened to and supported by a trusted person has assisted WAM participants to develop positive coping strategies, reduced their social isolation and motivated them to engage with community services and maintain relationships with justice services.

Mentors also helped with issues spanning children and family relationships, drug and alcohol use, debt and finances, employment and training, health and wellbeing, housing and accommodation, and offending and legal issues.

This in turn has led to

**87%**

of women not reoffending whilst engaged in the mentoring program

## WAM mentees have often faced multiple, complex and intersecting challenges:

**88%**

experienced previous or current family violence

**95%**

had one or more mental health diagnoses

**92%**

were financially stressed

**50%**

lived in unstable or insecure housing

**42%**

reported problematic drug or alcohol use

## Activities and impact

'I would have gotten worse. Not many people ask you 'how you are', 'what have you been doing'? Nobody asks that. There's rapport, trust.'

### WAM participant

#### Achieved significant outcomes for mentored women:

Only

13%

reported reoffending during their involvement (state average is 43.6%<sup>27</sup>).

83%

reported improvement across personalised and prioritised areas of change.

86%

indicated improvement in legal issues.

86%

were linked with other agencies/ services, including maternal child health nurse, drug counselling, community legal services, Launch Housing and GPs.

#### Others:

- ✓ found work,
- ✓ completed Community Corrections Orders and parole,
- ✓ were reunified with their children,
- ✓ abstained from drugs and alcohol,
- ✓ developed coping strategies,
- ✓ worked off fine debt, and
- ✓ attended court or judicial monitoring.



**Expanded services and integrated with collaboration partners' services** to support criminalised women across metropolitan Melbourne and, through remote mentoring, regional Victoria.

'It has restored my faith in humanity ... I would still be stuck where I was in a dark anxious box, not trusting.'

### WAM participant



The **Lived Experience** peer advisory group made a submission to both the Parliamentary Inquiry to the Criminal Justice System and the Cultural Review of the Adult Custodial Corrections System.



**Collected data** to contribute to an evidence base of gendered pathways to the justice system.

'The stability and guidance provided by a WAM mentor led to the accused making such progress in her rehabilitation that I was ultimately persuaded to impose a sentence different to which I would have otherwise contemplated. I have confidence that the Accused had overcome a significant drug addiction largely as a result of WAM's assistance and is not likely to reoffend. She presented in court as a healthy and employable person with a bright future.'

**Magistrate**



Made a submission to the **Parliamentary Inquiry** into Homelessness.



Supported

218

referrals, conducted

114

assessments and made

70

successful matches for

65

women



Launch of **project evaluation report** was attended by Minister for Women, Natalie Hutchins and other politicians across the political spectrum.



**This, in turn, led to one-off funding** from DJCS and Office for Women in 2021, and then a **four-year funding agreement through the Victorian State Government's Early Intervention Investment Framework** in 2022 to increase access across metro Melbourne and expand into regional Victoria.

**Produced:**

- ✓ *The Women's Voices* – Consultation Report,
- ✓ a Women and Mentoring Outcomes Report,
- ✓ newsletters, case studies, and
- ✓ information sessions and training materials for potential mentors.

- + **Raised awareness** of work and advocated for change with MPs (including the Attorney-General's Office),
- + Made a presentation to **Law Week** in 2021,
- + Advocated through media and social media activities, including Living Free's podcast **Rewriting the Narrative**.

[Click to listen](#)

# Living Free: Fostering multi-sectoral partnerships and system advocacy to enhance young women's pathways out of justice

## Taskforce Community Agency

The Living Free project is a place-based, multi-faceted response for girls at risk of, and women in contact with, the justice system in Frankston and the Mornington Peninsula. Leveraging partnerships with legal, health and community services, the project enhances opportunities for women to address their multiple needs contributing to contact with the justice system.

The project provides advocacy for these women to improve their justice outcomes whilst simultaneously working to reduce the likelihood of further contact with the justice system. It also drives health justice partnerships to improve access to justice and deliver system change for all vulnerable women across the catchment.

