

Committee on
Children and Young People



PARLIAMENT OF
NEW SOUTH WALES

Support for children of imprisoned parents in New South Wales



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Contents

Membership _____	iii
Chair’s foreword _____	iv
Summary _____	v
Findings and recommendations _____	viii
Chapter One – Considerations prior to imprisonment _____	1
The impacts of parental incarceration on children _____	1
Reducing the number of imprisoned parents _____	5
Reducing the number of parents held on remand _____	12
Supporting parents on remand and their children _____	16
Supporting children at the point of arrest _____	17
Chapter Two – Improving support for children of imprisoned parents _____	21
Offering more support for children of imprisoned parents _____	21
Mother and child residential units _____	24
Breastfeeding and lactation support for incarcerated mothers _____	28
Ensuring children have access to their parents _____	30
Improving the visiting experience for children of imprisoned parents _____	37
Counselling for children of imprisoned parents _____	44
Improving training for people working with children of imprisoned parents _____	46
Chapter Three – Information gathering and sharing _____	48
Improving the availability and reliability of data _____	48
Improving data sharing between departments and organisations while parents are in custody _____	54
The co-located child protection caseworkers program _____	61
Chapter Four – Improving support for imprisoned parents _____	64
Providing adequate and appropriate diversionary and non-custodial alternatives _____	64
Diversionary and non-custodial alternatives for Aboriginal people _____	67
Parenting programs for Aboriginal parents in prison _____	70
The effectiveness of current parenting programs _____	72
Support for parents on their release from prison _____	74
Appendix One – Terms of reference _____	80
Appendix Two – Conduct of inquiry _____	81
Appendix Three – Submissions _____	82
Appendix Four – Witnesses _____	83

Appendix Five – Site visits report	86
Appendix Six – Extracts from minutes	87
Appendix Seven – Glossary	110

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Chair's foreword

In November 2019, the Committee on Children and Young People self-referred an inquiry into the impact on children from having an imprisoned parent.

In this report, we investigate what policies exist to support children of imprisoned parents and the adequacy of services available to them, and we identify a number of areas where we believe that improvements can be made to achieve positive outcomes for these children.

The Committee's report was finalised almost 25 years after the Legislative Council's Standing Committee on Social Issues conducted a similar inquiry into children of imprisoned parents. Chaired by the Hon. Ann Symonds, the 1997 inquiry found that children of imprisoned parents are rarely considered or supported as part of government policy, and are frequently overlooked or neglected by government services while their parents are incarcerated.

By 2021, there are more supports available for children of imprisoned parents, yet there is substantial room for improvement. As stakeholders told us during our hearings and in their submissions to the inquiry, children of imprisoned parents will still face many challenges and are likely to experience poorer outcomes than their peers.

In many ways, children of imprisoned parents are still an 'invisible' and highly vulnerable group, where no government agency appears to have direct responsibility for their well-being. Separated from at least one of their parents or primary caregivers, they effectively serve a sentence despite having committed no crimes.

While we acknowledge the new initiatives that have been undertaken by government departments and non-government organisations since the time of the 1997 inquiry, a great number of the recommendations made by the Standing Committee on Social Issues remain unfulfilled.

This Committee's inquiry explores the legislative and policy interventions that could be made to improve this situation. We make recommendations that could help reduce the number of parents who are incarcerated, as this is one of the most important preventative measure for improving the wellbeing of children. Where parental imprisonment is unavoidable, we have made numerous suggestions that can help children maintain contact and develop positive relationships between parents and children. We have also recommended that improvements be made in how data on children of imprisoned parents is collected and shared between relevant agencies, with the goal of fostering a whole-of-government response to meeting these children's needs.

The Committee is grateful for the numerous submissions we received by stakeholders and we would like to thank the witnesses who appeared during our public hearings in April and May 2021. We are also grateful to Corrective Services NSW and SHINE for Kids for their hospitality and sharing their expertise when we conducted site visits and roundtable discussions in April 2021. I would also like to thank Committee members for their contributions to the hearings and this report, as well as the Committee staff for their work and professionalism.

Peter Sidgreaves MP
Chair

Summary

The Committee adopted terms of reference for an inquiry into support for children of imprisoned parents in New South Wales on 14 November 2019. We received 28 submissions from lead departments and agencies, non-government organisations and service providers, peak bodies, academics and members of the public.

On 29 April and 14 May 2021, we conducted two days of public hearings in which we heard evidence from 18 organisations. In April 2021, we also conducted a series of site visits to correctional facilities, and held roundtable discussions with representatives from SHINE for Kids and local public schools in the Goulburn area. We are thankful for these opportunities, and we discuss them in further detail in Appendix 5.

Improving support for children of imprisoned parents is a multi-faceted challenge for government. The report is divided into four chapters, each of which focuses on a different dimension to how outcomes can be improved for children and families affected by parental incarceration.

Chapter one examines the impacts of parental incarceration. The Committee found that parental incarceration has a profoundly negative effect on children, and should be avoided where possible. We heard that children of imprisoned parents often experience difficulties with their physical and mental health, education and ability to have relationships with their parents, in addition to having a greater likelihood of having contact with child protection or justice systems.

In order to reduce the number of children who suffer these negative consequences, we recommend that bail and sentencing legislation be amended to give greater consideration to whether someone is a parent or primary carer before giving them a custodial sentence. We recommend that alternatives to imprisonment are used wherever possible, particularly when a custodial sentence would be less than 12 months.

When it is unavoidable that parents are taken into custody, there are policy interventions that should be made to better support children prior to a parent receiving a custodial sentence. Parents on remand should be given greater access to programs that support their parenting upon release. We also recommend that arrest protocols should be amended so that the needs and wellbeing of children are given greater emphasis at the point of arrest.

In chapter 2, we outline the supports that are currently available to children when their parents have been sentenced to a term in prison. Progress has been made by Corrective Services NSW (CSNSW) in providing better facilities for children to make in-person or virtual visits to parents in prison, and designing programs and facilities that are culturally appropriate for Aboriginal prisoners and their families, among others. However, the Committee heard that there is much more to be done by the Department of Communities and Justice (DCJ) to improve the well-being of children who have parents in prison.

Crucially, there is currently no unit or role within DCJ that specifically focuses on children of imprisoned parents. We recommend that such a role be created, with responsibilities to liaise with other agencies and departments on how best to support this vulnerable cohort. Further

consultation work should also be done on how best to develop future policies and programs to support them. We also make several recommendations specific to mothers in prison, such as revising the eligibility criteria for residential programs (such as the program that currently operates at the Emu Plains Correctional Centre) and providing more of these residential facilities across NSW.

CSNSW should also provide more funding for transport services so that prisoners' families can visit them more easily, and so that non-government service providers are able to support children who are visiting parents at a greater number of correctional facilities in NSW. This includes providing culturally appropriate visiting facilities and services for Aboriginal people. Similarly, more should be done to ensure that children in out-of-home care are properly supported to visit imprisoned parents if they want to.

In chapter 3, we explore information gathering and sharing. A recurring theme in the inquiry was the limited data that is currently available on the number of children in NSW who have a parent in prison. Stakeholders also noted the absence of a sustained, whole-of-government response to support children of imprisoned parents. This issue is made worse by limitations in the collection and release of relevant data, and limited collaboration between government departments and between government and the community sector. However, we acknowledge the early success of CSNSW's co-located caseworker program, and recommend expanding this program to contribute to maintaining relationships between children and their parents.

We also recommend that the scope and reliability of data collected by CSNSW or DCJ should be improved. Data on children of imprisoned parents should be publicly released, so that government agencies and non-government organisations have timely and accurate information to inform program design and delivery. We also recommend that a consistent data system or dataset is maintained on children of imprisoned parents for this purpose, so long as the need for improving information sharing is balanced against the need to respect the privacy of children and parents in prison. By improving government data collection and information, the Committee is of the view that fewer children will 'fall through the cracks' that can result from siloed service provision.

In chapter 4, we draw particular attention to the role that supporting parents in prison can play in supporting their children. Returning to some of the pre-sentencing considerations discussed in chapter 1, we investigate the need for more non-custodial alternatives to be available for offenders who are parents. We heard that there currently needs to be more places available in diversionary, rehabilitative and other community-based alternatives to custody, so that judges and magistrates have greater scope for avoiding custodial sentences for parents when appropriate.

The Committee recognises the important support that Aboriginal community-controlled organisations (ACCOs) provide for parents in prison and their children. In addition to ensuring that non-custodial alternatives are culturally appropriate and located close to Aboriginal offenders' communities, DCJ should provide more funding for ACCOs so that they are able to make further contributions to reducing recidivism in parents and intergenerational contact with the justice system.

We also recommend that better services and supports are provided to parents before they are released from prison. While we recognise the important work that CSNSW and DCJ staff do in this area, we heard that greater support should be given to help parents manage the transition

from life in prison to living with their children in the community. The Committee recommends that DCJ develop more in-prison programs and services that help parents prepare for release and, where appropriate, make more accommodation services available for parents upon their release. These are all important considerations for helping more children to reunite with their parents, and also help to reduce recidivism and prevent children from being separated from their parents again.

The Committee would like to draw attention to the valuable recommendations made by the Legislative Council Standing Committee on Social Issues in their 1997 inquiry into children of imprisoned parents. Stakeholders often told us that many of the 1997 recommendations remain outstanding, and we recognise that many of the recommendations contained in this report bear similarities to those that came over twenty years ago. While some progress has been made in this area, this report and its recommendations will ensure that children of imprisoned parents do not suffer unnecessarily.

The Committee on Children and Young People is hopeful that, through the NSW Government's commitment to improving the wellbeing of young people in New South Wales, our recommendations will lead to more comprehensive and cohesive support for this vulnerable and often forgotten group of children.

Findings and recommendations

- Finding 1 _____ 1
- The Committee finds that parental incarceration has a profoundly negative effect on children, and should be avoided where possible.
- Recommendation 1 _____ 5
- The Committee recommends that more consideration is given to whether someone is a parent, particularly a primary carer, when making the decision whether to sentence them to a custodial sentence. For example, this may include a standalone provision, or amending the current provisions, in s21 of the *Crimes (Sentencing Procedure) Act 1999*.
- Recommendation 2 _____ 5
- The Committee recommends that, in situations where a primary care giver would be sentenced to less than 12 months in prison, every alternative must be demonstrated to be exhausted before they are given a custodial sentence.
- Recommendation 3 _____ 5
- The Committee recommends that the Department of Communities and Justice collect information on sentencing patterns to monitor whether alternative options are being used to avoid imprisoning primary care givers.
- Recommendation 4 _____ 12
- The Committee recommends that the Attorney-General amend section 18(1) of the *Bail Act 2013* to mandate the consideration of a person's parenting and caregiving responsibilities, and the impact on the children of the person facing bail decisions.
- Recommendation 5 _____ 16
- The Committee recommends that Corrective Services NSW provide more support to parents who are being held on remand, including having access to parenting programs that are currently reserved for sentenced prisoners, or providing programs that have been specifically developed for parents who are being held on remand.
- Recommendation 6 _____ 17
- The Committee recommends that the NSW Police Force review its guidelines for arrest protocols to ensure that proper consideration is given to the experience of children at the time of the arrest of a parent.
- Recommendation 7 _____ 18
- The Committee recommends that the Department of Communities and Justice uses the time of the arrest of a parent as a starting point to develop and provide support services to these children moving forwards.
- Recommendation 8 _____ 21
- The Committee recommends that a specific role be created in the Department of Communities and Justice that monitors and advocates for children of imprisoned parents. This position

should have responsibility for liaising with other Departments and agencies, including Corrective Services, Health, Education, and Family and Community Services, on how to support children of imprisoned parents.

Recommendation 9 _____ 21

The Committee recommends that the Department of Communities and Justice consults with children with a lived experience of parental incarceration to consider policies and programs to best support children of imprisoned parents.

Recommendation 10 _____ 24

The Committee recommends that additional mother and children residential facilities, similar to the Jacaranda Cottages facility at the Emu Plains Correctional Centre, be built in other prisons in NSW. At least one of these facilities should be established in a suitable regional location with a view to increasing the ability for Aboriginal mothers to stay with their children.

Recommendation 11 _____ 24

The Committee recommends that the Jacaranda Cottages be expanded to house more inmates, and that the current requirements that restrict eligibility to enter this facility be reviewed and the barriers removed where practicable.

Recommendation 12 _____ 24

The Committee recommends that Corrective Services NSW consider providing residential mother and child accommodation, similar to Jacaranda Cottages, for mothers on remand.

Recommendation 13 _____ 28

The Committee recommends that Corrective Services NSW provide more breastfeeding and lactation support to imprisoned mothers, including women on remand, during visits by their children. This should include the collection and storage of breastmilk for infants of imprisoned mothers living in the community.

Recommendation 14 _____ 30

The Committee recommends that, where possible, efforts should be made to place imprisoned parents in correctional centres near their children. This is especially relevant for Aboriginal parents.

Recommendation 15 _____ 30

The Committee recommends that additional funding is provided for transport for children visiting their parents, with priority given to those areas where there is limited public transport.

Recommendation 16 _____ 34

The Committee recommends that Corrective Services NSW develops a system to promptly notify visitors if there are changes to visiting arrangements and to assist to rearrange the visit.

Recommendation 17 _____ 35

The Committee recommends that the Department of Communities and Justice put systems in place to ensure that, where appropriate, children in out-of-home care are supported to visit their parents if they want to.

