

3.3.3 Imprisonment

Imprisonment was the third most common reason for a tenant to be absent (representing 20% of all approved absences for 2006-8 or 59 absences). Research supports continued inclusion of this ground as it indicates that unstable housing arrangements for these tenants can markedly increase the chance of recidivism¹⁹. Housing and Homelessness Services acknowledges this fact and has committed to a Memorandum of Understanding (MOU) with Queensland Correctional Services (QCS) to minimise the potential for this to occur.

A long-term objective of the MOU is *"to contribute to the prevention of homelessness by reducing the incidence of people exiting Corrective Services Facilities who are homeless or at risk of homelessness"*. The MOU refers specifically to the implementation of communication strategies²⁰ to enable consideration and approval of temporary absences for tenants who are 'incarcerated'. This includes that QCS will provide written notification of a person's incarceration to the department.

An issue with this ground is that it does not elaborate further on the parameters for approving an absence due to imprisonment. Specifically, the ground does not make it clear whether it incorporates tenants who are remanded in custody²¹. Having no additional indicators regarding its intended use creates potential for inconsistent and inequitable practices for approving or declining an absence. It also has implications for determining access to minimum or reduced rent²² for tenants who are incarcerated.

It is recommended that this ground be retained but re-named to 'Incarceration' to align with contemporary terminology used in the MOU and to ensure consistency in the usage of terminology across government. Operational requirements would also detail that this ground includes tenants remanded in custody. The definition adopted for remanded in custody would be "those persons who have been placed in custody while awaiting the outcome of their court hearing. They may be unconvicted (remanded in custody for trial) or convicted but awaiting sentence"²³.

It should be noted that this definition excludes tenants remanded in custody awaiting deportation, as these tenants would not be able to stay in the country to continue their tenancy. In these instances a temporary absence would not be granted and alternative options would be progressed by the department as per the existing process for declining an absence.

This proposal aligns with the department's commitment to improve communication with QCS under the MOU and reduce chances of homelessness and recidivism. The proposal enables

¹⁹ This issue is also cited in section 2.9 of the Memorandum of Understanding between Housing and Homelessness Services and Queensland Correctional Services, 2007-2010

²⁰ Sections 6.3.4 and 6.3.5 of MOU with DCS

²¹ People who are remanded into custody are also referred to as remand prisoners, being 'on remand' or 'remandees'

²² These policies are detailed in Appendix 3

²³ Definition derived from definition of remand prisoners used by Australian Bureau of Statistics in Prisoners in Australia, paper 4517.0, 2008

staff (who may or may not be familiar with the corrections system) to make more informed and consistent decisions regarding whether to approve a temporary absence or progress alternative options and when and how the minimum or reduced rent policy should be applied.

Other issues relating particularly to tenants who are incarcerated are discussed in other sections. Relevant issues include the impact on tenants who are incarcerated if the maximum period for an absence is reduced (section 3.6), the impact of the requirement for prior department approval of an absence (section 3.9), the recommended proposal for approving and monitoring an absence of a person who is a remanded in custody where the completion date of the absence is unknown (section 3.9), and appropriate supporting evidence requirements (section 4.2).

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According to Appendix 1, the most common reasons for approved absences over the two year period 2006-8 were [redacted] imprisonment at 20% (60 absences).

Of the approved absences in the 6-12 months category for 2006-8, imprisonment [redacted] making up 40.5% (29 absences)

of the category's total NP_73(2)

Conversely 50% of approved absences due to incarceration on average for 2006-8 were for 6-12 months. That said absences due to imprisonment for 6-12 months category rose to become the most common length of absence sought for this reason, representing 70% in 2007-8 as compared to 30% the previous year.

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Figure 2 below shows that overall the most common reasons for an absence were NP_73(2)

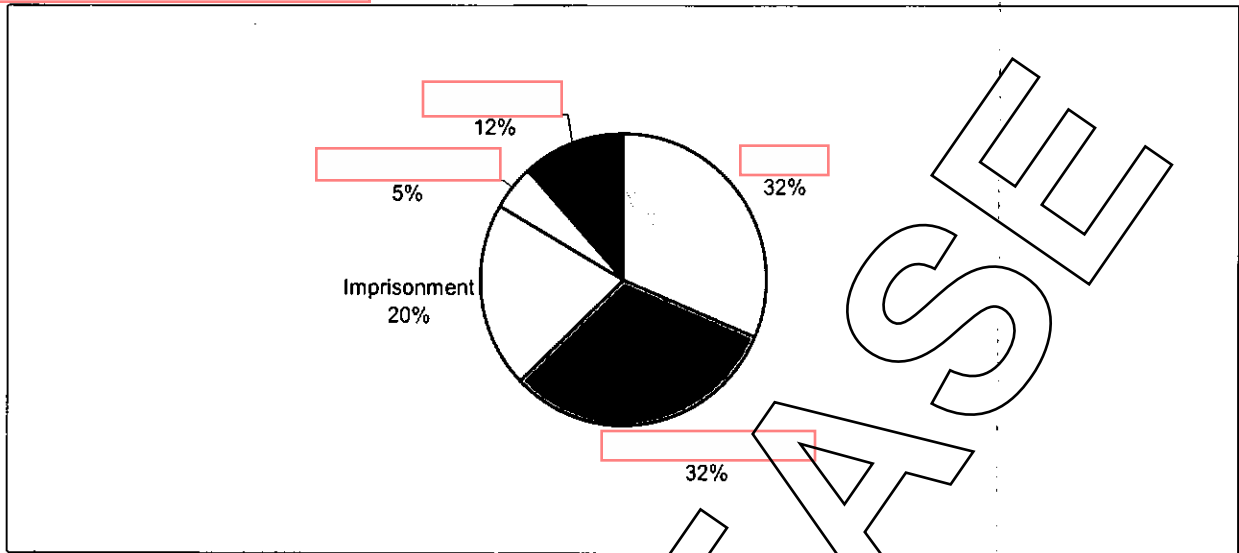


Figure 2: Percentage of approved absences by reason 2006-7 to 2007-8

As per Figure 3 below,

Absences of 6 to 12 months represented 50% of approved absences due to imprisonment. From 2006-7 to 2007-8, absences due to imprisonment for 6 to 12 months became the most common length of absence sought for this reason, representing 70% of absences for this reason in 2007-8 as compared to 30% the previous year.