When police locate a missing person few, if any, supports are put in place to change the trajectory towards offending. Some of these children are as young as 10 years old. In response to this gap, Living Free provides supported care coordination to both the girl reported missing and their family. Referrals are received directly from Victoria Police Youth Resource Officers and other identified agencies.

The project has had a significant impact on recidivism rates and has received extraordinary support across local community sectors and from local Magistrates, who recognise the better Court outcomes for the participants. Our seed funding has led to further philanthropic and government support totalling \$2.6 million.

'Internal police intelligence indicates that being reported missing as a young person can be a precursor to gateway offending.'<sup>28</sup>

## In 2021–22 the project's 120 participants became involved having faced complex issues, including:

**83%**

with known trauma

**58%**

disengaged from education or were unemployed

**82.5%**

with mental health concerns

**55%**

offended in the last 12 months

**20%**

of mothers with care of their children

**63%**

had current or prior substance abuse concerns

**>1/3**

experiencing homelessness or unstable accommodation

## Activities and impact

We supported  
**328**  
 participants over 5 years

In 2021–22, we supported 120 participants and achieved positive results for these women and girls including:

9%

are known to have been **charged with further offending**

0

**No one** participating in the project received a custodial sentence

**Of the 55% who had offended** in the past 12 months, only

7.5%

had offended during project involvement

Of the participants who were **disengaged with education or unemployed** on referral,

58%

**reengaged** with school or became employed

**Of the 36 who had exited the program**, only

2

remained in unstable accommodation (but were connected to specialist supports)

**An increase from 10%** on referral to

16%

at project closure with alcohol and other drugs treatment

**16 women on remand** at time of referral and

100%

released with support

**An increase from 26%** on referral to

37.5%

at project closure with mental health support

‘I got a diversion which has now ended ... I haven’t been into trouble at all, definitely not even with the police since then. So I have kept myself out of trouble and I’m doing the best ever.’

**Participant, aged 16**

Held secondary consultation panels with

# 32 women



which **connected them with specialist services.**



**Achieved unintended positive outcomes** including:

- ✓ improvement in confidence and quality of life,
- ✓ positive future life directions,
- ✓ peer participation, and
- ✓ family functioning.

‘It’s not always someone’s fault that they’re in a situation, (things) just happen and it only takes one really, really good person to put in the time and effort for someone that needs help to literally change a life ... it’s literally changed my life.’

**Participant**



Produced the **Living Free Project Evaluation Report**

[Click to view](#)

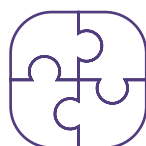


Established a **Lived Experience Advocate** role



Produced the **Rewriting the Narrative – Women in the Justice System** podcast series.

[Click to listen](#)



Developed a **health/justice community of practice** involving 25 agencies



made a submission to the Royal Commission into **Mental Health.**



# Women's Arts Officer in prisons & community

## The Torch

The Torch, through the Indigenous Arts in Prisons & Community program (the program), provides art, cultural and arts industry mentoring to First Nations people who are in prisons across Victoria, and continues to support people as they are released back into freedom. The program improves the cultural, social, emotional and financial wellbeing of participants, and supports them to find pathways beyond the criminal justice system.