Recommendation 18	37
<p>The Committee recommends that Corrective Services NSW provide additional funding to relevant organisations who support children of imprisoned parents to expand their operations into additional correctional centres. This should include ensuring that Aboriginal community controlled organisations are funded to provide support to Aboriginal children of imprisoned parents.</p>	
Recommendation 19	39
<p>The Committee recommends that Corrective Services NSW, in collaboration with relevant organisations, establishes policies and procedures to improve the visiting experience for children. This collaboration should include input from Aboriginal community controlled organisations.</p>	
Recommendation 20	39
<p>The Committee recommends that Corrective Services NSW provide training to Correctional Officers on how to interact with children during visits.</p>	
Finding 2	40
<p>The Committee finds that 'video visits' can be a useful tool to maintain contact between children and their parents, and supports the rollout of tablets to facilitate these visits where it is most appropriate, or is preferred.</p>	
Finding 3	41
<p>The Committee finds that virtual visits should not replace face-to-face visits.</p>	
Recommendation 21	43
<p>The Committee recommends that Corrective Services NSW develop best practice guidelines for spaces for family visits to imprisoned parents, to be used in new builds or refurbishments.</p>	
Recommendation 22	44
<p>The Committee recommends that children of imprisoned parents be offered specific counselling services to help them cope with the experience. This should include a culturally appropriate service for Aboriginal children and could also involve an optional mentoring service.</p>	
Recommendation 23	46
<p>The Committee recommends that the Department of Communities and Justice provide training or guidelines to all staff who may interact with children of imprisoned parents, including foster carers and out-of-home care managers, on how best to support and interact with these children.</p>	
Recommendation 24	46
<p>The Committee recommends that the Department of Education devise new training for teachers who may have students with imprisoned parents, or promote existing accredited courses on how best to support and interact with children of imprisoned parents. Priority should be given to those schools which may have more of these children.</p>	

Recommendation 25	48
The Committee recommends that the Department of Communities and Justice release more de-identified data on children of imprisoned parents.	
Recommendation 26	50
The Committee recommends that Corrective Services NSW collect more information from inmates on whether they have children and the nature of their relationship with those children.	
Recommendation 27	50
The Committee recommends that Corrective Services NSW conduct annual surveys with inmates to find any changing circumstances in their relationships with their children and about the services needed for the prisoner or their children.	
Recommendation 28	53
The Committee recommends that the Department of Communities and Justice improves the reliability of data from the Intake Screening Questionnaire, including cross-referencing data held by other agencies. This should include engagement with Aboriginal community-controlled organisations in the administration of data collection tools.	
Recommendation 29	55
The Committee recommends that the Department of Communities and Justice maintain a consistent dataset or data system on all children whose parents are in prison. Specific consideration should be given to identifying and supporting those children who are in out-of-home care.	
Recommendation 30	55
The Committee recommends that the Department of Communities and Justice shares this data across the Department, and with other Departments and non-government service providers, where appropriate, to develop and support policies and programs that focus on children of imprisoned parents.	
Recommendation 31	58
The Committee recommends that Corrective Services NSW promptly notify relevant Departments, and other organisations where appropriate, when an inmate with children enters a correctional centre.	
Recommendation 32	59
The Committee recommends that the Department of Communities and Justice develop guidelines and protocols on the management of data on children of imprisoned parents, so that respect for the privacy of children and parents is balanced against the need to ensure that service providers have access to accurate, timely and useful data.	
Finding 4	61
The recent introduction of co-located child protection caseworkers who are based in correctional facilities has the potential to improve service delivery for children of imprisoned parents.	

Recommendation 33 _____ 61

The Committee recommends that, depending on the results of the evaluation, the Department of Communities and Justice expand the co-located child protection caseworkers program to additional correctional centres in NSW.

Recommendation 34 _____ 64

The Committee recommends that the Department of Communities and Justice provide additional funding for services that provide alternatives to custodial sentences, such as residential drug and alcohol treatment programs.

Recommendation 35 _____ 67

The Committee recommends that the Department of Communities and Justice make particular efforts to ensure that there are diversionary and non-custodial programs available for Aboriginal people that are culturally appropriate and close to their communities.

Recommendation 36 _____ 67

The Committee recommends that the Department of Communities and Justice provides more support to Aboriginal community-controlled organisations, with a focus on a potential reduction in recidivism of parents and intergenerational contact with the justice system.

Recommendation 37 _____ 70

The Committee recommends that Corrective Services NSW develop additional specific prison-based programs for Aboriginal parents. Any existing programs should also be reviewed by Aboriginal people to ensure that they are culturally appropriate.

Recommendation 38 _____ 72

The Committee recommends that Corrective Services NSW monitors and thoroughly evaluates all parenting programs, to ensure that they are relevant, effective and available.

Recommendation 39 _____ 74

The Committee recommends that the Department of Communities and Justice develop more programs and make more services available to parents, and their families, when they are released from prison, to assist them transition back to life as a parent in the community.

Recommendation 40 _____ 78

The Committee recommends that the Department for Communities and Justice make more services available to provide accommodation for parents on their release from prison to assist them to be reunited with their children, where appropriate.

Chapter One – Considerations prior to imprisonment

- 1.1 This chapter explores how parental incarceration affects children, and outlines considerations prior to imprisonment that could minimise the number of children affected by parental incarceration. The Committee emphasises that the best way to limit the number of children affected by parental incarceration is to reduce the number of parents who are held on remand or are in custody for short periods.

The impacts of parental incarceration on children

Finding 1

The Committee finds that parental incarceration has a profoundly negative effect on children, and should be avoided where possible.

- 1.2 The Committee heard that children can be severely impacted when one or both of their parents are taken into custody. Children of imprisoned parents are effectively serving a 'hidden sentence', in that they face a broad range of negative outcomes 'without having committed any crime themselves'.¹
- 1.3 These children can experience a broad range of negative outcomes, including:
- poorer physical and mental health;
 - developmental delay;
 - financial and housing stress;
 - poorer educational and employment outcomes; and
 - an increased risk of being placed in the child protection system or having adverse contact with the justice system themselves.

Emotional, health and developmental impacts

- 1.4 Children often experience feelings of grief and loss when a parent is placed into custody.² Many stakeholders told the Committee that being separated from a parent can have a range of impacts on children's mental health and their emotional wellbeing. Children with imprisoned parents have been found to be more likely to experience depression, anxiety, post-traumatic stress, emotional distress, feelings of stigma and shame, and difficulties forming attachment with their imprisoned parents and primary caregivers.³

¹ Ms April Long, National Operations Manager, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 1

² [Submission 24](#), Public Health Association, p 5; Dr Mindy Sotiri, Former Director, Advocacy Policy Research, Community Restorative Centre, [Transcript of evidence](#), 14 May 2021, p 2; [Submission 23](#), Professor Karleen Gribble, pp 5-6; [Submission 6](#), Dr Kath McFarlane, p 14

³ [Submission 8](#), Royal Australian and New Zealand College of Psychiatrists, p 4; [Submission 10](#), SHINE for Kids, pp 3-4; [Submission 22](#), Advocate for Children and Young People, p 7; [Submission 24](#), Public Health Association, p 5;

- 1.5 Children of imprisoned parents are also more likely to develop problematic behaviours. Studies have found that parental imprisonment is a possible cause of antisocial behaviours and alcohol and drug addiction.⁴ Research has also indicated that children with imprisoned parents are more likely to exhibit negative externalising behaviours, such as aggression, irritability and rule breaking.⁵
- 1.6 The impacts of incarceration are particularly harmful when infants are separated from their mothers. Professor Karleen Gribble told the Committee that '...mothers and infants, in many respects, are not separate individuals. They are actually linked physiologically and psychologically'.⁶ Interrupting this link between mother and child – even for short periods of time – can place children at higher risk of lifelong complications to their health and wellbeing.

One of the reasons why separations are so potentially damaging to infants and young children is because they do not fully [develop] object permanence until at least two years of age...This means that when infants and young children are separated from their primary caregiver they have limited ability to hold the memory of them in their minds. Separations of any duration, before children have developed object permanence and have an understanding that maternal absence does not constitute abandonment, can be terrifying for children and adversely impact the relationship between mother and child even if they are reunited.⁷

Impacts on children's education, housing and financial wellbeing

- 1.7 These emotional and psychological challenges can have compounding effects for children of imprisoned parents, particularly when it comes to educational outcomes. SHINE for Kids highlighted research showing that parental incarceration was associated with learning disabilities, behavioural or conduct problems, speech and other language difficulties, and the development of attention deficit disorders.⁸
- 1.8 Children with imprisoned parents are also more likely to exhibit frequent school absence and difficulties concentrating, completing work and achieving academic success.⁹ If parents are imprisoned far from a child's home, the long-distance

SH Thulstrup & L E Karlsson, '[Children of Imprisoned Parents and Their Coping Strategies: A Systematic Review](#)', *Societies*, vol 7, issue 2, June 2017, pp 1-2, viewed 9 November 2021; A D Jones & A E Wainaina-Woźna (eds), [Children of imprisoned parents – interventions and mitigations to strengthen mental health](#), University of Huddersfield, 2013, pp 85-86; Federal Interagency Group for Children of Imprisoned Parents [US], [Promoting Social and Emotional Well-Being for Children of Incarcerated Parents](#), June 2013, pp 3-4

⁴ [Submission 8](#), Royal Australian and New Zealand College of Psychiatrists, p 4; J Poehlmann-Tynan & K Turney, 'A developmental perspective on children with incarcerated parents', [Child Development Perspectives](#), vol 15, issue 1, 2021, p 6

⁵ [Promoting Social and Emotional Well-Being for Children of Incarcerated Parents](#), June 2013, pp 3-4; 'A developmental perspective on children with incarcerated parents', [Child Development Perspectives](#), 2021, p 6

⁶ Professor Karleen Gribble, Adjunct Associate Professor, [Transcript of evidence](#), 29 April 2021, p 36

⁷ [Submission 23](#), Professor Karleen Gribble, p 5

⁸ [Submission 10](#), SHINE for Kids, p 28; K Turney, 'Stress proliferation across generations? Examining the relationship between parental incarceration and childhood health', *Journal of Health and Social Behavior*, vol 55, 2014, p 311, viewed 10 November 2021

⁹ [Submission 22](#), Office of the Advocate for Children and Young People (ACYP) p 7; V Saunders & E Barry, [Children with parents in prison](#), Practice series 4, Institute of Child Protection Studies, December 2013, p 4

travel required to visit them can also lead to absences from school which, in turn, can similarly impact educational attainment.¹⁰

- 1.9 As a result, it is highly likely that having a parent in prison diminishes children's life chances, and increases the likelihood that they will not be in education, employment or training later in life.¹¹ As Mr Andrew Kew, CEO, SHINE for Kids noted, educational attainment is a key determinant in other major life outcomes.

Disparities in education attainment lead to major differences in many areas of life. People who miss out face increased likelihood of experiencing unemployment or underemployment, crime, public welfare dependency and poor health.¹²

- 1.10 In a more immediate sense, parental imprisonment increases the financial strain on families and children. When a parent is imprisoned, household income can be reduced and the remaining parent may have a reduced capacity to work. This can lead to housing insecurity and an inability to meet essential household costs.¹³

Likelihood of contact with the child protection and justice systems

- 1.11 Many stakeholders told the Committee that children with imprisoned parents are more likely to be taken into the child protection system.¹⁴ Professor Kath McFarlane described how out-of-home care (OOHC) 'consistently produces poor outcomes for children', and has been historically linked to experiences of abuse, neglect, poverty, and criminality.¹⁵

- 1.12 Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District Youth Services, Department of Communities and Justice, told the Committee that 'almost half of the out-of-home care population have a parent in prison – or have had'.¹⁶ The Office of the Children's Guardian also pointed to the likelihood of children entering OOHC once a parent is taken into custody.

What we see is that as soon as a parent is removed—either under arrest, placed on remand or incarcerated—the risk of that child entering the out-of-home care system skyrockets.¹⁷

- 1.13 The Committee also heard that, once a child enters the child protection system, they are more likely to have adverse contact with the justice system

¹⁰ [Submission 10](#), SHINE for Kids, p 24

¹¹ S Minson, R Nadin & J Earle, [Sentencing mothers: improving the sentencing process and outcomes for women with dependent children](#), Prison Reform Trust, 2015, p 8; E Lawlor, J Nicholls & L Sanfillipo, [Unlocking value: how we all benefit from investing in alternatives to prison for women offenders](#), new economics foundation, 2008, p 31

¹² Mr Andrew Kew, CEO, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 2

¹³ [Submission 13](#), NSW Coalition of Aboriginal Regional Alliances, p 1; [Submission 22](#), Office of the Advocate for Children and Young People (ACYP), pp 7-8;

¹⁴ Ms Janet Schorer, Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 28; Mr Tim Leach, Executive Director, Community Legal Centres NSW, [Transcript of evidence](#), 29 April 2021, p 46; Dr Leigh Haysom, Clinical Director, Adolescent Health, and Director, Medical Programs, Justice Health and Forensic Mental Health Network, NSW Health, [Transcript of evidence](#), 14 May 2021, p 64; [Submission 24](#), Public Health Association of Australia, p 5; [Submission 18](#), Mr John Murray, p 1

¹⁵ [Submission 6](#), Dr Kath McFarlane, p 2

¹⁶ Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District Youth Services, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 65

¹⁷ Ms Vanessa Viaggio, Policy Manager, Office of the Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 30

themselves.¹⁸ Professor McFarlane's research has outlined processes of 'care criminalisation' in OOHC, where 'living arrangements designed to protect [children] from harm instead increase the likelihood of criminalisation and exposure to the justice system'.¹⁹

- 1.14 Similarly, the Aboriginal Legal Service NSW/ACT (ALS) described how 'contact with the child protection system becomes a predictor for juvenile justice and later incarceration'.²⁰
- 1.15 The Committee frequently heard that parental imprisonment is the key step in a cycle of intergenerational incarceration. Stakeholders told the Committee that children of imprisoned parents are significantly more likely to experience incarceration themselves, when compared with peers who are unaffected by parental incarceration.²¹
- 1.16 This observation is also supported by data collected within the NSW corrections system. The Justice Health and Forensic Mental Health Network reported results from health surveys which showed that, in 2015, 18.7 per cent of prisoners in NSW had themselves experienced parental incarceration. In the youth justice network, 53.6 per cent of young people in custody had experienced parental incarceration at some point in their lives.²² Dr Leigh Haysom, a Clinical Director with the Justice Health and Forensic Mental Health Network, told the Committee that there is also a strong correlation between parental incarceration, placement in out-of-home care and being in custody as a young person.²³

The scale of parental incarceration

- 1.17 A persistent theme that emerged during the inquiry is that there is limited data on the number of children affected by parental imprisonment in NSW. In 2001, researchers estimated that there were 14 500 children under the age of 16 who had experiences of parental incarceration during that year, and 60 000 children in NSW who had been affected by parental incarceration during their lifetimes.²⁴
- 1.18 While there are some estimates on the number of children with imprisoned parents nationally, there is a lack of up-to-date information in NSW.²⁵ The need for more accurate and timely data is discussed further in Chapter 3.
- 1.19 Several stakeholders provided statistics that give some indication of the number of children currently affected by parental incarceration in NSW. Data from the Corrective Services NSW (CSNSW) *Intake Screening Questionnaire* reveals that,

¹⁸ Ms Long, [Transcript of evidence](#), 29 April 2021, p 2

¹⁹ [Submission 6](#), Dr Kath McFarlane, p 13

²⁰ [Submission 11](#), Aboriginal Legal Service Limited, p 4

²¹ Ms Long, [Transcript of evidence](#), 29 April 2021, p 2; Dr Elizabeth Watt, Research and Policy Manager, Yfoundations, [Transcript of evidence](#), 29 April 2021, p 15

²² [Tabled document](#), NSW Health, *Young People and Parental Incarceration*, 14 May 2021, p 1

²³ Dr Leigh Haysom, [Transcript of evidence](#), 14 May 2021, pp 64-65

²⁴ S Quilty, MH Levy, K Howard, A Barratt & T Butler, 'Children of prisoners: a growing public health concern', *Australian and New Zealand Journal of Public Health*, vol 28, no 4, August 2004, p 339; [Submission 24](#), Public Health Association of Australia (PHAA), p 4

²⁵ [Submission 6](#), Dr Kath McFarlane, p 6; Dr Mindy Sotiri, [Transcript of evidence](#), 14 May 2021, pp 2-3

for new receptions during the 2019 calendar year, 4734 men (50.8 per cent of men imprisoned that year) and 1158 women (61.6 per cent) had children up to 18 years of age.²⁶ In the 2015 Justice Health *Network Patient Health Survey*, 45.7 per cent of the sampled inmates had at least one child under the age of 16.²⁷

- 1.20 The Department of Communities and Justice (DCJ) told the Committee that 4.3 per cent of all children in NSW are affected by parental incarceration during their lives.²⁸ For Indigenous children, this percentage is significantly higher: 20.1 per cent of Indigenous children have had a parent in jail at some point during their lives.²⁹
- 1.21 In light of the apparent prevalence of parental incarceration in NSW and the negative outcomes experienced by children of imprisoned parents, the Committee makes several recommendations that seek to reduce the number of parents who are held in custody.
- 1.22 The Committee notes that these issues were identified by the Legislative Council Standing Committee on Social Issues in its report on its inquiry into Children of Imprisoned Parents in 1997. This report made a number of recommendations, some of which have improved the situation for these children. However, several stakeholders informed this Committee that there are still improvements to be made for children that were recommended in 1997.