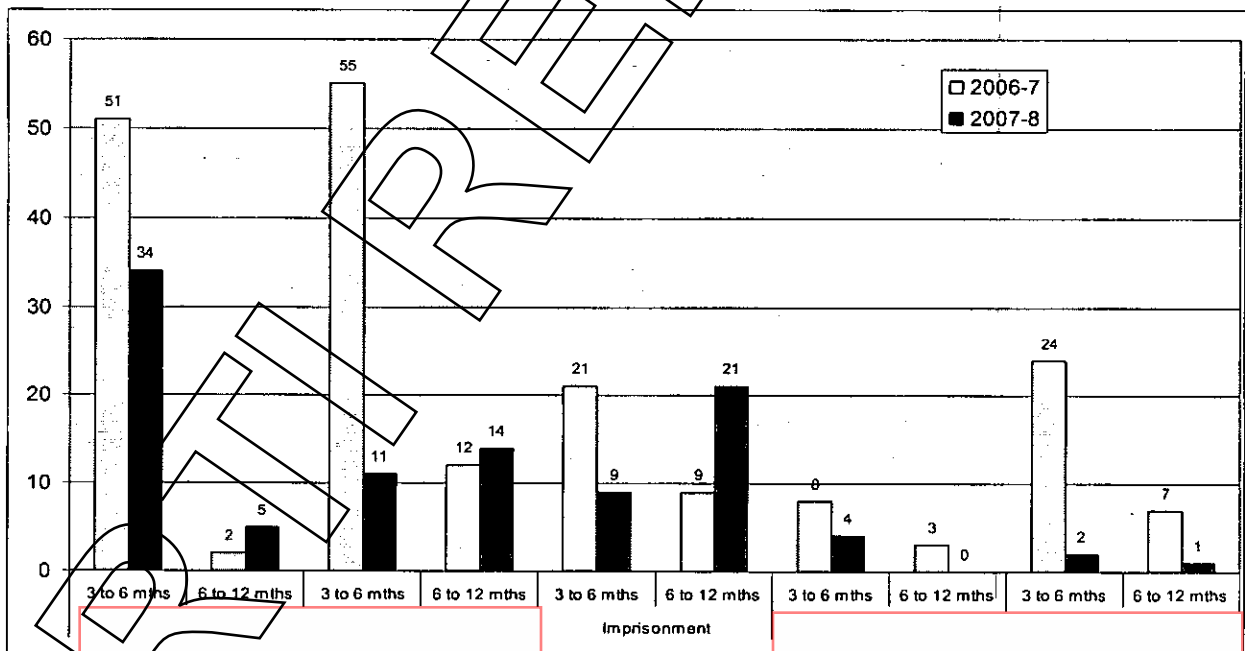


Figure 3: Approved absences by length, reason and year 2006-2008

RELEASE

In 2007-8, [redacted] imprisonment was the most common reason in the 6-12 months category. Figure 5 below provides a full breakdown.

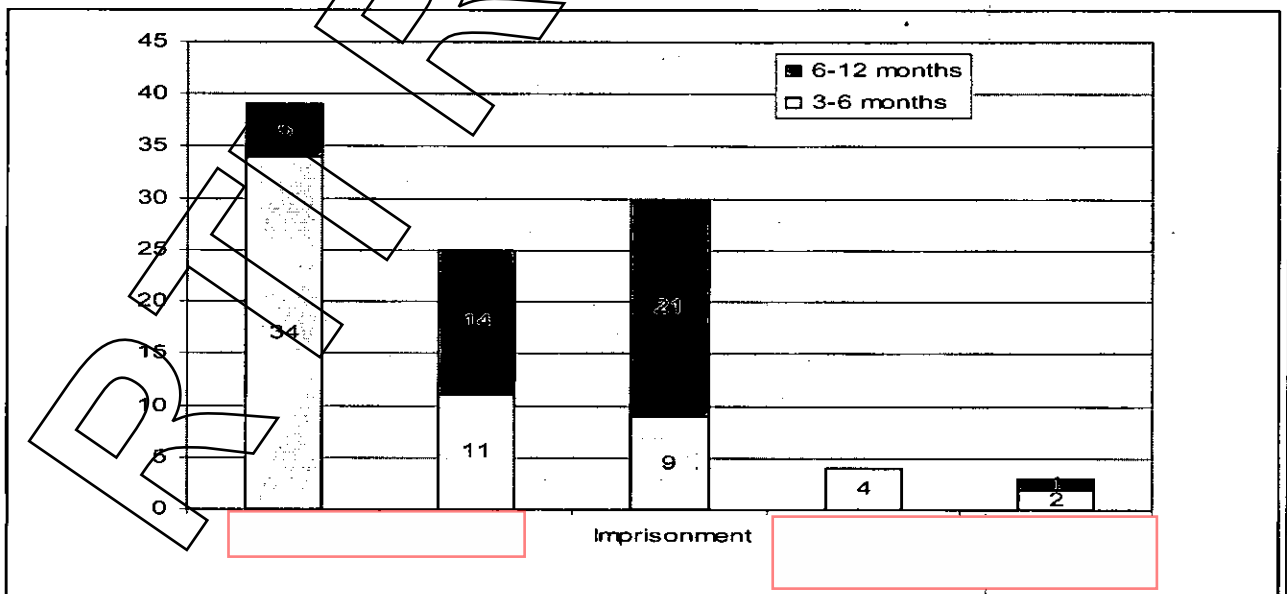


Figure 5: Approved absences by length and reason for the absence 2007-8

Figure 9 shows the breakdown of the reasons single tenants took absences during 2007-8.