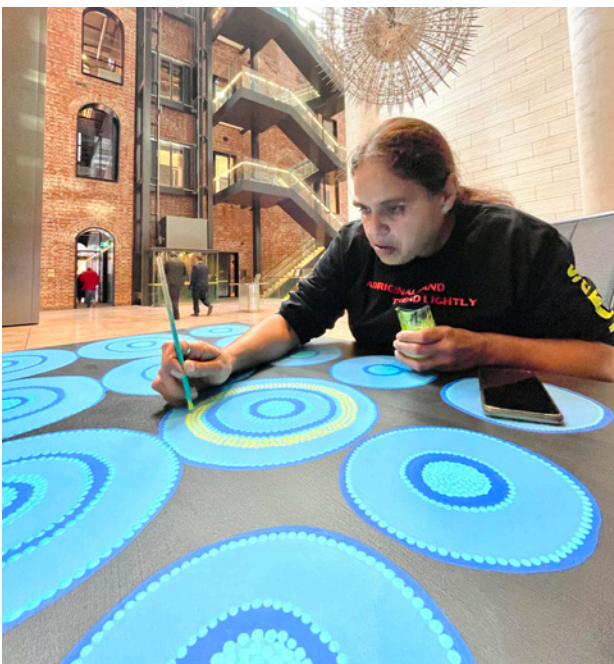
With this funding, The Torch created a new position for a dedicated Women's Arts Officer. This role supports Aboriginal women in Victorian prisons to participate in the program whilst incarcerated and on release from prison.

An independent evaluation of the program in 2018 found the recidivism rate of participants was just 11% compared to the wider Victorian rate of 53.4% for Indigenous prisoners and 42.8% for non-Indigenous prisoners. The evaluation also showed 92% of In Community participants confirmed being part of the project helped them stay out of the justice system.

'Being locked up and not having family close by was difficult. Painting became a way I could connect with my family. By putting my memories on a canvas for my mum, she could see I was the same person before I started making poor decisions. It was also an escape on difficult days which helped quieten my mind ... I've got a label that I can be proud of as an Aboriginal Artist.'

### Flick Chafer-Smith, Ngarrindjeri woman

(now employed by The Torch as the Accounts and Operations Assistant)

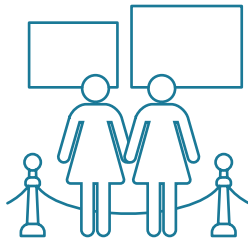


**Melissa Bell**, a Gunditjmara and Yorta Yorta woman, who first joined The Torch in 2016 and is now employed as an Art Support Assistant



Activities and impact

Supported  
**93 women**  
 including  
**18**  
**new participants** in prisons with  
**276**  
 contacts, including  
**197**  
 contacts with women in the  
 community and  
**79**  
 contacts with **women in prisons**

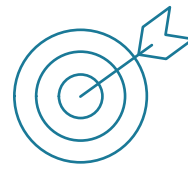


Worked on a collaborative exhibition called *Banj Banj/nawnta* (meaning sister/sister), which showcased the works of **Thelma Beeton** (a Palawa woman, now an In Community participant) and **Stacey** (a Taungurung/Boon Wurrung woman, an In Prison participant) that represented their unique, empowering friendship.

**20 artworks sold totalling**  
**\$20,100**



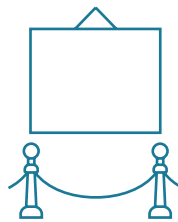
**Encouraged other artists** to enter externally curated exhibitions



Provided  
**299**  
**sales and licencing opportunities** resulting in  
**\$185,516**  
**in revenue** for women participants – many commissioning opportunities were also secured.

'I am proud of telling my story. When I got out I had nothing. That money I made from The Torch from selling paintings helped me set up my house.'

**Kim Kennedy, Ngayampaa woman**  
 (whose artwork *4 Rivers* featured on a Yarra tram)



Ran a **Future Dreaming** exhibition in November 2020  
 – 9 artworks sold totalling  
**\$2,250**

Held its annual **Confined** exhibition in May–June 2021  
 – 33 artworks sold totalling  
**\$20,915**

\*Statistics from funding period 1 November 2020 – 1 November 2021

# Stories of Strength

## Federation of Community Legal Centres (Victoria)

Stories of Strength was a storytelling and media project involving women with lived experience of imprisonment. It was designed to enable more women with lived experience to contribute to community conversations about female incarceration and included training in advocacy and campaigns, political and cultural awareness, media and healing activities.

Participants and lived experience campaigners co-created the program. By its end, the participants were confident in their ability to lead sessions without support and in their own skills as advocates and campaigners.