Reducing the number of imprisoned parents

Recommendation 1

The Committee recommends that more consideration is given to whether someone is a parent, particularly a primary carer, when making the decision whether to sentence them to a custodial sentence. For example, this may include a standalone provision, or amending the current provisions, in s21 of the *Crimes (Sentencing Procedure) Act 1999*.

Recommendation 2

The Committee recommends that, in situations where a primary care giver would be sentenced to less than 12 months in prison, every alternative must be demonstrated to be exhausted before they are given a custodial sentence.

Recommendation 3

The Committee recommends that the Department of Communities and Justice collect information on sentencing patterns to monitor whether alternative options are being used to avoid imprisoning primary care givers.

- 1.23 The Committee heard that many children are separated from their parents for short periods of time. This includes parents who have received custodial

²⁶ [Submission 20](#), Department of Communities and Justice, p 3

²⁷ NSW Health, Justice Health & Forensic Mental Health Network, [2015 Network Patient Health Survey](#), 2017, p 30

²⁸ Ms Rani Young, Principal Policy Officer, Corrections Strategy and Policy, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 57

²⁹ Ms Rani Young, [Transcript of evidence](#), 14 May 2021, p 57

sentences and those held on remand while awaiting sentencing or release. There was widespread support from stakeholders that imprisonment should be used as a last resort, and that reform to sentencing legislation could reduce the number of children affected by parental incarceration. Imprisoning parents is not in the best interests of children, and should be avoided where possible.³⁰

- 1.24 The focus of this inquiry is on ways to support children who have parents in prison, and the majority of stakeholders described how reducing the number of parents who are in prisons is the most effective preventative strategy. The Committee heard that, for women in particular, short custodial sentences are common and that this can have deleterious effects on children and families.³¹ As with periods of remand, short sentences are disruptive for children of imprisoned parents. Short sentencing highlights how the impacts on children are often avoidable and unnecessary.
- 1.25 In keeping with the weight of evidence presented to the Committee, we recommend that sentencing legislation be amended so that more consideration is given to a defendant's status as a parent and caregiver. Moreover, we recommend that, in situations where a defendant is likely to receive a short sentence, that judges and magistrates must demonstrate that every alternative to a custodial sentence has been exhausted. In chapter 4, we discuss the availability of suitable alternatives to custody in further detail.
- 1.26 To support these recommendations, we also recommend that data on sentencing patterns is collected and monitored by DCJ. Doing so would ensure that alternative options are being used in NSW, while also providing insight into the level of demand and the resources required for non-custodial and diversionary alternatives to imprisonment.

The impact of short sentences

- 1.27 Multiple stakeholders told the Committee that too many children are separated from their parents as a result of short custodial sentences.³² The Committee notes that sentencing reforms introduced in 2018 (discussed further below) have had a reduction in the number of people serving sentences less than 6 months (a 5.5 per cent reduction) and six to twelve months (13.4 per cent reduction).³³
- 1.28 However, we also heard from stakeholders who considered that this issue requires further attention. Drawing on statistics published by BOCSAR, the

³⁰ Dr Mindy Sotiri, [Transcript of evidence](#), 14 May 2021, p 1; [Submission 6](#), Dr Kath McFarlane, p 25; [Submission 8](#), Royal Australian and New Zealand College of Psychiatrists, pp 7-8; [Submission 9](#), Yfoundations, p 9; [Submission 17](#), Deadly Connections Community & Justice Services Inc, p 9; [Submission 21](#), Corrective Services NSW Women's Advisory Council, p 4

³¹ [Submission 15](#), Keeping Women Out of Prison p 2; Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29

³² For example: Ms Eleni Psillakis, Member, Keeping Women Out of Prison Coalition, [Transcript of evidence](#), 29 April 2021, p 22; Ms Keisha Hopgood, Managing Solicitor, Aboriginal Legal Service Limited, [Transcript of evidence](#), 29 April 2021, p 41; The Hon. Elizabeth Evatt, Member, Corrective Services NSW Women's Advisory Council, [Transcript of evidence](#), 14 May 2021, p 38

³³ [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, p 4

Keeping Women out of Prison (KWOOP) Coalition conducted research into the prevalence of short sentencing for women in the NSW justice system.³⁴

Each year, 70% of women with an imprisonment sentence receive 6 months or less, and a further 20% receive 12 months or less – 90% in total.³⁵

- 1.29 The Committee was frequently referred to the UK Home Office's review of women with particular vulnerabilities in the criminal justice system (*The Corston Report*). Their report found that, 'For women, even the shortest sentences disrupt the family unit and cause distress to their children'.³⁶
- 1.30 When asked about research on the effects of short sentences, DCJ referred the Committee to the *Short but not sweet* report (UK). The mothers consulted in this qualitative study reported a range of negative effects on their children, such as when older children become carers for their young siblings and prematurely take on these adult responsibilities.³⁷
- 1.31 Some witnesses shared their lived experiences with short sentences. In addition to the effects of infant-mother separation, a short prison stay can also negatively impact young adults. For example, mothers may be taken into custody during crucial periods in their children's lives. Ms Eleni Psillakis, Member, KWOOP Coalition, described how her incarceration affected her son during an important phase of his education:

If women are to be sentenced for less than 12 months, they should not be going to prison and separated from their children. Because the ripple effect, even on my children, was huge. I had to put in place, with a teacher – that my son in year 12 felt comfortable with me telling [them] what I was going through—something in place for him for his HSC. The impact on him was that he was terrified of who would find out.³⁸

International law and the best interests of children

- 1.32 Many stakeholders pointed to international legal instruments, whereby the rights of children and a defendant's caregiving responsibilities are given more consideration during sentencing decisions.³⁹
- 1.33 Stakeholders discussed how the best interests of children need to be prioritised when decisions are made that affect them.⁴⁰ International legal instruments have recognised the human rights of children, in particular the *UN Convention on the Rights of the Child*. Community Legal Centres NSW told the Committee that

³⁴ Ms Eleni Psillakis, [Transcript of evidence](#), 29 April 2021, p 22

³⁵ [Answers to supplementary questions](#), Keeping Women Out of Prison Coalition, p 2

³⁶ Baroness Jean Corston, [The Corston report: a review of women with particular vulnerabilities in the criminal justice system](#), Home Office [UK], London, 2007, p 49

³⁷ L Baldwin & R Epstein, [Short but not sweet: a study on the impacts of short custodial sentences on mothers & their children](#), De Montfort University, Leicester, July 2017, p 53

³⁸ Ms Eleni Psillakis, [Transcript of evidence](#), 29 April 2021, p 22

³⁹ For example: [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 5; [Submission 9](#), Yfoundations, p 7; The Hon. Elizabeth Evatt, [Transcript of evidence](#), 14 May 2021, p 38

⁴⁰ Ms April Long, [Transcript of evidence](#), 29 April 2021, p 2; [Submission 22](#), Office of the Advocate for Children and Young People (ACYP), p 12

requiring courts to consider parenting responsibilities was 'consistent with international law'.⁴¹ Yfoundations also noted that separating a child from their parents impacts their rights as outlined under Articles 8 and 9 of the Convention.⁴² Article 3 of the *UN Convention on the Rights of the Child* also states that:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.⁴³

1.34 Stakeholders frequently emphasised that legal principles to support mothers in prison – and children affected by their incarceration – have been articulated in the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*.⁴⁴ While the Bangkok Rules focus on women in custody, the preamble also recognises 'the central role of both parents in the lives of children' and that some rules relevant to children of imprisoned parents 'would apply equally to male prisoners and offenders who are fathers'.⁴⁵

1.35 The Bangkok Rules were adopted by the UN General Assembly in 2010, and are global standards that Member Nations should aspire to in their treatment of female prisoners. Witnesses told the Committee that the principles of the Bangkok Rules should be adopted in NSW sentencing legislation and practice.⁴⁶ In particular, the Committee's attention was drawn to Bangkok Rule 64:

Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.⁴⁷

1.36 The Committee considers that the Bangkok Rules are important legal principles that should be used to inform sentencing decisions in New South Wales.

Reforms to sentencing legislation, judicial education and monitoring sentencing patterns

1.37 The Committee was interested in how these principles could be embedded into sentencing decisions in NSW, so that fewer children are impacted by parental incarceration (where avoidable).

⁴¹ [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 5

⁴² [Submission 9](#), Yfoundations, p 9

⁴³ [Convention on the Rights of the Child](#), GA Res 44/25 (20 November 1989, entered into force 2 September 1990), art 3, para 1

⁴⁴ Ms April Long, [Transcript of evidence](#), 29 April 2021, p 2; [Submission 15](#), Keeping Women Out of Prison Coalition, pp 2-3; [Submission 19](#), Women's Legal Service NSW, p 8; [Submission 21](#), Corrective Services NSW Women's Advisory Council, p 3; [Submission 22](#), Office of the Advocate for Children and Young People (ACYP), p 12;

⁴⁵ [United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders \(the Bangkok Rules\)](#), GA 65/229 (adopted 21 December 2010), para 12; see also [Submission 10](#), SHINE for Kids, p 9

⁴⁶ [Submission 10](#), SHINE for Kids, p 9; [Submission 21](#), Corrective Services NSW Women's Advisory Council, p 5;

⁴⁷ [The Bangkok Rules](#), Rule 64, p 19

- 1.38 The Committee was particularly interested in stakeholder views on section 21a of the *Crimes (Sentencing Procedure) Act 1999*.⁴⁸ Section 21a(3) currently lists mitigating factors that courts should take into account in determining an appropriate sentence. Consideration of parenting responsibilities or whether the sentence is in the best interests of a child are not currently listed as mitigating factors in sentencing.
- 1.39 Most stakeholders supported the general principle that more consideration needs to be given to the best interest of children. For example, the CSNSW Women's Advisory Council recommended that 'the unique needs of dependent children and the effects of separation from a parent [be] taken into consideration at the time of sentencing for women'.⁴⁹
- 1.40 More specifically, the Committee was interested in whether consideration of parenting responsibility could be included as an additional mitigating factor under s21a of the *Crimes (Sentencing Procedure) Act 1999*. The Committee also heard that consideration of the impacts of parental incarceration could instead be introduced as a standalone provision elsewhere in the Act.⁵⁰
- 1.41 There may be a benefit in including consideration of caregiving responsibility as their own standalone provision. The Community Legal Centres NSW argued that doing so would place appropriate emphasis on the 'significant, far-reaching consequences' on the lives of children of defendants.⁵¹ They argued that merely including these provisions within the existing mitigating factors under section s21a may minimise its effectiveness.⁵² The Aboriginal Legal Service also told the Committee:
- The ALS' view is that, at a minimum, this should be a factor for consideration under s21 of the Act. However, the ALS supports its inclusion as a standalone provision in the Act. A standalone provision would appropriately position the consideration of parenting responsibilities and the probable impact of parental incarceration on dependent children, as of significant importance in the sentencing exercise. Such a provision could specifically provide courts with the power to reduce penalties in consideration of this factor, such as is provided in sections 22A and 23 of the Act.⁵³
- 1.42 The Committee also heard that judicial education would effectively support these changes. Providing materials and training opportunities for judges and magistrates would facilitate the implementation of the above legislative change. SHINE for Kids recommended that, through judicial education, the Attorney-General should ensure that 'magistrates and judges always use the option of

⁴⁸ [Answers to questions on notice](#), Aboriginal Legal Service, 1 June 2021, p 3; Mr Patrick O'Callaghan, Principle Solicitor, Western NSW Community Legal Centre, Community Legal Centres NSW, [Transcript of evidence](#), 29 April 2021, p 52; [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 6; [Submission 9](#), Yfoundations, pp 10-12

⁴⁹ [Submission 21](#), Corrective Services NSW Women's Advisory Council, p 6

⁵⁰ Mr Patrick O'Callaghan, [Transcript of evidence](#), 29 April 2021, p 52; [Answers to questions on notice](#), Aboriginal Legal Service, 1 June 2021, p 2

⁵¹ Mr Patrick O'Callaghan, [Transcript of evidence](#), 29 April 2021, p 52

⁵² Mr Patrick O'Callaghan, [Transcript of evidence](#), 29 April 2021, p 52

⁵³ [Answers to questions on notice](#), Aboriginal Legal Service, 1 June 2021, p 2

prison as a last resort when sentencing an offender'.⁵⁴ Judicial education should also aim to ensure that non-custodial options are pursued for young defendants, particularly those who are pregnant, primary carers or living in rural areas.⁵⁵

- 1.43 Developments in the United Kingdom are particularly relevant to the Committee's concerns about reducing the number of children unnecessarily impacted by parental incarceration. We heard that significant progress has been made in the UK, as more guidance has been provided on how to incorporate children's rights and consideration of defendants' caregiving status into sentencing decisions.⁵⁶
- 1.44 Professor Kath McFarlane described changes in sentencing guidance in the UK, including that the Sentencing Council UK now guides judicial officers in how to incorporate a defendant's caregiving responsibilities into consideration of their sentence. Since 2011, the Judicial College, Magistrates Association, Criminal Bar Association, Law Society and Her Majesty's Prison and Probation Services have developed various guidelines for judicial officers, probation officers and legal representatives.⁵⁷
- 1.45 For example, the UK 2019 *Sentencing General Guideline*, includes being a 'sole or primary carer for dependent relatives' as a mitigating factor which may reduce the seriousness of an offence.⁵⁸ The *Sentencing General Guideline* also asks judicial officers to consider whether the 'impact on the child outweighs the risk to the community', particularly with defendants on 'the cusp' of custody.⁵⁹
- 1.46 In contrast, the Committee heard that the NSW *Sentencing Bench Book* only asks judges to take hardship to family or dependents into consideration if this hardship is considered 'exceptional'.⁶⁰ Stakeholders submitted that the overall hardship resulting from parental incarceration is an unavoidable consequence of custodial sentences, and is presently not 'exceptional' enough to warrant consideration as a mitigating factor in sentencing decisions in NSW.⁶¹
- 1.47 The sentencing reforms in the UK have been driven by the research of Dr Shona Minson. The Committee's attention was also drawn to Dr Minson's work in the production of judicial education material that supports the new sentencing guidelines.⁶²
- 1.48 Dr Minson's work informed the *Safeguarding Children when Sentencing Mothers* material which includes a series of briefing papers and short films that are used to inform sentencing decisions across criminal justice professions in the UK and to 'ensure that all professionals involved in sentencing have a more

⁵⁴ [Submission 10](#), SHINE for Kids, p 9

⁵⁵ [Submission 10](#), SHINE for Kids, pp 9, 13-14

⁵⁶ [Submission 6](#), Dr Kath McFarlane, p 22

⁵⁷ [Submission 6](#), Dr Kath McFarlane, pp 22-23

⁵⁸ Sentencing Council [UK], [General guideline: overarching principles \(step 2\)](#), viewed 11 November 2021

⁵⁹ [Submission 6](#), Dr Kath McFarlane, p 22; Adjunct Associate Professor Kath McFarlane, School of Population Health, University of New South Wales, [Transcript of evidence](#), 14 May 2021, p 27

⁶⁰ [Submission 6](#), Dr Kath McFarlane, p 21

⁶¹ [Submission 6](#), Dr Kath McFarlane, p 21; [Submission 9](#), Yfoundations, p 10

⁶² Dr Kath McFarlane, [Transcript of evidence](#), 14 May 2021, p 27

comprehensive understanding of the potential impacts on children if their mother is imprisoned'.⁶³ The Committee believes that developing similar material for judges and magistrates in NSW would help reduce the number of children who are avoidably impacted by parental imprisonment.