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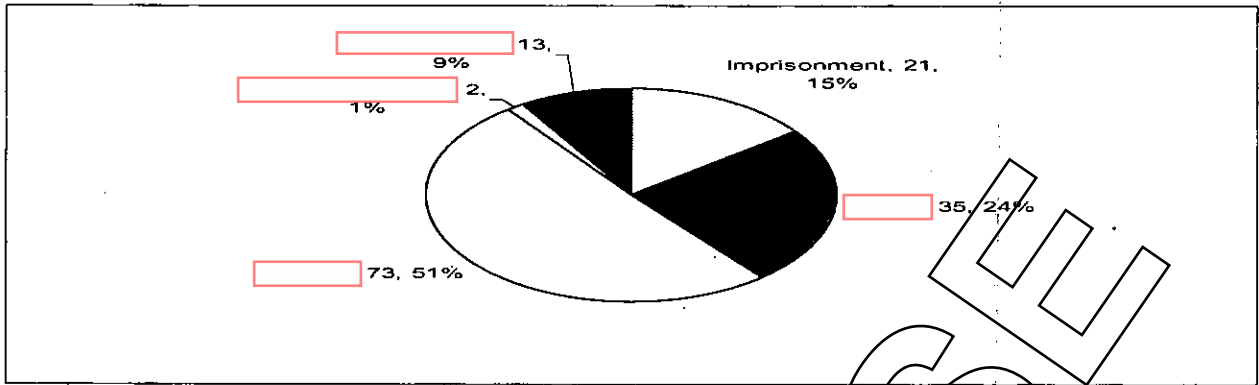


Figure 8: Single tenants living alone by reason for the absence 2007-8

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RELEASES

As per Figure 11 below, the most common reasons for extended absences were imprisonment (8, 40%) an absence greater than 12 months – 4 of these were for imprisonment,

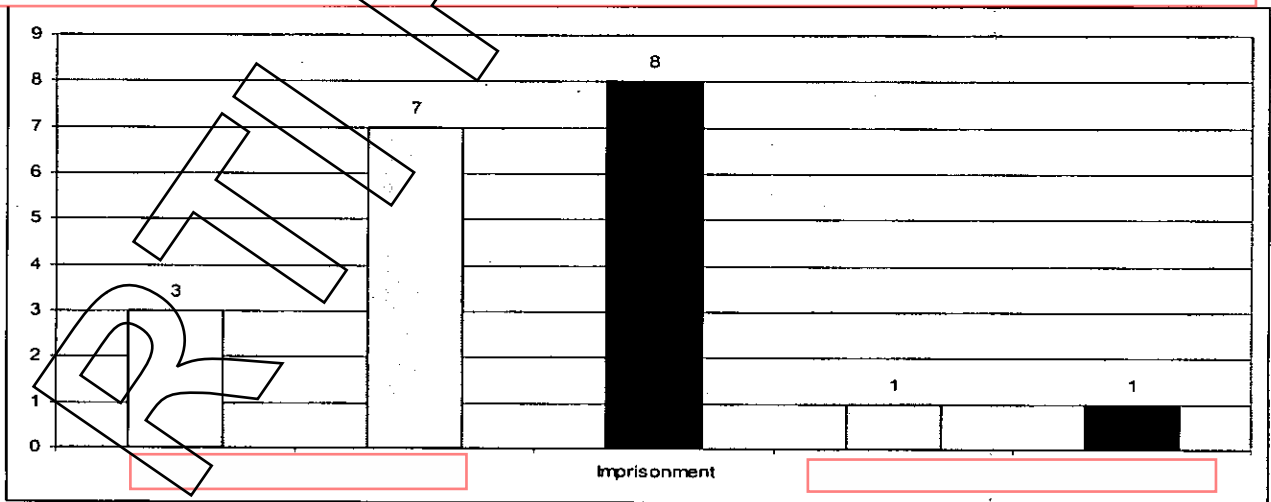


Figure 11: Approved extended absences by tenants 2007-8

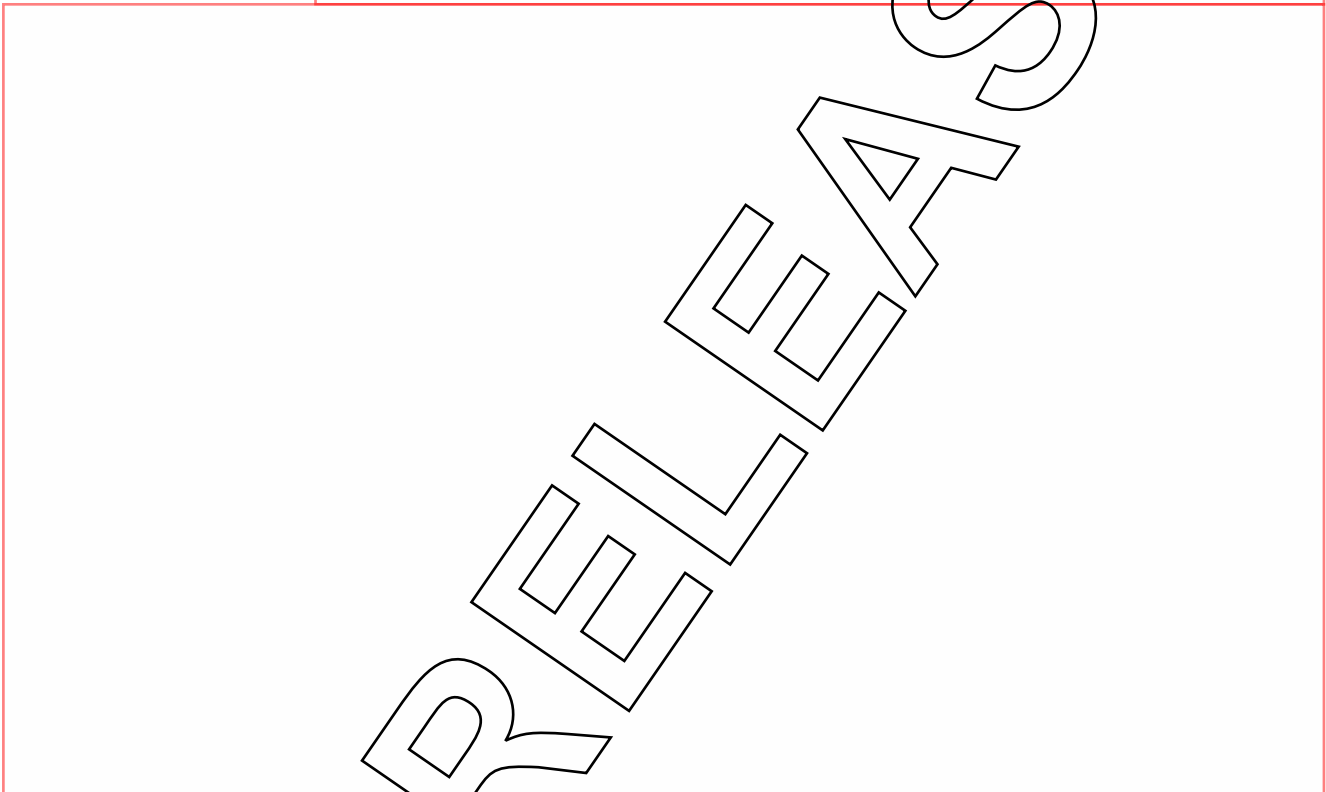
WHITE Richard

From: METCALF Geraldine
Sent: Monday, 28 July 2008 9:16 AM
To: KENYON Sharon N
Subject: RE: Helpdesk Query - Tenant Incarcerated
Importance: High