### Activities and impact

Resulted in a **training program that focused on capacity building for women to be advocates and campaigners and provided policy resources.**



In partnership with the Women Transforming Justice Project, **participants provided advice and experience** to the Royal Commission into Victoria's Mental Health System and the Parliamentary Inquiry into Homelessness **by making their own submissions to the inquiries,** and by informing the federation's submissions.

Met with key social services organisations, including

- ✓ Berry Street,
- ✓ Cohealth, and
- ✓ Flat Out

to share their experiences and advice and gain information.



**Helped participants develop relationships** and pursue opportunities they had previously been unaware of to advocate in a supported context.



**Advised the Federation on its advocacy efforts,** including across bail and sentencing reform and corrections system improvements.

Advocated through the media, including in the following articles featuring commentary by participants:

***The Saturday Paper*** – April 2019

[Click to read](#)

***The Age*** – July 2019

[Click to read](#)



**Two participants presented on a panel** at *Progress 2019*, powerfully sharing their experience – they said they felt heard

‘The more sensible option (Nina and Sara) say would have been to have been bailed directly into rehabilitation. *Now we’ve got time served it’s so much harder to move forward in life.*’

‘Nina’ in *The Age*

# Pathways out of the justice system for women in regional Victoria

## Law & Advocacy Centre for Women (LACW)

LACW's Pathways Out of the Justice System program provides early intervention legal and case management support for women, trans and gender-diverse clients, particularly those who are not eligible for legal aid funding due to the nature of their charges or their lack of prior criminal history. Although they are not facing imprisonment, these clients need early intervention assistance to interrupt the trajectory that would otherwise see them at risk of further criminalisation and eventual imprisonment.

LACW were funded over a two-year period to extend the legal assistance provided under this program to women in regional areas, in particular, Mildura and Swan Hill. The funding also supported LACW to research and analyse services available to criminalised women in regional areas to scope unmet legal need, identify service gaps and improve service knowledge and linkages in regional areas.

## Of the project participants:

Up to  
**70%**  
in Mildura and  
**50%**

in Swan Hill have experienced or were at risk of family violence

Up to  
**70%**  
in Mildura and  
**30%**

in Swan Hill have experienced or were at risk of homelessness

Approximately  
**50%**

identify as Aboriginal or Torres Strait Islander, and many have received support from both LACW and the Mallee District Aboriginal Services

Following the success of this pilot in Mildura and Swan Hill, funding has been provided to continue and expand this program into additional regional areas through the National Legal Assistance Partnership.

Activities and impact



**Improved service linkages and highlighted service gaps** by identifying and assessing services in regional areas (with assistance from Juris Doctor students at RMIT) across legal, housing, alcohol and other drugs, family violence, health, mental health and other specialist services.

**Improved access to justice**

50%

of project clients would not otherwise have been eligible for support

**Additionally**

62.5%

of matters in Mildura and

55%

of matters in Swan Hill required multiple court attendances, which could not have been supported by one-off duty lawyer services.



In the project's second year, acted in

**46 matters**

in Mildura, **including 15 for clients that would otherwise not have had access** to ongoing legal advice.



In the project's second year, acted in

**31 matters**

in Swan Hill, **including 10 for clients that would otherwise not have had access** to ongoing legal advice.

# Beyond survival

## Police Accountability Project (IMCL) and Flat Out

This wrap-around program is aimed at providing specialist legal assistance, integrated socio-legal support and police accountability advocacy to victim-survivors of family violence experiencing police duty failures, misidentification, discrimination, police-perpetrated family violence or other harms.

The program provides support through family violence legal advice and intervention orders, direct chain-of-command advocacy with police, police complaints, criminal defence, civil litigation and ad hoc advice for victim-survivors.

The specialist legal assistance resulted in:

- + effective intervention into criminalisation, with outcomes including withdrawal in charges, reduction in charges and reduced sentencing
- + improved safety outcomes, including family violence intervention orders and associated protective actions including breach reports, and
- + rectification of 'misidentification', leading to the withdrawal of police applications for Family Violence Intervention Orders against victim-survivors through negotiation with prosecutors or in the court.