- 1.49 The Committee also heard that a broader approach to judicial education may help address the impacts of parental incarceration on children. Community Legal Centres NSW and Women's Legal Service NSW pointed to judicial officers often possessing problematic beliefs and attitudes relating to prisoners' parenting abilities or the supposed harm of children having contact with a parent in prison.⁶⁴ Education that targeted this stigma would help judicial officers be better equipped to make decisions that are in the best interests of children.⁶⁵
- 1.50 We heard that there are several important caveats to consider in any reform of sentencing legislation and the provision of new judicial education. The Aboriginal Legal Service told the Committee that specific guidance should be provided on how to interpret 'the best interests of the child'. Not providing this guidance could result in 'paternalistic interpretations that resulted in increased separation and further intergenerational trauma' for the families and children of Aboriginal people.⁶⁶
- 1.51 SHINE for Kids also made the recommendation – echoing recommendation 47 of the 1997 inquiry by the LC Standing Committee on Social Issues – that judicial education should be used to ensure that custodial sentences are used as a last resort, regardless of the existence of the mothers and children's residential units in prison.⁶⁷
- 1.52 SHINE also argued that data should be collected and monitored to ensure that judges and magistrates are using custodial sentences only as a last resort.⁶⁸
- 1.53 The Committee has established that there are significant benefits for children to reducing incarceration of their primary caregivers. We consider that amending relevant legislation and providing advice and education to judges and magistrates should achieve this goal. However, it is important to ensure that the changes are making a positive difference and are not causing unintended consequences. As such, it would be useful to collect data and monitor whether judges and magistrates are using custodial sentences only as a last resort, and if not, why not.
- 1.54 The Committee recommends that DCJ collect information on sentencing decisions, to determine whether alternative options are actually being used to avoid imprisoning primary care givers. Data could be collated by DCJ's research and statistics units (such as the NSW Bureau of Crime Statistics and Research) on

⁶³ Shona Minson, [Safeguarding children when sentencing mothers](#), viewed 12 November 2021

⁶⁴ [Submission 25](#), Community Legal Centres NSW, p 20; [Submission 19](#), Women's Legal Service NSW, p 14

⁶⁵ [Submission 25](#), Community Legal Centres NSW, p 20

⁶⁶ [Answers to questions on notice](#), Aboriginal Legal Service, 1 June 2021, p 2

⁶⁷ [Submission 10](#), SHINE for Kids, p 14; Legislative Council Standing Committee on Social Issues, [A report into children of imprisoned parents](#), report number 12, Parliament of New South Wales, July 1997, p 111

⁶⁸ [Submission 10](#), SHINE for Kids, p 10

whether judges and magistrates have actually considered parental and caregiving responsibilities when making sentencing decisions. We return to the issue of inadequate data collection in chapter 3.

Reducing the number of parents held on remand

Recommendation 4

The Committee recommends that the Attorney-General amend section 18(1) of the *Bail Act 2013* to mandate the consideration of a person's parenting and caregiving responsibilities, and the impact on the children of the person facing bail decisions.

- 1.55 There was broad concern from witnesses that there are too many parents on remand in NSW. The Committee notes the recommendations made by stakeholders that reforming bail legislation is a key measure for reducing the impacts of parental imprisonment.⁶⁹
- 1.56 People on remand may spend significant amounts of time in custody waiting for a court action and potential sentencing. Even though many remanded parents will be released from custody without ever receiving a custodial sentence, their children often experience the harmful effects of being separated from them nonetheless.
- 1.57 The Committee thus recommends that section 18(1) of the *Bail Act 2013* be amended to include consideration of a person's parenting status, including the impacts on the children of the person facing bail decisions.

The remand population in NSW and the impacts of remand on children

- 1.58 The Committee heard that a substantial number of parents are held on remand, and that the remand population has increased in size during the past decade. While the remand population decreased as a result of public health orders during the first wave of the COVID-19 pandemic, the total remand population peaked at approximately 5000 remandees in February 2020 – up from 2898 in March 2013.⁷⁰ In June 2021, there were 4183 men (or 36.0 per cent of the male prison population) and 395 women (or 34.1 per cent) held on remand in NSW.⁷¹
- 1.59 A statistical study from the Bureau of Crime Statistics and Research (BOCSAR) found that the number of bail refusals from courts has increased since the introduction of the *Bail Act 2013* and related amendments.⁷² The Hon. Elizabeth

⁶⁹ Ms Carolyn Jones, Senior Solicitor, Legal Education and Advice in Prison for Women Program, Women's Legal Service NSW, [Transcript of evidence](#), 14 May 2021, p 13; [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 6; Ms Keisha Hopgood, [Transcript of evidence, 29 April 2021](#), p 40; [Submission 13](#), NSW Coalition of Aboriginal Regional Alliances, p 4; [Submission 5](#), sista2sista, University of Technology Sydney, p 6; [Answers to questions on notice](#), Advocate for Children and Young People, 16 June 2021, p 4

⁷⁰ N Chan, [The impact of COVID-19 measures on the size of the adult prison population](#); report 149, NSW Bureau of Crime Statistics and Research (BOCSAR), Sydney, July 2020, p 1; NSW Bureau of Crime Statistics and Research, [Custody data tables](#), BOCSAR, Sydney, 2021, table 1

⁷¹ NSW Bureau of Crime Statistics and Research, [New South Wales Custody Statistics Quarterly Update June 2021](#), BOCSAR, Sydney, June 2021, p 25

⁷² S Yeong & S Poynton, ['Did the 2013 Bail Act increase the risk of bail refusal?'](#), *Crime and justice bulletin*, no 212, BOCSAR, Sydney, April 2018, p 1, viewed 12 November 2021

Evatt AC, Member of the CSNSW Women's Advisory Council and inaugural Chief Justice of the Family Court of Australia, described current bail laws as follows:

So, this is the bail law which was tough on crime and made a presumption against bail, instead of in favour of bail, as I understand the way it worked, and that is quite deplorable. Innocent until proven guilty—but now you are guilty just 'until', because you are held on remand.⁷³

1.60 In this section, we focus on mothers and the effects of maternal incarceration on children. Custody data from Corrective Services NSW indicates that there have been at least 200 women on remand at any point in time since March 2013.⁷⁴

1.61 Several stakeholders highlighted findings from the Inspector of Custodial Services' *Women on Remand* report.⁷⁵ These included that:

- Approximately 60 per cent of women on remand had at least one child in 2017-18.
- 17.2 per cent of women on remand reported that their children were living with them prior to being taken into custody and 48.2 per cent had children that were not living with them.
- A further 8 per cent had children in out-of-home care and 3.2 per cent were pregnant while on remand.⁷⁶

1.62 Ms Janet Donald, Member, Keeping Women out of Prison Coalition (KWOOP), told the Committee that the average amount of time a woman spends on remand is 45 days.⁷⁷ The Inspector of Custodial Services also reports that '48 per cent of women on remand were eventually released without a custodial sentence'.⁷⁸ Ms Carolyn Jones, from the Women's Legal Service NSW, told the Committee about her clients that are on remand.

...we have a lot of clients who are on remand. By the time their matter progresses through the courts, they are released without a custodial sentence attached to their outcome in the courts. We have actually had a lot of clients who have served significantly longer periods of time—sometimes up to a year—in custody, and then received no custodial sentence at all in their sentencing.⁷⁹

1.63 Having parents on remand creates challenges for children much like those experienced by children of parents serving custodial sentences. Numerous stakeholders described how disruptive short periods of incarceration can be for families and children. In addition to the developmental and emotional impacts of

⁷³ The Hon. Elizabeth Evatt, Member, Corrective Services NSW Women's Advisory Council, [Transcript of evidence](#), 14 May 2021, p 42

⁷⁴ NSW Bureau of Crime Statistics and Research, [Custody data tables](#), table 1

⁷⁵ Inspector of Custodial Services, [Women on remand](#), Sydney, February 2020; for example: [Submission 15](#), Keeping Women Out of Prison Coalition, pp 3-4; [Submission 11](#), Aboriginal Legal Service (NSW/ACT) Limited, pp 10-12

⁷⁶ Inspector of Custodial Services, [Women on remand](#), p 29

⁷⁷ Answers to supplementary questions, [Keeping Women Out of Prison Coalition](#), 16 June 2021, p 2

⁷⁸ Inspector of Custodial Services, [Women on remand](#), p 9

⁷⁹ Ms Carolyn Jones, [Transcript of evidence](#), 14 May 2021, p 14

maternal incarceration, 'the stigma and the separation, and the effects of that, can have as big an effect as a longer sentence for a child'.⁸⁰

- 1.64 Periods of remand can produce significant instability for families, in that women are no longer able to provide for their children and may also experience loss of employment or housing.⁸¹ There is also a risk that the children of women on remand will enter the out-of-home care system.⁸² The Committee was also concerned to hear a story about one mother who had been in custody for only eight days, during which her partner 'took her kids away'.⁸³
- 1.65 These effects are particularly pronounced when incarcerated mothers are accommodated at great distance from their homes in rural or remote NSW. CSNSW placement guidelines state that inmates on remand should be accommodated in metropolitan or major regional centres, so that they have access to legal representation and proximity to courts.⁸⁴ As the Inspector of Custodial Services has noted, 'CSNSW policy does not prioritise the need for placement near family and children' and women on remand can be 'housed far away from their support networks, families and friends'.⁸⁵
- 1.66 The KWOOP Coalition communicated the emotional impacts of being held on remand, far from home.
- These women have not received a prison sentence for their summary offences, but are incarcerated in the Silverwater Maximum Security Prison for women. They are brought to the maximum security prison from hundreds of towns in New South Wales, leaving their families in disarray, stress and uncertainty...They are in limbo.⁸⁶
- 1.67 The effects on children and families from remand are particularly pronounced in Aboriginal communities. Of the 3436 Indigenous people held in custody in 2019, 1025 men (or 32.7 per cent of men) and 123 women (40.5 per cent) were on remand.⁸⁷
- 1.68 The Aboriginal Legal Service cited research which estimated that as many as 86 per cent of Indigenous women in custody are mothers, while 30 per cent also provided care to other children and family members.⁸⁸ Submissions from Deadly Connections, the NSW Coalition of Aboriginal Regional Alliances and sista2sista reported that Aboriginal people on remand commonly experience a loss of

⁸⁰ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 32

⁸¹ Ms Keisha Hopgood, [Transcript of evidence](#), 29 April 2021, p 41; [Submission 15](#), Keeping Women Out of Prison Coalition (KWOOP), p 6

⁸² Inspector of Custodial Services, [Women on remand](#), p 16

⁸³ Ms Eleni Psillakis, [Transcript of evidence](#), 29 April 2021, p 26

⁸⁴ Corrective Services NSW, [Classification and placement of inmates](#), fact sheet 9, CSNSW, Sydney, May 2019, p 1

⁸⁵ Inspector of Custodial Services, [Women on remand](#), p 16

⁸⁶ Answers to supplementary questions, [Keeping Women Out of Prison Coalition](#), 16 June 2021, p 2

⁸⁷ H Tang & S Corben, [NSW inmate census 2019: summary of characteristics](#), statistical publication no 48, Corrective Services NSW, Sydney, September 2020, p 21

⁸⁸ [Submission 11](#), Aboriginal Legal Service (NSW/ACT) Limited, p 9

housing, employment and care of their children, 'before a conviction is even recorded'.⁸⁹

Reforming bail legislation

- 1.69 Numerous stakeholders told the Committee that the impacts of remand on children should be given greater consideration when bail decisions are made.⁹⁰
- 1.70 Some stakeholders argued that amendments to bail legislation would help reduce the impact of parental incarceration on children. These stakeholders pointed to the need to include parenting responsibilities under section 18 of the *Bail Act 2013*.⁹¹ Under section 18 (1)(k) of the *Bail Act*, bail authorities are required to consider special vulnerabilities or needs when assessing bail concerns, such as an accused person's age, whether they are Aboriginal or Torres Strait Islander, or have cognitive or mental health impairments.
- 1.71 The Office of the Advocate for Children and Young People (ACYP) noted that bail authorities are not currently required to consider the impact of bail decisions on a person's dependent children. Both the ACYP and the Office of the Children's Guardian supported the inclusion of the impact of imprisonment on children during bail decisions.⁹²
- 1.72 The Aboriginal Legal Service (ALS) observed that bail legislation could be amended to consider the impacts of remand on Aboriginal children. Ms Keisha Hopgood, Managing Solicitor, Children's Criminal Practice, ALS, told the Committee that legislative reform such as this, in tandem with judicial education, would ensure that the impacts of remand on children are considered with greater consistency.
- ...I have seen courts that have definitely been very sympathetic to a situation where there are children and young people involved and that are going to be impacted by their bail determination; I have also seen magistrates that have said, "Well, the person should have thought about that beforehand." So I think it would highlight the importance of it as an issue.⁹³
- 1.73 The Committee also heard that bail legislation could be amended to reduce the number of Aboriginal people in custody, many of whom are parents. The ALS and Community Legal Centres NSW recommended that Aboriginality be included under section 18 as a standalone provision (rather than being one of several factors under clause k). Such a provision exists in section 3A of the Victorian *Bail*

⁸⁹ [Submission 17](#), Deadly Connections Community & Justice Services Inc, pp 7-8; [Submission 13](#), NSW Coalition of Aboriginal Alliances, p 4; [Submission 5](#), sista2sista, University of Technology Sydney, pp 4-5

⁹⁰ [Submission 11](#), Aboriginal Legal Service (NSW/ACT) Limited, p 2; [Submission 10](#), SHINE for Kids p 23; [Submission 22](#), Office of the Advocate for Children and Young People, pp 12-13; [Submission 15](#), Keeping Women Out of Prison Coalition, p 7; Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29

⁹¹ [Answers to questions on notice](#), Advocate for Children and Young People, 15 June 2021, p 4; [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 6

⁹² [Answers to questions on notice](#), Advocate for Children and Young People, 15 June 2021, p 4; Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 28

⁹³ Ms Keisha Hopgood, Managing Solicitor, Children's Criminal Practice, Aboriginal Legal Service, [Transcript of evidence](#), 29 April 2021, p 40

Act 1977.⁹⁴ Reducing the number of Aboriginal people in prison overall will reduce the number of Aboriginal children affected by parental incarceration.