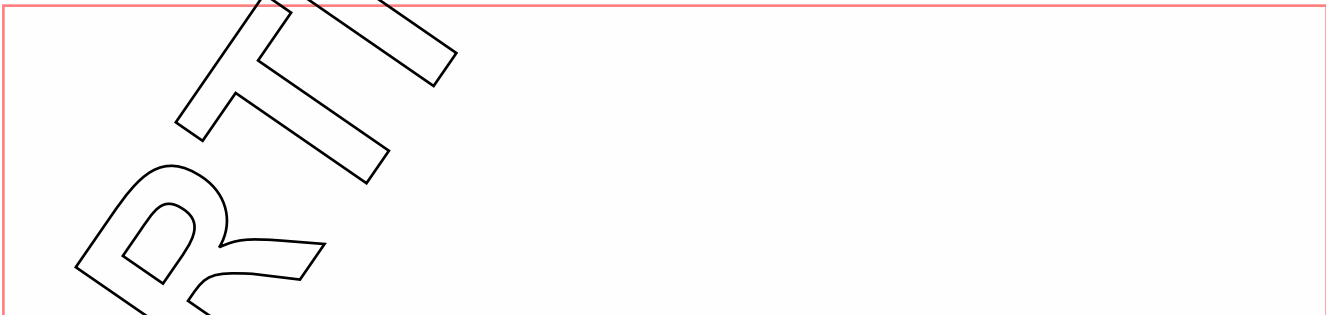
Hi Sharon

In response to the email from PIT these are my suggestions;

- I am satisfied with the advice given from PIT regarding the tenant going to prison and the length of time he is incarcerated. NP_73(2)



Thanks
Geraldine



From: MIDDLETON Jordana R
Sent: Monday, 14 July 2008 4:19 PM
To: KENYON Sharon N
Subject: FW: Helpdesk Query - Tenant Incarcerated

Sharon
PIT received a HelpDesk query the other day re a tenant who has gone to jail for 18mths (see Loundy's email

NP_R

below). He is a joint tenant but is not related to the remaining tenant in any way (ie they are not a relative or spouse). NP_49-Sch4

There are a few issues:

- Can't approve an absence exceeding 12mths
- Can't force him to relinquish his tenancy and doesn't seem fair to force him to
- Current policy gap exists for single tenants in similar situations – we don't really have policy or process for requiring a sole tenant relinquish their interest if jailed for longer than 12mths – its more a bluff for the tenancy to be ended because of policy about the 12mths limit. So we can't really use this reasoning to have him relinquish his tenancy as is joint tenancy

Given we weren't sure what to do, I have provided advice that:

- we will approve for a 12mth absence
- we will NOINC him as per reduced rent policy
- we will reassess the household's circumstances in 12mths ie the absence and the rent.
- we will advise him that we will not be pursuing him to relinquish his interest in the tenancy at this time.

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Jordi.

From: KAO Loundy
Sent: Monday, 14 July 2008 11:29 AM
To: MIDDLETON Jordana R
Subject: Helpdesk Query - Tenant Incarcerated

Hi Jordi

As per our discussion on Friday 11/07/2008 regarding a Helpdesk query I received:

I received a query from the Logan Area office regarding a tenant being incarcerated for 18 months and would like to continue his tenancy as there is still another tenant residing in the property.

The department is unable to approve a Temporary Leave of Absence due to the length of time he'll be away and unable to issue any breaches or proceed with the Abandonment process as the other tenant is still residing in the property, and the department is aware of his whereabouts. After discussing this matter with yourself and other PIT members it was decided that we would have to apply the 'Reduced Rent' rule and check the status of the tenant's incarceration in 12 months.

Regards,

Loundy Kao | A/Project Officer

Department of Housing | Procedures and Implementation Team |
 Community and Public Housing |

Ph: 322 78753 | Fax: 322 51266
 Email: Loundy.KAO@housing.qld.gov.au
 Level 9/61 Mary Street Brisbane

29/01/2010

Public Housing - Length of Temporary Absences

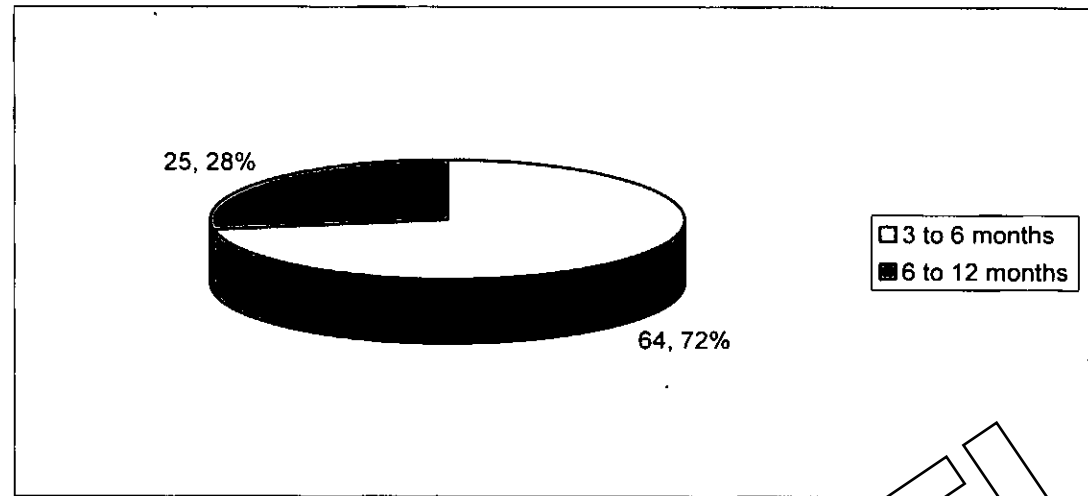
Program	Reason for Absence	Dec-07		
		Total	3 to 6 Months	6 to 12 Months
Public Rental Hsg 2007-08	NP_73(2)			
	Prison	17	8	9
	Total	86	71	15