### Of the women supported:

**78%**

were experiencing financial disadvantage

**11%**

were culturally or linguistically diverse

**56%**

identified as having a disability

**17%**

were from a rural area

**44%**

identified their mental health issues

**11%**

were Aboriginal or Torres Strait Islander

**17%**

were homeless and another 11% were at risk of homelessness

## Activities and impact



Used practice-based evidence and storytelling in media advocacy and campaign work, with a focus on impunity and reputational protection for officers who perpetrate.

Highlights include:

Matilda Marozzi and Josie Taylor, **Victoria Police allegedly use LEAP database to pursue, stalk, harass women prompting calls for inquiry**, ABC Radio Melbourne (15 December 2022)

[Click to read](#)

Nino Bucci, **Case Against Victorian Police Officer Collapses in Blow to Forces New Family Violence Unit**, Guardian Australia Online (November 2022)

[Click to read](#)

Hayley Gleeson, **Victoria Police officer convicted of family violence back on the frontline as 'strikingly' few cops charged in 2020**, ABC Online (17 December 2021)

[Click to read](#)

Hayley Gleeson, **Catherine's ex was one of few police officers charged with domestic violence, but she'll never get justice**, ABC Online (6 September 2021)

[Click to read](#)



Ran  
68  
legal files

in 2022



Provided  
6  
participants

with narrative  
therapy support



Put in place warm **referral pathways and coordinated support work plans** with partner organisations.



**Developed a triage and intake program** to prioritise support for people targeted by:

- + racialised policing,
- + biased and discriminatory policing, and
- + criminalised in the process of family violence policing.

Priority was given to women experiencing homelessness, in regional areas or on low incomes, as well as those unable to access support through other services.



**Collected practice-based evidence** to identify trends and key structural issues in family violence policing and related policy approaches



**Advocacy** led to a number of policy outcomes, notably the development of a **new Victoria Police Officer-Involved Domestic Violence (OIDV)** policy and the implementation of a dedicated team of detectives within Victoria Police responding to OIDV.



Provided **Walking Alongside** support, involving intensive social work case management, to **15 priority** 'at risk' clients

'It seems the system is set up to assist police, in so many ways, to not be accountable when they're charged with domestic abuse. And so things need to change. The systems need to change so the women coming behind me — the women who are currently living in these situations — don't have to go through what I have.'

**Catherine, ABC news report**

**Developed training and practice resources** provided to approximately **100 workers**



**Identified strategic Supreme Court litigation to:**

- ✓ **help drive systemic change** in family violence policing
- ✓ **deliver individual remedies** (including financial remedies, ongoing safety and removal of perpetrators from Victoria Police)
- ✓ and **increase public awareness**

# About the Victorian Legal Services Board Grants Program

The Grants Program was established in 2007 to distribute funding to projects that aim to improve the administration of laws, increase access to justice, improve legal services and inform and educate the wider community about legal services. The grants are available from the VLSB+C administered Public Purpose Fund, which includes funds from several sources, including the interest on solicitors' trust accounts and income from investments.

With the approval of the Attorney-General, the grants can be used for:

- + law reform
- + legal and judicial education
- + legal research
- + innovative improvements to access to justice, or
- + any other purpose relating to the legal profession or the law that the Board considers appropriate.



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For further information about the Victorian Legal Services Board Grants Program, please visit the [Grants Program page](#) on the Board's website:

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## Artwork credit



*Both artworks were created through The Torch, a not-for-profit organisation that provides art, cultural and arts industry support to First Nations people currently in, or recently released, from Victorian prisons.*



**Front cover**  
D.Kerr (Yorta Yorta)  
'Confined Without Colour' 2021  
Acrylic on canvas



**Page 14**  
Thelma Beeton (Palawa)  
'Mob of Many Colours' 2020  
Acrylic on canvas