- 1.74 The Committee also heard that consideration of parenting responsibilities was particularly important for those charged with minor offences. For example, the ALS presented BOCSAR statistics on the offending, remand and sentencing profiles of Aboriginal women, and highlighted the 'preponderance of relatively minor offences, particularly offences related to driving, breach of bond, drug possession and property'.⁹⁵
- 1.75 Ms Gloria Larman, a member of the CSNSW Women's Advisory Council, told the Committee that women on remand 'are not all mass murderers. The majority of them are in for non-violent offences.'⁹⁶ SHINE for Kids similarly recommended that remand be limited to serious offenders.⁹⁷
- 1.76 The Committee also notes the concerns of Community Legal Centres and stresses that any amendments to bail or sentencing legislation that includes consideration of the impacts on children also include safeguards, such as:
- the need for defendants to demonstrate caregiving responsibilities (rather than just the fact of parenthood);
 - that granting bail or non-custodial sentences would not increase a family's exposure to domestic violence; and
 - that training and education be provided to judicial officers and criminal lawyers so that any 'best interest of the child' provision is properly interpreted and applied.⁹⁸

Supporting parents on remand and their children

Recommendation 5

The Committee recommends that Corrective Services NSW provide more support to parents who are being held on remand, including having access to parenting programs that are currently reserved for sentenced prisoners, or providing programs that have been specifically developed for parents who are being held on remand.

- 1.77 The Committee heard that access to parenting programs is more limited for parents on remand than it is for sentenced prisoners. The Committee recommends that more support is given to parents held on remand, including providing access to programs that are currently limited to sentenced prisoners, or developing programs specifically for parents on remand.

⁹⁴ [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 6; Ms Hopgood, [Transcript of evidence](#), 29 April 2021, p 40

⁹⁵ [Submission 11](#), Aboriginal Legal Services (NSW/ACT) Limited, pp 11-12

⁹⁶ Ms Gloria Larman, Member, Corrective Services NSW Women's Advisory Council, [Transcript of evidence](#), 14 May 2021, p 42

⁹⁷ [Submission 10](#), SHINE for Kids, p 9

⁹⁸ [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 6

- 1.78 Committee heard that parents on remand generally have fewer opportunities to access support programs than parents who have been sentenced. The NSW Coalition of Aboriginal Regional Associations (NCARA) described how remandees have limited access to services, such as exit planning that can help sentenced prisoners prepare for life outside of a custodial environment.⁹⁹ The KWOOP Coalition also noted that remandees have reduced access to mental health programs, and 'cannot take part in any work done by sentenced prisoners.'¹⁰⁰
- 1.79 CSNSW stated that the programs 'Mini Mothering at a Distance' and 'Mini Dads at a Distance' are offered to mothers and fathers on remand in a small selection of prisons. These programs aim to enhance parent-child relationships, improve inmates' parenting skills and develop resilience and coping skills.¹⁰¹ The Dads and Family (Babiin Miyagang) program, which focused on Aboriginal fathers, is not offered to Aboriginal remandees but its delivery is currently under review.¹⁰²
- 1.80 The Committee considers that more parents on remand could be served by existing CSNSW parenting programs. We note that, for Mini Dads at a Distance, CSNSW conducted 728 sessions with 154 participants between July 2020 and April 2021.¹⁰³ However, it is unclear whether parenting programs for remandees are offered in *all* the correctional centres that accommodate men and women on remand.
- 1.81 Data on the number of parents in each CSNSW facility is unavailable. However, given that 52.6 per cent of new inmates that entered prison in 2019 had at least one child, the Committee recommends that these programs are available at all centres that accommodate remandees.¹⁰⁴ Similarly, any holistic or pre-release supports that are provided for prisoners should be provided for remandees and implemented state-wide.
- 1.82 The Committee also considered that parents on remand should have access to residential programs similar in nature to the Mothers and Children Program that operates at the Emu Plains Correctional Centre. We discuss this further in chapter 2.

Supporting children at the point of arrest

Recommendation 6

The Committee recommends that the NSW Police Force review its guidelines for arrest protocols to ensure that proper consideration is given to the experience of children at the time of the arrest of a parent.

⁹⁹ [Submission 13](#), NSW Coalition of Aboriginal Regional Alliances, p 4

¹⁰⁰ Answers to supplementary questions, [Keeping Women Out of Prison Coalition](#), 16 June 2021, p 2

¹⁰¹ [Submission 20](#), Department of Communities and Justice, pp 11-12; [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, pp 11-12

¹⁰² [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, p 11

¹⁰³ [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, p 12

¹⁰⁴ [Submission 20](#), Department of Communities and Justice, p 3

Recommendation 7

The Committee recommends that the Department of Communities and Justice uses the time of the arrest of a parent as a starting point to develop and provide support services to these children moving forwards.

- 1.83 The Committee heard that the experience of parental arrest can be highly traumatic for children who are present when their parent is taken into custody. Stakeholders told us that NSW Police protocols do not currently give enough attention to how officers can effectively support children at the point of arrest.
- 1.84 The Committee recommends that arrest protocols be reviewed, so that proper consideration is given to the experiences of children who are either present or not at home when a parent is taken into custody by police. We also recommend that this interaction between police officers and an arrested person's children be used as a starting point for linking children with external support services (such as housing, medical or mental health services).
- 1.85 The Committee received a submission from the late Mr Bernie Matthews. After describing children as the 'hidden victims' of the criminal justice system, Mr Matthews recounted the events on the night of his arrest, and how his children were left 'forever traumatized' after he was taken into custody.¹⁰⁵
- 1.86 Numerous stakeholders also described how parental arrest can be highly traumatic for children.¹⁰⁶ CLC NSW noted that watching a parents' arrest is one of several events that could increase the likelihood of a child developing a mental illness or post-traumatic stress disorder.¹⁰⁷ Pointing to overseas research, the Advocate for Children and Young People (ACYP) noted in their submission that 'significant numbers of children are present when their parent is arrested and that this can lead to increased behaviour problems and psychological maladjustment'.¹⁰⁸
- 1.87 SHINE for Kids recommended that consideration of the 'best interests of the child' should be embedded at all stages of the criminal justice process, including during arrest.¹⁰⁹ The Public Health Association of Australia argued that this is currently not the case.¹¹⁰ As NCARA also noted, 'the best interests of the child' are not yet effectively integrated into arrest procedures.

Police procedures during arrest can have critical impacts on children particularly when it is the first point of contact between children and the justice system. There is

¹⁰⁵ [Submission 12](#), Mr Bernie Matthews, p 2

¹⁰⁶ [Submission 9](#), Yfoundations, p 8; [Submission 22](#), Office of the Advocate for Children and Young People, p 6; [Submission 13](#), NSW Coalition of Aboriginal Regional Alliances, p 2; [Submission 25](#), Community Legal Centres NSW, p 6

¹⁰⁷ [Submission 25](#), Community Legal Centres NSW, p 6

¹⁰⁸ [Submission 22](#), Office of the Advocate for Children and Young People, p 6

¹⁰⁹ [Submission 10](#), SHINE for Kids, p 9

¹¹⁰ [Submission 24](#), Public Health Association of Australia p 6; See also TS Bartlett, CA Flynn & CJ Trotter, '[They didn't even let me say goodbye': a study of imprisoned primary carer fathers' care planning for children at the point of arrest in Victoria, Australia](#)', *Child care in practice*, vol 24, no 2, 2018, viewed 15 November 2021

no support for children present at a parent's arrest, even when it is violent and traumatic for them.¹¹¹

- 1.88 Yfoundations observed through their research that adequate protocols or policies may not exist to establish whether an arrested person has children in their care, and what steps police officers should take to ensure that children are supported during and after the arrest. They stated that 'officers are poorly trained on what to do in such situations.'¹¹²
- 1.89 The ACYP drew the Committee's attention to the latest available version of the NSW Police Force Handbook, which guides police officers on how to care for a child when a parent has been arrested.¹¹³ The ACYP submitted that these guidelines indicate that the police's role is generally limited to attending to children's 'basic and emotional support needs', and making 'all reasonable attempts' to find alternative care arrangements.¹¹⁴
- 1.90 The ACYP observed that, given their other responsibilities during an arrest, police officers require greater clarity and guidance on:
- deciding who an appropriate carer might be in the absence of the primary caregiver (including for children not present at the time of arrest);
 - their 'formal organisational responsibilities to contribute to the protection of children in situations arising from parental arrest'; and
 - recording information on parental arrest and sharing it with appropriate services.¹¹⁵
- 1.91 There would be significant benefit to children of imprisoned parents if arrest protocols were clarified and expanded so that the effects of trauma can be mitigated at the point of arrest.¹¹⁶
- 1.92 Yfoundations also highlighted the issue of older children and teenagers who may be affected by a parent's arrest. They noted that the NSW Police Force Handbook does not currently define 'children', and also told the Committee that there is a tendency in social services to neglect older children who can 'self-protect' – despite the acute risks that affect people in this age bracket. Yfoundations recommended that, in addition to strengthening arrest protocols to support children, the NSW Police Force should review the application of the Handbook in relation to children aged 12-18 years old.¹¹⁷
- 1.93 Several stakeholders told the Committee that, when police become aware that an arrested person has children, this could be an operational trigger for initiating

¹¹¹ [Submission 13](#), NSW Coalition of Aboriginal Regional Alliances, p 2

¹¹² [Submission 9](#), Yfoundations, p 8.

¹¹³ [Submission 22](#), Office of the Advocate for Children and Young People, pp 8, 11;

¹¹⁴ [Submission 22](#), Office of the Advocate for Children and Young People, p 8

¹¹⁵ [Submission 22](#), Office of the Advocate for Children and Young People, pp 11-12

¹¹⁶ [Submission 9](#), Yfoundations, p 9; [Submission 22](#), Office of the Advocate for Children and Young People, pp 11-12

¹¹⁷ [Answers to questions on notice](#), Yfoundations, 13 May 2021, p 2

processes to support children of imprisoned parents.¹¹⁸ SHINE for Kids suggested this should mark the beginning of '[i]ndividualised support' for children that continues while a parent is on remand, in prison or has been released.¹¹⁹ The Children's Guardian also told the Committee that, at the very least, this operational trigger should involve the requirement to ask an arrested person, 'are there any children at home, and who can we ring to make sure they are okay?'¹²⁰

- 1.94 The Committee recommends that interactions between children and police be used as a starting point for providing support to these children, particularly by expanding and strengthening referral processes to child welfare services (discussed further in chapter 3). In the event that taking a parent into custody is unavoidable, whether through remand or a prison sentence, these amendments to arrest protocols will be an important step in minimising the trauma experienced by children in the first stage of parental imprisonment.

¹¹⁸ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29; [Submission 10](#), SHINE for Kids, p 9; [Submission 19](#), Women's Legal Service, p 11

¹¹⁹ [Submission 10](#), SHINE for Kids, p 9

¹²⁰ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29

Chapter Two – Improving support for children of imprisoned parents

- 2.1 This chapter discusses improvements that can be made to better support children who have parents in prison. This includes considering their needs more carefully, improving the visiting experience, and ensuring that children have sufficient access to their parents, where it is appropriate.
- 2.2 The Committee recognises that one of the main roles of Corrective Services NSW (CSNSW) is to run the state's correctional centres, and their overall focus on the necessary security arrangements is an outcome of this. However, CSNSW also recognise the effect that incarceration can have on families and the important role that families can play supporting inmates and reducing recidivism, as reflected in Corrective Services' Family Matters Strategy.
- 2.3 The recommendations in this chapter seek to build on the efforts made by Corrective Services, and also highlight areas where the Department of Communities and Justice can continue to improve matters.

Offering more support for children of imprisoned parents

A role to focus on supporting children of imprisoned parents

Recommendation 8

The Committee recommends that a specific role be created in the Department of Communities and Justice that monitors and advocates for children of imprisoned parents. This position should have responsibility for liaising with other Departments and agencies, including Corrective Services, Health, Education, and Family and Community Services, on how to support children of imprisoned parents.

Recommendation 9

The Committee recommends that the Department of Communities and Justice consults with children with a lived experience of parental incarceration to consider policies and programs to best support children of imprisoned parents.

- 2.4 A common theme from this inquiry was that children of imprisoned parents are 'an invisible group' to policy makers.¹²¹ The Committee considers that creating a role that is responsible for monitoring, supporting, and advocating for these children will fill a crucial gap in the provision of services aimed at them. This inquiry makes a number of recommendations aimed at improving the situation for these children, and this position would be well placed to ensure that they are properly implemented and have the desired effect.
- 2.5 The Committee considers that this role is best placed within the Department of Communities and Justice (DCJ). However, there will also be a benefit to having

¹²¹ [Submission 8](#), Royal Australian and New Zealand College of Psychiatrists, p 2; [Submission 10](#), SHINE for Kids, p 3

this role liaise with other Departments, and other agencies, to discuss how they can all provide better support to children of imprisoned parents. While one of the most important relationships will be with Corrective Services NSW (CSNSW), this should include, but is not limited to, NSW Health, the Department of Education, and Family and Community Services.

2.6 The Committee notes that it is always beneficial to consult with children and young people when developing policies and programmes aimed at supporting them. Having an imprisoned parent can have a significant impact for many children. Children with a lived experience of having an incarcerated parent would be well placed to provide ideas and feedback on how best to support other children and young people in their situation.