Program	2008-09	Jul-08			Aug-08			Sep-08		
Public Rental Hsg										
	Prison	27	7	20	29	7	22	29	8	21
	Total	105	67	38	113	71	42	101	59	42

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Total	Jan-08		Total	Feb-08		Total	Mar-08		Total	Apr-08		Total	May-08		Total	Jun-08	
	Length of Absence			Length of Absence			Length of Absence			Length of Absence			Length of Absence			Length of Absence	
	3 to 6 Months	6 to 12 Months		3 to 6 Months	6 to 12 Months		3 to 6 Months	6 to 12 Months		3 to 6 Months	6 to 12 Months		3 to 6 Months	6 to 12 Months		3 to 6 Months	6 to 12 Months
NP_73(2)																	
16	8	8	16	7	9	14	5	9	16	6	10	19	7	12	20	7	13
80	63	17	79	59	20	73	52	21	75	54	21	87	62	25	88	61	27

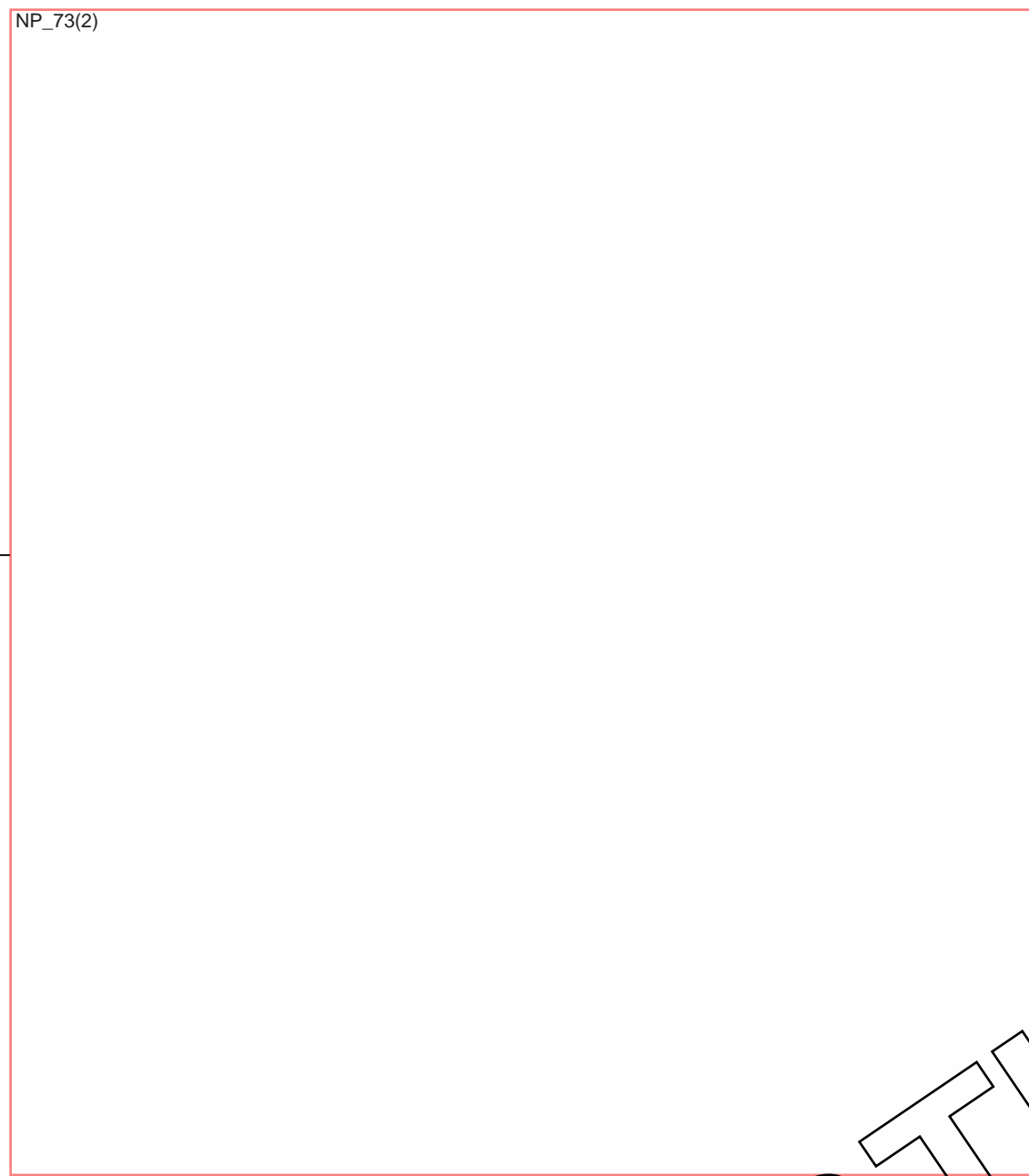
Average no. of active tenancies per month by length of absence