2.7 Stakeholders argued that there is an insufficient consideration of children of prisoners as a group.¹²² SHINE for Kids explained that this means they do not get the support or assistance they need:

In New South Wales the rights of children of incarcerated parents remain largely unacknowledged within the criminal justice system. Children of prisoners fall through the cracks created by inadequate program funding, ad hoc service provision and a lack of clarity in law and policy as to how best to respond to them and ensure their rights and needs are met.¹²³

2.8 Creating a role to monitor and advocate for children of prisoners will ensure that they are given more attention. It will allow the Department of Communities and Justice to focus on the needs of children of prisoners and guide policy to support them. SHINE for Kids noted that there has not been a proper examination of what is required by children of prisoners across various government departments and agencies:

Despite their vulnerability there has been little examination of the needs of children of prisoners by a range of government departments and agencies including police, courts, corrective services, juvenile justice, community services and education. Children of prisoners confront a complex range of issues that cross the boundaries of multiple agencies. Consequently, agencies can overlook the consequences of incarceration for children, which span health, social, education, housing and justice related impacts.¹²⁴

2.9 A common concern was that children of imprisoned parents are only considered, and engaged with, when they come to the attention of various departments, depending on a particular need or concern. SHINE for Kids observed:

Largely government departments and associated services work in silos, seeing only their service and the 'bit' of the person with which their service deals. Nowhere is this more apparent than in the case of children of prisoners, with no particular national body or group currently taking responsibility for them, ... As a result,

¹²² [Submission 8](#), Royal Australian and New Zealand College of Psychiatrists, p 2; [Submission 10](#), SHINE for Kids, p 3; [Submission 15](#), Keeping Women Out of Prison Coalition, p 3; [Submission 24](#), Public Health Association of Australia (PHAA), p 6

¹²³ [Submission 10](#), SHINE for Kids, p 3

¹²⁴ [Submission 10](#), SHINE for Kids, p 6

support is often fragmented, short-term, narrow in scope, made in isolation, and lacks continuity due to insufficient government funding.¹²⁵

- 2.10 When the Committee put this concern to government witnesses, we heard that there was no part of government that would see children of imprisoned parents as a cohort as their responsibility. Different departments may interact with those children if they are in crisis, such as Housing if they were facing homelessness or DCJ caseworkers if they have been reported as 'at risk'. However, there was no particular role within government to advocate for these children.¹²⁶
- 2.11 The Committee considers that there needs to be a role within DCJ which performs this advocacy for children of imprisoned parents and is also responsible for the services delivered to these children. The position would liaise and coordinate with other Departments and agencies to design and research programs. It should also be responsible for ensuring that there is budget available for these programs and that they are performing as intended. The role would be the main point of contact for NGOs, and also for ensuring that children of imprisoned parents are aware of and offered all the support that is available to them.
- 2.12 The Committee recognises that the co-located child protection caseworkers will provide support to mothers in prison on child protection matters. We discuss this program further in Chapter 3. However, the Committee considers that this new role (that we have recommended be established) should have a greater focus on children themselves and also cover a wider cohort of children, including those with imprisoned fathers.
- 2.13 The Advocate for Children and Young People also highlighted the importance of carrying out 'consultations directly with appropriate children and young people to ensure that their voices are captured'.¹²⁷ Similarly, SHINE for Kids argued that any strategy 'must include the voices of families and people with lived experience'.¹²⁸ If a role was created to be responsible for the services delivered to children of imprisoned parents, it would be beneficial to take advice from children and young people who had been in similar circumstances and may otherwise not have their voices heard.
- 2.14 The Committee was pleased to note that the Advocate for Children and Young People was open to facilitating such a dialogue. They stated that they:
- ... would welcome the opportunity to undertake consultation with children and young people who have experienced parental incarceration in the future, to ensure their views are considered and their needs are being met.¹²⁹

¹²⁵ [Submission 10](#), SHINE for Kids, p 6

¹²⁶ Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District Youth Services, Department of Communities and Justice & Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 75

¹²⁷ [Submission 22](#), Advocate for Children and Young People, p 12

¹²⁸ Ms April Long, National Operations Manager, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 9

¹²⁹ [Answers to questions on notice](#), Advocate for Children and Young People, June 2021, p 3

Mother and child residential units

Recommendation 10

The Committee recommends that additional mother and children residential facilities, similar to the Jacaranda Cottages facility at the Emu Plains Correctional Centre, be built in other prisons in NSW. At least one of these facilities should be established in a suitable regional location with a view to increasing the ability for Aboriginal mothers to stay with their children.

Recommendation 11

The Committee recommends that the Jacaranda Cottages be expanded to house more inmates, and that the current requirements that restrict eligibility to enter this facility be reviewed and the barriers removed where practicable.

Recommendation 12

The Committee recommends that Corrective Services NSW consider providing residential mother and child accommodation, similar to Jacaranda Cottages, for mothers on remand.

- 2.15 The Corrective Services Mothers and Children's Program is a nursery program that aims to reduce the impact of incarceration on children of inmates. There is a prison nursery located at Jacaranda Cottages, a purpose-built facility at the Emu Plains Correctional Centre Complex.¹³⁰
- 2.16 The Committee recognises the benefits provided by the Jacaranda Cottages facility. Allowing incarcerated mothers to continue to have an active parenting role has positive results both for them and for their young children. The Committee notes that this facility was highlighted as best practice by a number of stakeholders.
- 2.17 Therefore, the Committee considers that the facility at Emu Plains should be expanded and that there should be additional facilities built across the State. This will allow more mothers to reside in these facilities which will continue to have positive outcomes for them and their children.
- 2.18 In particular, the Committee notes the overrepresentation of Aboriginal people in the prison system, who are often imprisoned far from family. By increasing the number of facilities across the state, it should make it more likely that Aboriginal mothers can reside with their children while also staying close to country. In particular, the Committee considers that priority could be given to establishing such a facility in a correctional centre with a high proportion of Indigenous imprisoned parents.
- 2.19 While the Committee recognises that there needs to be some restrictions placed on who can access this facility, it also encourages DCJ to review the requirements with a view to allowing more mothers and children to benefit from this particular environment. The Committee also recognises the arguments that such services

¹³⁰ Corrective Services NSW, Emu Plains Correctional Centre, [Mother and Children's Program](#), accessed 7 October 2021

should be provided for women on remand and recommends that consideration be given to providing similar accommodation for these women.

- 2.20 In the Jacaranda Cottages facility, eligible women who want to have an active parenting role while serving a custodial service can have their children up to six years old (until school age) reside with them full time and children up to 12 years of age on weekends and school holidays.¹³¹
- 2.21 The program aims to reduce the impact of maternal incarceration on dependent children by maintaining continuity of care and relationship maintenance. It works to foster the mother and child relationship and to break the intergenerational cycle of crime, while developing the mother's pro-social skills that contribute to reducing reoffending.
- 2.22 Children access all medical care in mainstream public and private health care provider settings. They can also attend community activities. Women are able to access all programs and services available within the main Correctional Centre, as well as participating in Program-specific activities facilitated in-house and in the community. These include Area Health Services playgroups and mothers groups.
- 2.23 Jacaranda Cottages currently has a capacity of 45 beds, with a bed capacity to expand the placement cap if the need arises.¹³²
- 2.24 Separating children from their primary caregiving mother can have a number of negative consequences, including to a child's health and educational development. It can also increase the risk of a child developing significant mental health issues.¹³³
- 2.25 Adjunct Associate Professor Karleen Gribble also argued that the importance of children staying with their primary caregiving parent, where possible, was more significant than any concerns with a child residing in a prison environment. She stated:
- ... infants are largely unaware of their physical environment. The most important thing to them is the presence or absence of their mother and her responsiveness to them. If they are with their mother and she is responsive to them, then the world is a good place regardless of any other factors in the environment.¹³⁴
- 2.26 A number of stakeholders highlighted Jacaranda Cottages as a positive approach for children of imprisoned mothers.¹³⁵
- 2.27 Community Legal Centres also noted that the program 'has one of the lowest recidivism rates of all prison programs across NSW'.¹³⁶ Similarly, Women's Legal Service NSW highlighted research which showed that maintaining relationships

¹³¹ [Submission 20](#), Department of Communities and Justice, p 10

¹³² [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, p 8

¹³³ [Submission 23](#), Professor Karleen Gribble, p 7

¹³⁴ [Submission 23](#), Professor Karleen Gribble, p 9

¹³⁵ [Submission 15](#), Keeping Women Out of Prison Coalition, p 8; [Submission 19](#), Women's Legal Service NSW, p 10 & 11; [Submission 22](#), Advocate for Children and Young People, p 9; [Submission 25](#), Community Legal Centres, p 13

¹³⁶ [Submission 25](#), Community Legal Centres, p 13

with children, particularly those programs that allowed children to live with them, was a critical way to reduce women's reoffending.¹³⁷

- 2.28 The Committee commends CSNSW for its provision of this program and would welcome its expansion to other correctional centres in NSW.
- 2.29 Several stakeholders recommended an expansion of the Mothers and Children's Program.¹³⁸ Community Legal Centres NSW supported making the program available to all women prisoners who may want to access it:
- Given its proven success, the Mothers and Children's Program should be expanded so that all imprisoned mothers (where appropriate) can have contact with, and care for, their children. This means expanding the program to every correctional centre that imprisons women and expanding the capacity of all existing programs to meet need.¹³⁹
- 2.30 In particular, the Western NSW Community Legal Centre argued that similar services are provided to women prisoners in areas where it can be difficult for incarcerated mothers to have contact with their children. They called:
- ... for such resources to be provided to rural, regional and remote correctional centres where contact between children and their imprisoned parents can be very difficult, and at times impossible, to facilitate.¹⁴⁰
- 2.31 The Committee notes that there may be inherent challenges to providing particular supports for parents on remand. For example, the Committee was interested in recommendations made by Women's Legal Service and the Inspector of Custodial Service's *Women on remand* report that supports the Mothers and Children Program at Jacaranda Cottages being expanded or emulated to include access for women on remand.¹⁴¹
- 2.32 We acknowledge that there may be practical considerations when planning and administering programs to inmates who are yet to have their period of incarceration determined by the courts.¹⁴² However, the impact of parental incarceration will affect children of parents on remand regardless of whether their parents have been sentenced.
- 2.33 The Committee also supports the recommendations made by stakeholders that additional, culturally safe facilities are provided for incarcerated Aboriginal mothers to allow them to stay with their children and close to country.¹⁴³
- 2.34 Sista2sista highlighted the ongoing trauma that Aboriginal people experience when their children are removed from them, which is often a result of

¹³⁷ [Submission 19](#), Women's Legal Service NSW, p 7

¹³⁸ [Submission 15](#), Keeping Women Out of Prison Coalition, p 8; [Submission 19](#), Women's Legal Service NSW, p 11; [Submission 25](#), Community Legal Centres, p 13

¹³⁹ [Submission 25](#), Community Legal Centres, p 13

¹⁴⁰ [Submission 26](#), Western NSW Community Legal Centre, p 2

¹⁴¹ [Submission 19](#), Women's Legal Service NSW, p 2 & 10; Inspector of Custodial Services, [Women on remand](#), Sydney, February 2020, p 17.

¹⁴² [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, p 9

¹⁴³ [Submission 5](#), sista2sista, University of Technology Sydney, p 7; [Submission 19](#), Women's Legal Service NSW, p 11

incarceration.¹⁴⁴ Providing additional residential facilities in remote and regional NSW will allow more Aboriginal mothers to remain with their children, and potentially reduce this trauma.

- 2.35 It is also important that there are facilities such as these made available in appropriate areas so that Aboriginal mothers can continue to have an active parenting role for younger children but also remain close to country.

Eligibility requirements for the Mother and Children's Program

- 2.36 Other stakeholders argued that the eligibility requirements for entry to the program should be reviewed so that more women are able to participate.

- 2.37 Currently, to reside in Jacaranda Cottages, inmates must be:

- sentenced
- minimum security classification (category 2)
- eligible for placement at Emu Plains Correctional Centre
- eligible for a leave permit under section 6.2 of the *Crimes (Administration of Sentences) Act 1999*.¹⁴⁵

- 2.38 The Mothers and Children's Placement Committee reviews applications for recommendation of placement to be determined by the Commissioner. Some of the considerations of this Committee include:

- the mother must be stable with regard to her conduct including mental health and use of alcohol and other drugs
- the person/agency with parental responsibility must consent for children to participate in the Program
- the child must not be undergoing medication withdrawal for neonatal abstinence syndrome
- an assessment of the ability of the mother to provide satisfactory care for her child
- a risk assessment of the mother's suitability from a child protection security perspective.¹⁴⁶

- 2.39 DCJ highlighted that the Placement Committee continuously monitors and balances the interests of a child with the requirements of their mother to meet rehabilitation requirements, as well as the correctional centre's routine, safety and security.¹⁴⁷

¹⁴⁴ [Submission 5](#), sista2sista, University of Technology Sydney, p 5

¹⁴⁵ [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, p 8

¹⁴⁶ [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, p 8

¹⁴⁷ [Submission 20](#), Department for Communities and Justice, p 10

- 2.40 Women's Legal Services NSW observed the benefits of the Program when working with incarcerated mothers residing in Jacaranda Cottages but also noted that many of their clients had been ineligible due to security classification and being on remand. They recommended that the program be expanded to women on remand and also other women on higher security classifications.¹⁴⁸
- 2.41 Similarly the Keeping Women Out of Prison Coalition argued for the expansion of the Program 'to enable all women of higher classifications to participate in all prisons'. In particular, they expressed the view that there was an urgent need for a Mothers and Children's Program at Silverwater Correctional Centre 'to accommodate new receptions and remandees due to give birth and other higher security mothers to have their children with them'.¹⁴⁹
- 2.42 Professor Gribble noted that these restrictions were making it difficult for women who want to access the program.
- It is an exception, rather than the rule, whereas you would expect that it should be the expectation that they will actually go there with their child, with there being really clear exceptional reasons why that should not be the case—and it should be the same for mothers whose infants are hospitalised with them visiting.¹⁵⁰
- 2.43 Professor Gribble also noted that having children can be an opportunity for many women to make positive changes in their life. Therefore women who were undergoing drug and alcohol treatment should not automatically be ineligible for the program.¹⁵¹
- 2.44 The Committee notes that CSNSW responded to these concerns highlighting the focus on the best interests of the child. In particular, they reported some of the difficulties of ensuring continuity of care as inmates on remand face regular disruption for legal interviews or court appearances. Nevertheless, the Committee considers that it would be beneficial to review the eligibility criteria for women to access the Mothers and Children's Program. There may be an opportunity for more women to be able to access the Program, particularly those with higher security requirements or women on remand, if additional specialised facilities are built.

Breastfeeding and lactation support for incarcerated mothers

Recommendation 13

The Committee recommends that Corrective Services NSW provide more breastfeeding and lactation support to imprisoned mothers, including women on remand, during visits by their children. This should include the collection and storage of breastmilk for infants of imprisoned mothers living in the community.