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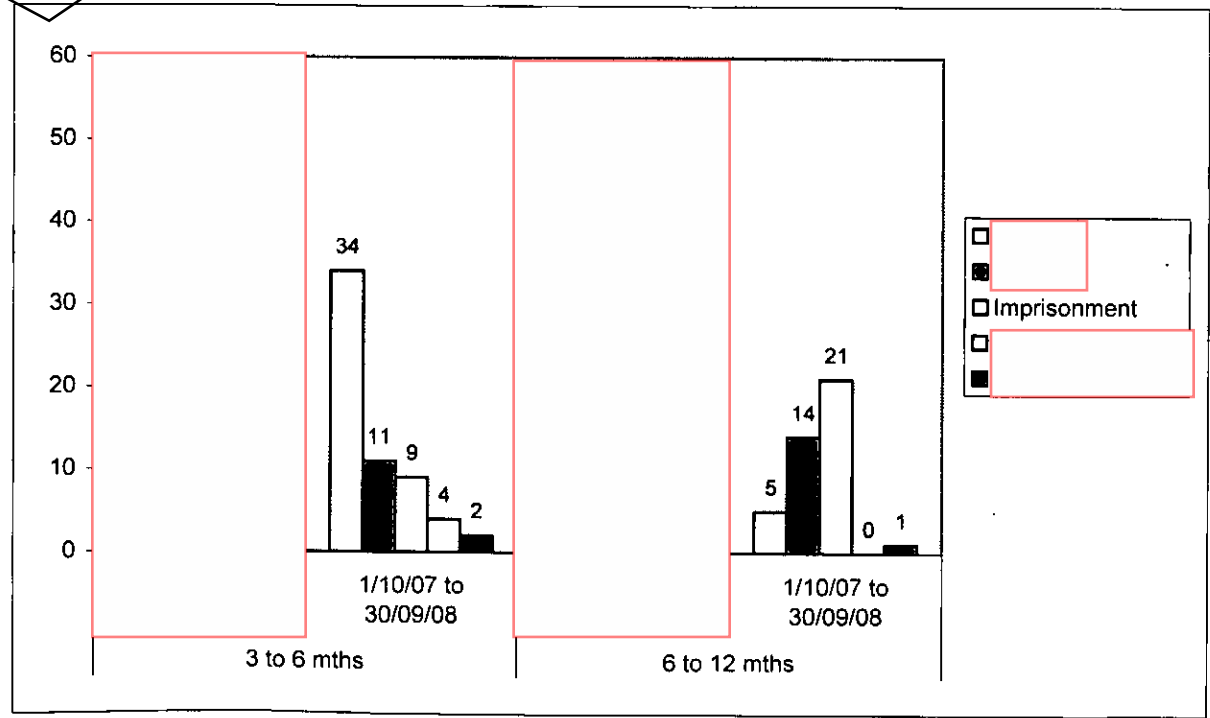


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SAMPLE 2 - Absences 1 October 2007 to 30 September 2008 (my figures)

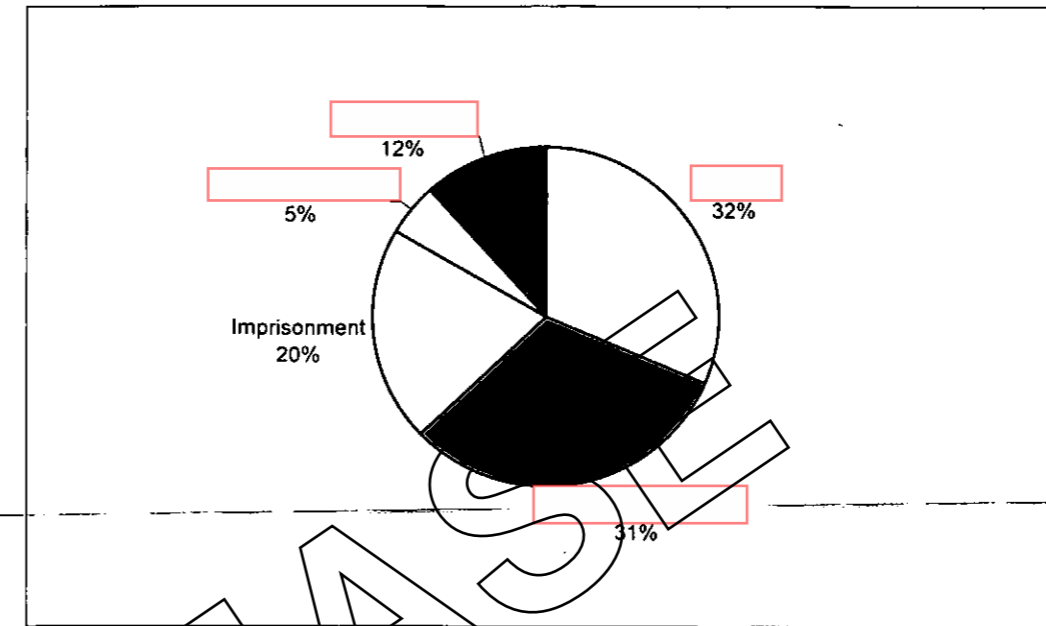
Grounds for Absence	Length of Absence		Total
	3 to 6 months	6 to 12 months	
Imprisonment	9	21	30
Total	60	41	101

SAMPLE 1 & 2



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Ground for Absence	3 to 6 mths		6 to 12 mths		Total
	1/10/06 to 30/09/07	1/10/07 to 30/09/08	1/10/06 to 30/09/07	1/10/07 to 30/09/08	
NP_73(2)					
Imprisonment	21	9	9	21	60
Total	159	60	33	41	293



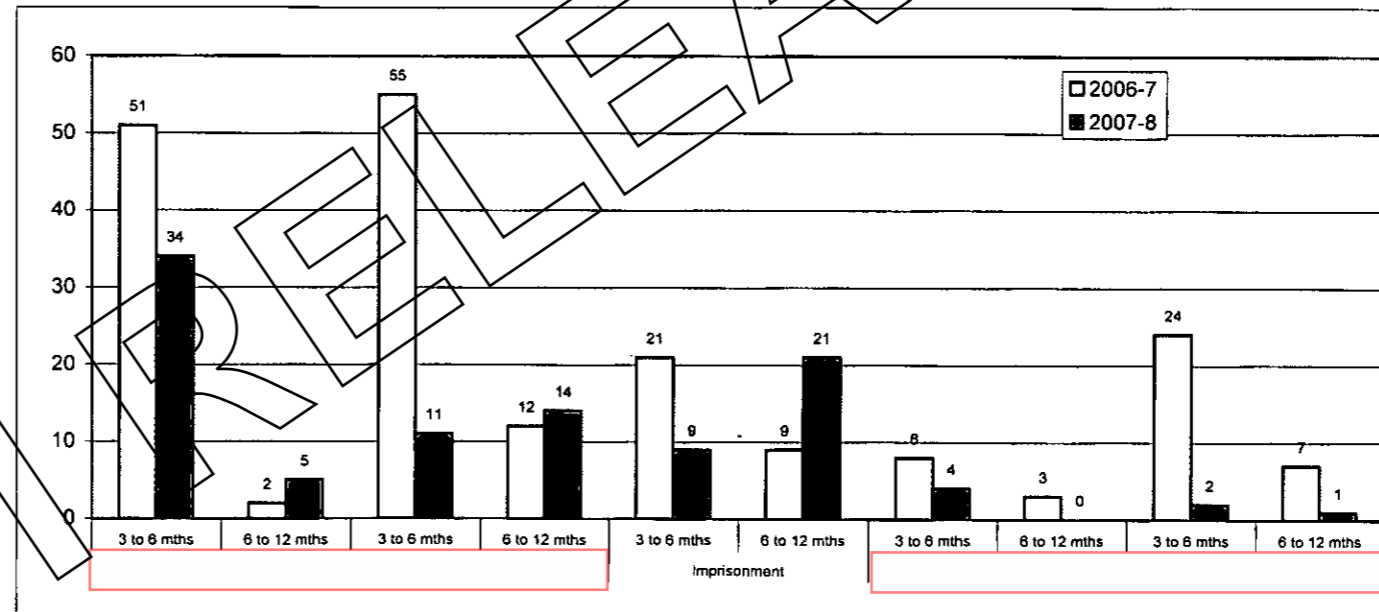
Absences 1 October 2007 to 30 September 2008