¹⁴⁸ [Submission 19](#), Women's Legal Service NSW, p 10 & 11

¹⁴⁹ [Submission 15](#), Keeping Women Out of Prison Coalition, p 8

¹⁵⁰ Adjunct Associate Professor Karleen Gribble, [Transcript of evidence](#), 29 April 2021, p 36

¹⁵¹ [Answers to questions on notice, Adjunct Associate Professor Karleen Gribble](#), 30 June 2021, p 3

- 2.45 The importance of breastfeeding for young children and their mothers has been well demonstrated.¹⁵² Young children of imprisoned parents should not have to miss out on these benefits. Where it is not possible, or not preferable, for women to reside with young children in correctional centres, more effort needs to be made to support them in breastfeeding their children. There should also be more assistance provided to women with young children to collect and store breastmilk.
- 2.46 The World Health Organisation and UNICEF recommend that children are exclusively breastfed for six months and then continue to be breastfed, with the addition of appropriate complementary foods, for up to two years or more. This is supported by Australian national recommendations that all infants be exclusively breastfed for around six months and continue breastfeeding into their second year.¹⁵³
- 2.47 Breastfeeding has numerous health benefits for children's development. It can also help women develop positive maternal behaviour and relationships with their children, with the associated benefits to the child. Professor Gribble noted that, '[t]he mental health of an infant or young child is dependent upon the quality of the relationship that they have with their primary caregiver'.¹⁵⁴
- 2.48 On the other hand, as has been discussed, the separation that occurs when a woman is incarcerated without their children can have negative effects on the children. One of the reasons for this is that, for the majority of children under six months old, they will no longer be exclusively fed on breastmilk as is recommended. Professor Gribble emphasised that, '[t]he deprivation of exclusive or any breastfeeding for infants increases the risk of adverse health outcomes for them in the short and long-term'.¹⁵⁵
- 2.49 As such, the Committee supports an increased focus on offering support to incarcerated women who are breastfeeding. This may include better facilities to allow breastfeeding in visiting areas, and the ability to access skilled lactation support from relevant expert bodies.
- 2.50 The Committee notes that in the ACT, SHINE for Kids is funded to provide specific transport for breastfeeding children to their mothers.¹⁵⁶ This could be an option to consider in NSW.
- 2.51 There is also potential to provide more assistance to women who would like to express milk and deliver it to their children. The Committee heard that it is currently unclear whether any CSNSW processes allow for this to occur.¹⁵⁷ The Committee considers that policies and programs should be established to provide women with lactation support, easy access to a breastpump and to ensure

¹⁵² [Submission 23](#), Adjunct Associate Professor Karleen Gribble, pp 3-5; The Sax Institute for the Department of Health, *Review of effective strategies to promote breastfeeding*, May 2018, p 17

¹⁵³ [Submission 23](#), Adjunct Associate Professor Karleen Gribble, p 3

¹⁵⁴ [Submission 23](#), Adjunct Associate Professor Karleen Gribble, p 6

¹⁵⁵ [Submission 23](#), Adjunct Associate Professor Karleen Gribble, p 8

¹⁵⁶ Ms April Long, National Operations Manager, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 5

¹⁵⁷ [Answers to supplementary questions, Professor Karleen Gribble](#), 30 June 2021, p 3

that expressed milk is frozen in a timely manner. DCJ then needs to develop an effective way to ensure that the milk is delivered to the relevant children appropriately.

Ensuring children have access to their parents

Making it easier for children to visit imprisoned parents

Recommendation 14

The Committee recommends that, where possible, efforts should be made to place imprisoned parents in correctional centres near their children. This is especially relevant for Aboriginal parents.

Recommendation 15

The Committee recommends that additional funding is provided for transport for children visiting their parents, with priority given to those areas where there is limited public transport.

- 2.52 The Committee notes the benefits for children when regular visits are made to see their parents in prison. There are also benefits for the inmates in maintaining physical contact with their children and developing their role as a parent. Currently, there are a number of barriers that prevent regular visits from occurring.
- 2.53 The Committee recommends that more consideration should be given to where the family of an inmate is located, particularly their children, when decisions are made about where they are to be imprisoned. Making journeys to visit imprisoned parents shorter and simpler would mean that it is much more likely that children would be able to make these visits.
- 2.54 The Committee acknowledges that there are other considerations that influence where a prisoner is located, including security, and that CSNSW has a responsibility for the safety of inmates and staff. However, where possible, particularly for imprisoned parents with shorter sentences, the Committee considers that more weight should be given to the location of a prisoner's family.
- 2.55 The Committee also highlights the financial burdens that many families encounter when someone is imprisoned. These burdens can include some families being required to spend significant amounts of money to travel to a correctional centre to visit a loved one. The Committee considers that more support should be made available to families and carers so that they don't have to worry about the costs when considering whether children can visit their parents.
- 2.56 A number of stakeholders highlighted the importance of maintaining contact between children and their imprisoned parents. The benefits to children who keep in contact with their parents can include enhanced coping skills, reduced problematic behaviour and improved emotional and social development.¹⁵⁸

¹⁵⁸ [Submission 16](#), Law Society of NSW, p 2, [Submission 26](#), Western NSW Community Legal Centre, p 2

- 2.57 Similarly, there are benefits to imprisoned parents having regular contact with their children. These include being less likely to reoffend upon release, often having improved parole prospects and having better mental health, relationships and family ties, than parents who are unable to maintain regular contact with their children while they are in prison.¹⁵⁹
- 2.58 A number of stakeholders noted research findings from the UK Ministry of Justice, which found in one study that prisoners who received visits from a family member had 39 per cent lower recidivism rates than for those who did not.¹⁶⁰
- 2.59 The Committee has already concluded that the best solution to avoid the detrimental effects of parental incarceration on children is to reduce incarceration rates. As such, it would support any policies that can lower recidivism rates.
- 2.60 The Committee was pleased to note that DCJ is committed to facilitating regular visits of families to correctional centres. They stated:
- ... contact with parents is both an important part of a child's development and an integral part in the parent's rehabilitation. CSNSW aims to ensure that where it is in the best interest of the child, visits will be facilitated between children and their parents in NSW correctional centres.¹⁶¹
- 2.61 The Committee has made a number of recommendations in this chapter that we believe will assist CSNSW in better realising its aims.

Decisions on where to imprison parents

- 2.62 Several stakeholders highlighted that little consideration is given to the location of a prisoner's family when decisions are made on where they are to be incarcerated.¹⁶² This can lead to difficulties in families being able to visit the inmate.
- 2.63 According to the Public Health Association, NSW prisoners reported an average three hour travel time for people likely to visit them.¹⁶³
- 2.64 Women's Legal Services explained that the distance from home was a concern for a number of women that they work with. They noted:
- Many of our clients are often incarcerated a long way from home. This causes great distress and disruption to relationships with children and young people and other family members. First Nations women are further harmed by being off country and away from community.¹⁶⁴

¹⁵⁹ [Submission 25](#), Community Legal Centres NSW, p 15

¹⁶⁰ Lord Farmer, [The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime](#), Ministry of Justice [UK], London, p 7

¹⁶¹ [Submission 20](#), Department of Communities and Justice, p 5

¹⁶² [Submission 11](#), Aboriginal Legal Services, p 22; [Submission 19](#), Women's Legal Service, p 11; Ms Kat Farrar, LEAP Solicitor, Wurringa Baiya Aboriginal Women's Legal Centre, [Transcript of evidence](#), 29 April, p 49

¹⁶³ [Submission 24](#), Public Health Association of Australia (PHAA), p 5

¹⁶⁴ [Submission 19](#), Women's Legal Service, p 11

- 2.65 Sista2sista also highlighted that a 'key grievance' of Aboriginal mothers that they had spoken to was that they were imprisoned 'hundreds of kilometres away from their families'.¹⁶⁵ This meant that their children were not able to physically visit them. As such, sista2sista recommended that Aboriginal mothers are placed 'in correctional centres near their families to enable children to visit their mothers'.¹⁶⁶
- 2.66 Community Legal Centres reported that some families choose to relocate to be closer to family to maintain contact. However this is not an ideal situation as it can lead to problems with schooling disruptions, a child's support network and additional economic hardships from moving costs and the loss of stable employment for the other parent or care-giver.¹⁶⁷
- 2.67 The Committee notes that there are a number of considerations to determine where a prisoner is located, with many being linked to their security classification.¹⁶⁸ There are also policies in place which allow for inmates to request a change of placement for compassionate grounds.¹⁶⁹
- 2.68 The Committee supports stakeholders' calls for more consideration to be given to a prisoner's dependent children and family when making a decision on where they are to be incarcerated, within security and prison management parameters.

Travel costs associated with visiting imprisoned parents

- 2.69 The distance that needs to be covered when children visit an imprisoned parent can lead families to incur significant costs. This was highlighted as a barrier to many families, and children's carers, with children visiting their imprisoned parents.
- 2.70 DCJ explained that families and friends of inmates who experience financial or travel difficulties are advised of the Community Restorative Centre (CRC), which has been funded to provide financial assistance to eligible applicants.¹⁷⁰
- 2.71 The CRC confirmed that they can provide 'financial assistance to families experiencing financial hardship who are travelling long distances to visit a family member or kinship relative in a NSW prison'. They can include reimbursement for petrol, public transport fares, taxis, and in some circumstances, overnight accommodation, up to \$110 a night.¹⁷¹
- 2.72 The total reimbursement available for clients of the CRC is \$55,000 in a financial year. A client can make one claim every 12 weeks.¹⁷²

¹⁶⁵ [Submission 5](#), sista2sista, University of Technology Sydney, pp3-4

¹⁶⁶ [Submission 5](#), sista2sista, University of Technology Sydney, p 7

¹⁶⁷ [Submission 25](#), Community Legal Centres NSW, p 17

¹⁶⁸ Corrective Services NSW, [Policy for Inmate Classification and Placement](#), February 2021

¹⁶⁹ Corrective Services NSW, [Change of Placements](#), February 2021, p 4

¹⁷⁰ [Submission 20](#), Department of Communities and Justice, p 5

¹⁷¹ [Submission 14](#), Community Restorative Centre, p 7; [Answers to supplementary questions](#), Community Restorative Centre, June 2021, p 2

¹⁷² [Submission 14](#), Community Restorative Centre, p 7; [Answers to supplementary questions](#), Community Restorative Centre, June 2021, p 2

- 2.73 However, the CRC explained that they 'consistently experience higher demand for the service than what the funding caters for'. They noted that funding normally runs out in March or April. In 2020, the submission received in February stated that 'no brokerage funding for travel [would] be available until July as the amount for this year has been used'.¹⁷³
- 2.74 The Committee also notes that this model is set up for families, and may not be suitable for children who do not have a responsible adult who is able to accompany them to the correctional centre.¹⁷⁴
- 2.75 CSNSW confirmed that they do 'not specifically fund transport services for children'.¹⁷⁵
- 2.76 Currently, SHINE for Kids offers a service that provides transport and supervision for children who have a parent in prison in NSW and reside within a two hour radius of Dillwynia, Silverwater, Mary Wade and Emu Plains Correctional Centres.
- 2.77 This service is provided through philanthropic funding and the hard work of volunteers, as there is currently no government funding available.¹⁷⁶
- 2.78 The service has proved to be successful, receiving numerous referrals and completing 38 contact visits between children and their mums in prison.¹⁷⁷ However, Ms April Long, National Operations Manager, SHINE for Kids, noted that there are limits to what they are able to offer. She explained they are only:
- ... funded in western Sydney. If you are talking about children in Kempsey, in Bathurst, in Wellington—all of the other areas—there is simply no support for transport.¹⁷⁸
- 2.79 The Committee commends the work done by SHINE for Kids in this area, especially the work put in by their volunteers. The Committee notes that there is significant demand for transport services for children wanting to visit imprisoned parents, either with their families or with other assistance. The Committee considers that the Government should provide more funding for these services.
- 2.80 A number of stakeholders also observed that correctional centres are often not served by public transport which is an additional barrier to organising visits for children.
- 2.81 In particular, Clarence Correctional Centre was highlighted as being challenging to reach by public transport. Firstly, it is a long way from Sydney and its surrounds, and secondly, there is no public transport from Grafton, which is the nearest

¹⁷³ [Submission 14](#), Community Restorative Centre, p 10

¹⁷⁴ Mindy Sotiri, Former Director, Advocacy Policy Research, Community Restorative Centre, [Transcript of Evidence](#), 14 May 2021, p 4

¹⁷⁵ [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, p 11

¹⁷⁶ [Submission 10](#), SHINE for Kids, p 33

¹⁷⁷ [Submission 10](#), SHINE for Kids, p 33

¹⁷⁸ Ms April Long, National Operations Manager, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 1

major town, 15 km away.¹⁷⁹ Given the size of this correctional centre and its potential capacity, the Committee has concerns about the transport barriers to visits by children or families.

- 2.82 The Committee notes that representatives from Serco have been in discussions with Transport for NSW to arrange a bus service. This has been delayed as it has been difficult to ascertain demand for this service during the reduced visiting policies due to COVID-19.¹⁸⁰
- 2.83 The Committee considers that areas which lack adequate public transport should receive additional consideration when funding is provided for transport services.

Informing families about changes to visiting arrangements

Recommendation 16

The Committee recommends that Corrective Services NSW develops a system to promptly notify visitors if there are changes to visiting arrangements and to assist to rearrange the visit.

- 2.84 A common concern raised during this inquiry is that children suffer negative consequences due to the actions of their parents. The Committee is concerned that despite all the efforts that are made for children to visit their imprisoned parents, a visit may not go ahead for reasons unrelated to the child.
- 2.85 Both Shine for Kids and the CRC refer to experiences of their clients who have made significant efforts to visit a correctional centre only for the visit to be cancelled at late notice. Sometimes, this is because the prisoner has been moved, as well as for security and prison operational needs. Both of these organisations noted that there is insufficient information provided to families of prisoners.¹⁸¹
- 2.86 SHINE for Kids noted that they had tested a new notification system by CSNSW which sends messages to families if a visit is cancelled which had a positive result.¹⁸² The Committee commends CSNSW for this initiative and supports SHINE for Kids' suggestion that this should be expanded to cover additional information. This could include if a facility is on lockdown, why the parent is not able to receive visits, when a family member is transferred, when phone call privileges are lost and when visits will resume.
- 2.87 Similarly, the Committee also supports SHINE for Kids' recommendation that any disciplinary action taken against a prisoner should not disadvantage the child in any direct way. This includes not suspending a prisoner's visitation rights from their children.¹⁸³ The Committee reiterates that, where possible, a children's wellbeing should not be further affected by the behaviour of their parents. We

¹⁷⁹ Mr Glen Scholes, Clarence Correctional Centre General Manager, Serco Group plc, [Transcript of evidence](#), 14 May 2021, p 44

¹⁸⁰ Mr Scholes, [Transcript of evidence](#), 14 May 2021, p 44

¹⁸¹ [Submission 10](#), SHINE for Kids, p 37; [Submission 14](#), Community Restorative Centre, p 11

¹⁸² [Submission 10](#), SHINE for Kids, p 37

¹⁸³ [Submission 10](#), SHINE for Kids, p 11

encourage CSNSW to give more consideration on the impact of children when making these decisions.

Supporting children in out-of-home-care to visit imprisoned parents

Recommendation 17

The Committee recommends that the Department of Communities and Justice put systems in place to ensure that, where appropriate, children in out-of-home care are supported to visit their parents if they want to.

- 2.88 Parental incarceration can often lead to children being taken into out-of-home-care. These children should have the same rights and opportunity to visit their imprisoned parents, if they want to do so. The Committee understands that this is usually the case but considers that there should be a more uniform approach across NSW. It is also critical that the views of the children are considered in any decision making about potential visits. This is an area where the Department of Communities and Justice can lead action across its agencies to support these children.
- 2.89 Agencies that provide out-of-home care (OOHC) are expected to meet the requirements of the NSW Child Safe Standards for Permanent Care in order to be accredited. These standards state that agencies providing statutory OOHC are required, amongst other things, to:
- consider the rights of children and young people as a primary focus for their care, including providing opportunities for them to participate in decisions that affect their lives and providing support for them to maintain relationships with family
 - provide children and young people with access to information and experiences which assist them to develop a positive sense of identity
 - provide parents with information as to the placement of the child, their development and progress.¹⁸⁴
- 2.90 The Children's Guardian noted that these Standards should support children in OOHC to visit their imprisoned parents if they want to. They stated:
- In our view, these standards set the expectations for agencies to facilitate family involvement with children, including contact between children and parents in prison.¹⁸⁵
- 2.91 However, a number of stakeholders indicated that this was not always the case and that children in OOHC often faced additional barriers to visiting their parents in prison.