Code Type	No. of absences	%
LOA03	123	54.9
LOA06	60	26.8
LOA12	41	18.3
TOTAL	224	100

Length of absence	No. of absences	%
31 days or less	23	10.3
31 days up to 3 months	100	44.6
3 to 6 months	60	26.8
6 to 12 months	41	18.3
TOTAL	224	100

Number of absences by public rental housing program

Program	Total absences	%
ATSIH	8	3.50%
PH	216	96.50%
Total	224	100%



Length of Absence	Imprisonment	
	2006-7	2007-8
3 to 6 months	21	9
6 to 12 months	9	21
Total	30	30

Length of Absence	Imprisonment	
	3 to 6 mths	6 to 12 mths
2006-7	21	9
2007-8	9	21
Total	30	30

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Business Area Code	Entry Date	Start Date	End Date	Approved period	Completion code date (LAOCO)	Actual absence period	Category	Reason	Total absence no.	H/HOLD	Status of tenancy
538		21-Dec-07	12-Aug-08	8 months	Ongoing	Ongoing	6 to 12 M	Imprisonment	1	Sole tenant	Active
0538	27-Sep-07	06-Sep-07	06-Sep-08	12 Months	Yes	Over 12 months - continuous.	6 to 12 M	Imprisonment	1	sole tenant	terminated
0538	29-Jul-08	15-Feb-08	12-Nov-08	9 Months	Yes	Same	6 to 12 M	Imprisonment	1	Sole Tenancy - Depend	Active
0538	28-Aug-08	29-Apr-08	29-Apr-09	12 Months	No	Current	6 to 12 M	Imprisonment	1	Sole Tenancy	Active
0538	09-Sep-08	13-Nov-07	13-Nov-08	12 Months	NO	Current	6 to 12 M	Imprisonment	1	Sole Tenancy	Canc
0538	18-Apr-08	01-Feb-08	01-Feb-09	12 Months	Yes	4 Months	6 to 12 M	Imprisonment	1	Sole Tenancy	Active
0538	24-Jul-08	07-Jul-08	09-Mar-09	7 Months	No	Current	6 to 12 M	Imprisonment	1	Sole Tenancy	Active
0538	11-Jun-08	10-Jun-08	10-Jun-09	12 Months	No	Current	6 to 12 M	Imprisonment	1	Sole Tenancy - adult & Dep	Active
0538	05-Sep-08	09-Aug-08	31-Oct-08	3 Months	Yes	4 Months	2 to 3 M	Imprisonment	1	Sole Tenancy - Depend	Canc
0538	10-Jul-08	16-Jun-08	16-Sep-08	3 Months	Yes	Same	2 to 3 M	Imprisonment	1	Sole Tenancy	Active
0538	07-Jul-08	11-Jun-08	10-Sep-08	3 Months	Yes	Same	2 to 3 M	Imprisonment	1	Sole Tenancy - Depend	Active
0538	14-Jul-08	11-Jul-08	25-Mar-09	9 Months	Yes	6 Months	6 to 12 M	Imprisonment	1	Sole Tenancy - Depend	Active
0536	14-Jul-08	01-Mar-08	01-Mar-09	12 Months	No	Current	6 to 12 M	Imprisonment	1	Sole Tenancy - Depend	Active
0538	11-Apr-08	27-Mar-08	16-Dec-08	9 Months	Yes	Same	6 to 12 M	Imprisonment	1	Sole Tenancy	Active
0538	31-Jul-08	17-Apr-08	17-Dec-08	8 Months	Yes	Same	6 to 12 M	Imprisonment	1	Sole Tenancy	Active

REPLACEMENT

0538	28-Apr-08	29-Mar-08	29-Sep-08	6 Months	Yes	4 Months	3 to 6 M	Imprisonment		1	Sole Tenancy	Active
0538	14-Sep-07	14-Nov-07	14-Nov-08	12 Months	Yes	16 Months	6 to 12 M	Imprisonment		1	Joint tenancy - family	Canc
0538	09-Oct-08	24-Jul-08	24-Nov-08	3 Months	Yes	Ended	3 to 6 M	Imprisonment		1	Sole Tenancy	Canc
0538	18-Jul-08	06-May-08	30-Nov-08	7 Months	Yes	Same	6 to 12 M	Imprisonment		1	Sole Tenancy - Depend	Active
0538	30-May-08	16-May-08	16-Nov-08	6 Months	Yes	Same	3 to 6 M	Imprisonment		1	Joint Tenancy - Depend	Active
0538	04-Jul-08	12-Feb-08	07-Feb-09	12 Months	Yes	Same	6 to 12 M	Imprisonment		1	Sole Tenancy	Active
0538	28-Aug-08	10-Mar-08	16-Jan-09	10 Months	Yes	Same	6 to 12 M	Imprisonment		1	Sole Tenancy	Active
0538	17-Jun-08	10-Jun-08	10-Dec-08	6 Months	Yes	Same	6 to 12 M	Imprisonment		1	Sole Tenancy	Active
0538	22-Jul-08	25-Jun-08	13-Oct-08	6 Months	Yes	8 Months	3 to 6 M	Imprisonment		1	Sole Tenancy	Active
0538	16-Sep-08	13-Aug-08	17-Nov-08	3 Months	Yes	Same	3 to 6 M	Imprisonment		1	Sole Tenancy - Depend	Active
0538	05-Jun-08	01-Jun-08	01-Dec-08	6 Months	Yes	Current	3 to 6 M	Imprisonment		1	Joint Tenancy - Depend	Active
0538	14-Feb-08	09-Jan-08	09-Jan-09	12 Months	NO	Ended	6 to 12 M	Imprisonment		1	Sole Tenancy	Canc
0536	20-Aug-08	06-Aug-08	05-Feb-09	6 Months	Yes	2 Months	3 to 6 M	Imprisonment		1	Sole Tenancy - Depend	Active
0538	12-Feb-08	07-Oct-07	07-Oct-08	12 Months	NO	Ended	6 to 12 M	Imprisonment		1	Sole Tenancy	Canc
0538	28-Jul-08	05-Jul-08	05-Oct-08	2 Months	Yes	Same	2 to 3 M	Imprisonment		1	Sole Tenancy	Active
0538	10-Jul-08	07-Jul-08	07-Sep-08	2 Months	Yes	8 Months	2 to 3 M	Imprisonment	1		Sole	Canc
0538	23-May-08	20-Mar-08	24-Sep-08	6 Months	Yes	Same	6 to 12 M	Imprisonment	1		Sole Tenancy -	Active
0538	01-Aug-08	16-Jul-08	16-Oct-08	3 Months	Yes	Same	3 to 6 M	Imprisonment	1		Sole	Active
0538	07-Aug-08	23-Jul-08	23-Oct-08	3 Months	Yes	Same	2 to 3 M	Imprisonment	1		Sole	Active
0538	03-Oct-08	19-Aug-08	21-Oct-08	2 Months	No	Current	2 to 3 M	Imprisonment	1		Sole Tenancy - Res	Active
0538	23-Jul-08	01-Jul-08	20-Sep-08	2 Months	Yes	Same	2 to 3 M	Imprisonment	1		Sole Tenancy	Active
0538	25-Aug-08	25-Aug-08	09-Oct-08	2 Months	Yes	Same	2 to 3 M	Imprisonment	1		Sole Tenancy - Depend	Active

NP_73(2)	0538	19-Aug-08	08-Aug-08	08-Dec-08	4 Months	Yes	Same	3 to 6 M	Imprisonment	1	Sole Tenancy - Depend	Active	
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Business Area Code	Entry Date	Action Code	Start Date	End Date	Period of Absence (Days)	NP_73(2)	Imprisonment
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RTI RELEASE

0538	19-Dec-08	LOA12	22-Nov-08	22-Sep-09	304		X
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0538	10-Mar-09	LOA06	23-Mar-09	14-Sep-09	175				X		
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RTI RELEASE

0538	17-Dec-08	LOA03	25-Nov-08	25-Jan-09	61			X		
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0538	31-Mar-09	LOA03	03-Feb-09	03-May-09	89				X	
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RTI RELEASE

0538	26-Feb-09	LOA03	29-Jan-09	26-Mar-09	56				X	
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0538	17-Mar-09	LOA03	02-Feb-09	27-Apr-09	84				X	
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0538	27-Feb-09 LOA06	12-Dec-08	30-Mar-09	108			X		
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0538	22-Oct-08	LOA03	08-Oct-08	04-Dec-08	57				X	
0538	11-Mar-09	LOA03	09-Feb-09	25-Feb-09	16				X	

0538	23-Oct-08	LOA06	16-Oct-08	12-Apr-09	178				X	
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0538	27-Jan-09	LOA12	18-Dec-08	17-Aug-09	242				X	
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0538	10-Feb-09	LOA06	20-Jan-09	19-Jul-09	180				X	
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RTI RELEASE

0538	15-Dec-08 LOA03	20-Nov-08	19-Dec-08	29			X		
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0538	31-Mar-09 LOA03	16-Feb-09	04-May-09	77			X		
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RTI RELEASE

0538	09-Mar-09 LOA06	05-Nov-08	19-Mar-09	134				X	
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0538	13-Feb-09 LOA03	24-Dec-08	24-Mar-09	90				X	
0538	14-Jan-09 LOA06	18-Dec-08	18-Apr-09	121				X	

RTI RELEASE

0538	28-Nov-08 LOA06	14-Oct-08	13-Feb-09	122				X	
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	30-Mar-09	LOA06	08-Dec-08	08-Jun-09	182				X	
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0538	11-Mar-09	LOA03	26-Jan-09	23-Feb-09	28				X	
0538	29-Oct-08	LOA06	06-Oct-08	20-Jan-09	106				X	

0538	22-Oct-08	LOA03	02-Oct-08	23-Dec-08	82				X	
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0538	16-Dec-08	LOA06	11-Nov-08	10-May-09	180				X	
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RTI RELEASE

0538	09-Mar-09	LOA03	24-Mar-09	08-May-09	45				X		
0538	01-Dec-08	LOA03	17-Dec-08	14-Jan-09	28				X		
0538	19-Dec-08	LOA03	20-Dec-08	09-Jan-09	20				X		
0538	02-Dec-08	LOA03	25-Dec-08	17-Jan-09	23				X		
0538	25-Mar-09	LOA06	13-Feb-09	21-May-09	97				X		
0538	08-Dec-08	LOA03	08-Dec-08	30-Jan-09	53				X		
0538	21-Jan-09	LOA03	18-Dec-08	26-Jan-09	39				X		
0538	11-Nov-08	LOA06	08-Oct-08	28-Feb-09	143				X		
0538	21-Nov-08	LOA03	26-Nov-08	22-Feb-09	88				X		
0538	14-Nov-08	LOA03	03-Dec-08	28-Feb-09	87				X		
0538	28-Jan-09	LOA03	25-Dec-08	22-Feb-09	59				X		

RTI RELEASE

0538	25-Mar-09	LOA03	23-Mar-09	01-Jun-09	70			X	
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0538	15-Dec-08	LOA03	12-Dec-08	12-Feb-09	62			X	
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RTI RELEASE