¹⁸⁴ [Submission 2](#), Office of the Children's Guardian, pp 2-3

¹⁸⁵ [Submission 2](#), Office of the Children's Guardian, p 4

- 2.92 Several stakeholders highlighted that caseworkers or other caregivers may have a negative view on the appropriateness of children visiting correctional centres. SHINE for Kids reported that they have:
- ... weekly conversations with government and non-government out of home care caseworkers who believe it is too stressful for the child to take a child into a prison to visit their incarcerated parent.¹⁸⁶
- 2.93 The Children's Guardian noted that 'when this occurs, there is a risk that decisions about contact with imprisoned parents are disproportionately influenced by individual bias'.¹⁸⁷
- 2.94 This report has already discussed the difficulties faced by children wanting to visit their parents because they require adult supervision. If caregivers do not support these visits, children will miss out on such opportunities to maintain contact with their parents.
- 2.95 To overcome these problems, it was proposed that more information is provided to caregivers to ensure that they are better able to make informed decisions. The Children's Guardian suggested that there would be a benefit to developing evidence-based guidelines that would assist caregivers to make an informed decision. These guidelines could include the benefits of children having contact with imprisoned parents, together with guidance as to the assessment of relevant risk factors.¹⁸⁸
- 2.96 SHINE for Kids also submitted that they have developed training for OOHC caseworkers and managers on the reality of visiting a parent and the importance of the child-parent bond.¹⁸⁹ The Committee supports the provision of this training to all relevant caseworkers.
- 2.97 The Committee also supports children having more say in whether they want to maintain contact with an imprisoned parent.
- 2.98 The Advocate for Children and Young People argued that a children's opinion on maintaining contact should be given sufficient weight:
- In all matters affecting them, the views of children should be heard and given due weight in accordance with their age and maturity. In the case of contact with a parent, their insights into the emotional impacts of contact must be a key part of the decision, and so children should be involved in the decision-making to the maximum extent possible.¹⁹⁰
- 2.99 Similarly, Community Legal Centres highlighted that '[s]elf-determination is a key right for children'.¹⁹¹ The Committee considers that their recommendation that protocols are put in place to empower children to make decisions about whether

¹⁸⁶ [Submission 10](#), SHINE for Kids, p 34

¹⁸⁷ [Submission 2](#), Office of the Children's Guardian, p 3

¹⁸⁸ [Submission 2](#), Office of the Children's Guardian, p 3

¹⁸⁹ [Submission 10](#), SHINE for Kids, p 34

¹⁹⁰ [Submission 22](#), Office of the Advocate for Children and Young People, p 14

¹⁹¹ [Submission 25](#), Community Legal Centres, p 21

or not they wish to visit or otherwise contact their parent, and the nature and frequency of this contact has merit.

Improving the visiting experience for children of imprisoned parents

Increasing funding to expand and improve program delivery

Recommendation 18

The Committee recommends that Corrective Services NSW provide additional funding to relevant organisations who support children of imprisoned parents to expand their operations into additional correctional centres. This should include ensuring that Aboriginal community controlled organisations are funded to provide support to Aboriginal children of imprisoned parents.

- 2.100 The Committee commends the work done by a variety of non-government organisations to support the families of prisoners. In particular, the Committee recognises the work done by SHINE for Kids in supporting children of imprisoned parents. They provide numerous programs that facilitate children visiting their parents in prison, and aim to improve their wellbeing and ability to cope with difficult circumstances. The Committee is concerned that a child's access to these services is essentially a matter of chance as to whether an organisation is funded to operate in that area. The Committee supports additional funding being provided by the Government for organisations to expand their services to more correctional centres across NSW and support more children.
- 2.101 The Committee notes the existing organisations operating in this space, especially SHINE for Kids, and considers that they would be well placed to expand existing programs. However, the Committee would also welcome further organisations operating in this area.
- 2.102 SHINE for Kids is an organisation that assists and supports children of prisoners to develop coping mechanisms and provides opportunities for these children to support each other.¹⁹² SHINE for Kids receives funding from Corrective Services, the Department of Communities and Justice and philanthropic donations.
- 2.103 SHINE for Kids offer a number of services to children of imprisoned parents and their families, including:
- Prison Invisits – a dedicated Child and Family Coordinator with early childhood training who runs age and culturally appropriate activities in the visiting area to make a visit a more enjoyable and fun encounter.
 - Child parent days – these days provide a more normal environment in which a child and their incarcerated parent can interact. SHINE facilitates activities that the child and parent can do together such as creating art, craft activities, sports and games.

¹⁹² SHINE for Kids, [Our Vision, Our Purpose and Our Core Values](#), accessed 13 October 2021.

- Ride By Your Side – a children’s mentoring and supported transport service for children who have no other way of having contact with their incarcerated parent.
- Intensive family case management – this program employs a Family Practice Manager in each location to work intensively with the families three months pre- and twelve months post-release in building relationships and supporting families.
- RISE education support and teacher training – this program gives primary school aged students, who have a parent in prison access to a vital support system that encourages their learning and development. Each student is matched with an education mentor who supports them academically, socially and culturally. It also provides for a teacher training seminar which helps teachers and schools better support children with an incarcerated parent.¹⁹³

2.104 SHINE for Kids provided feedback from their clients that:

- 95 per cent of respondents agreed that SHINE invisit services help nurture, repair and maintain their child's bond with their parent.
- 77 per cent of respondents said that their children 'always' appear less stressed when visiting with SHINE Programs and Support.
- 91 per cent of respondents said that SHINE makes it 'a great deal' or 'a lot' easier for children to visit their parent in prison.¹⁹⁴

2.105 They have also received positive feedback from children and principals who engaged with the Rise Education Program.¹⁹⁵

2.106 The majority of stakeholders in this inquiry also highlighted the important role that SHINE for Kids play in supporting children of imprisoned parents specifically, and made favourable mention of their work.¹⁹⁶

2.107 SHINE for Kids submitted that their total funding is '\$2.4 million with the NSW government providing \$837,000 or 35% of this total amount.' This allows them to service nine out of 39 correctional centres in NSW.¹⁹⁷

2.108 The Committee also highlights the important work done by other organisations including the CRC, Deadly Connections and Prison Fellowship Australia in supporting families and children of imprisoned parents.

¹⁹³ [Submission 10](#), SHINE for Kids, pp 24 – 33; Supplementary [Submission 10a](#), SHINE for Kids, pp 3-4, 6-7

¹⁹⁴ [Submission 10](#), SHINE for Kids, pp 25-26

¹⁹⁵ [Submission 10](#), SHINE for Kids, p 30

¹⁹⁶ For example, [Submission 15](#), Keeping Women Out of Prison Coalition, p 7; [Submission 16](#), Law Society of NSW, p 3; [Submission 21](#), Corrective Services NSW Women's Advisory Council, p 4, Dr Mindy Sotiri, Former Director, Advocacy Policy Research, Community Restorative Centre, [Transcript of evidence](#), 14 May 2021, p 4; Ms Dixie Link-Gordon, Senior Community Access Officer, First Nations Women's Legal Program, Women's Legal Service NSW, [Transcript of evidence](#), 14 May 2021, p 12

¹⁹⁷ Supplementary [Submission 10a](#), SHINE for Kids, p 2

- 2.109 The Committee shares SHINE for Kids' concerns that there is an inconsistent level of services provided for children of imprisoned parents across the state and supports an increase in funding to expand services, provided by them and other organisations.

The visiting experience for children of imprisoned parents

Recommendation 19

The Committee recommends that Corrective Services NSW, in collaboration with relevant organisations, establishes policies and procedures to improve the visiting experience for children. This collaboration should include input from Aboriginal community controlled organisations.

Recommendation 20

The Committee recommends that Corrective Services NSW provide training to Correctional Officers on how to interact with children during visits.

- 2.110 The Committee recognises that visiting prisons can be an intimidating experience for anyone. This is especially the case for children. More should be done to create a space and experience appropriate for children visiting their parents.
- 2.111 Several stakeholders raised a negative visit experience as a barrier for children maintaining contact with their parents. It can be a confronting experience for children to see their parents in jail. They are wearing unfamiliar clothes, and the visiting areas are often sterile and crowded.¹⁹⁸
- 2.112 The CRC also reported that the experience of visiting correctional centres for the majority of their clients was 'deeply unpleasant, and in some cases traumatic'. With regards to children, they noted that:
- ... there is frequently a lack of facilities for children. There are ongoing issues with access to healthy food, nappy changing areas, and toilet breaks resulting in visits being terminated.¹⁹⁹
- 2.113 The CRC also indicated that clients regularly reported being treated poorly by correctional staff.²⁰⁰ The Keeping Women Out of Prison Coalition noted that correctional staff wearing uniforms can appear negative or frightening to children.²⁰¹
- 2.114 Deadly Connections raised concerns that visiting facilities are not suitable for Aboriginal families with children. They stated that:
- ... child facilities in NSW prisons are not culturally appropriate, they actually serve to further traumatise and harm Aboriginal children and parents while removing connection to culture.²⁰²

¹⁹⁸ [Submission 10](#), SHINE for Kids, p 24

¹⁹⁹ [Submission 14](#), Community Restorative Centre, p 11

²⁰⁰ [Submission 14](#), Community Restorative Centre, pp 10-11

²⁰¹ [Submission 15](#), Keeping Women Out of Prison Coalition, p 9

²⁰² [Answers to supplementary questions](#), Deadly Connections, 30 June 2021, p 2

- 2.115 The Committee notes that current Custodial Operations Policy and Procedures do provide guidance for managing child visitors. This includes a tolerance of children exhibiting age appropriate behaviour (while balancing safety considerations and the rights of other visitors), and accommodating the provision of specific food and provision needs for younger children.²⁰³
- 2.116 The Committee is pleased to see that some consideration has been given to the specific needs of families and young children visiting correctional centres. However, the Committee also notes the evidence it has received about some of these visitors' experiences. As such, the Committee considers that it would be worthwhile to evaluate these policies and invest in better facilities.
- 2.117 Where possible, the Committee considers that more effort should be made to make visiting imprisoned parents a less daunting experience for children. CSNSW should develop policies and procedures aimed at improving the visiting experience for children. The Committee notes the work done by SHINE for Kids their Invisits program and has recommended that more funding is made available for this program to be accessible at more correctional centres. The Committee considers that the expertise that SHINE for Kids has in this area would be a valuable resource for CSNSW to consider when developing any policies or procedures.
- 2.118 Deadly Connections also highlighted the importance of having appropriate cultural activities for Aboriginal imprisoned parents and their children. These should be delivered by Aboriginal people.²⁰⁴

Training for Corrections Officers

- 2.119 SHINE for Kids also submitted that they have provided training to Corrections Officers on the impact of incarceration on children of prisoners and the need to engage with families as a valuable resource to assist in case-management. This training aims to demonstrate to Corrections Officers the benefits of working with families and not to solely focus on the risks of visitors.²⁰⁵
- 2.120 The Committee agrees that Corrections Officer training is an opportunity to reduce the trauma that children often experience in correctional environments. We support the provision of training on how to interact with children and support their wellbeing during visits.

Virtual visits to imprisoned parents

Finding 2

The Committee finds that 'video visits' can be a useful tool to maintain contact between children and their parents, and supports the rollout of tablets to facilitate these visits where it is most appropriate, or is preferred.

²⁰³ Corrective Services NSW, [Custodial Operations Policy and Procedures, Managing Child Visitors](#), pp 5-6

²⁰⁴ [Answers to supplementary questions](#), Deadly Connections, 30 June 2021, p 2

²⁰⁵ [Submission 10](#), SHINE for Kids, pp 34-35

Finding 3

The Committee finds that virtual visits should not replace face-to-face visits.

- 2.121 The Committee commends the efforts made by CSNSW to help children stay in touch with their parents while visiting restrictions were in place due to the COVID-19 pandemic. The use of tablets and video conferencing allowed children to talk to their parents while remaining in a familiar, comfortable setting. This approach received a lot of positive feedback from witnesses. The Committee considers that this option should remain available to children and inmates so that they are able to see one another more frequently and maintain relationships.
- 2.122 However, the Committee also finds that video conferences should be used as an option for children to interact with their parents. Children need the opportunity to be physically close to their imprisoned parent where appropriate. The Committee also notes that certain families may not be able to access suitable technology for video calls. The Committee would have concerns if virtual visits were seen as a replacement or a reason to cut down on efforts to improve the visiting situation for children of imprisoned parents.
- 2.123 Due to the COVID-19 pandemic and the associated risks of contact visits, CSNSW placed a temporary suspension on in-person visits on Tuesday, 17 March 2020.²⁰⁶ While visits temporarily resumed, a similar suspension was introduced again on Thursday, 24 June 2021 as COVID cases grew in NSW.²⁰⁷
- 2.124 One of the ways CSNSW sought to mitigate the disruption to family relationships and support ongoing contact between inmates and their families was the introduction of video family visits. To support these visits, CSNSW provided 600 tablets and upgraded audio visual technology in correctional centres to enable video visits of up to 40 minutes.²⁰⁸
- 2.125 Similarly, Serco explained that tablet visits and audio visual visits have increased in Clarence Correctional Centre as a consequence of COVID-19 related visiting restrictions.²⁰⁹
- 2.126 CSNSW reported that feedback from inmates and their families on virtual visits has been 'overwhelmingly positive'.²¹⁰ Representatives from Serco also observed that the virtual visits have been 'monumentally successful amongst the inmate cohort'.²¹¹
- 2.127 The benefits of virtual visits include:

²⁰⁶ [Submission 20a](#), Corrective Services NSW, p 2

²⁰⁷ Corrective Services NSW, [COVID safe in-person visits](#), accessed 14 October 2021.

²⁰⁸ [Submission 20a](#), Corrective Services NSW, p 3

²⁰⁹ Mr Glen Scholes, Clarence Correctional Centre General Manager, Serco Group, [Transcript of evidence](#), 14 May 2021, p 43

²¹⁰ [Submission 20a](#), Corrective Services NSW, p 3

²¹¹ Mr Glen Scholes, [Transcript of evidence](#), 14 May 2021, p 43

- avoiding lengthy travel times²¹²
 - allowing children to talk to imprisoned parents at more convenient times²¹³
 - allowing children to talk to imprisoned parents in a more familiar setting and giving them the opportunity to show them things in the home²¹⁴
- 2.128 To further support the provision of virtual visits, CSNSW indicated that they were planning to implement video visits on tablets by the end of 2021. They also intend to provide more tablets across more correctional centres but noted that this was contingent on receiving necessary funding.²¹⁵
- 2.129 The Committee welcomes the increase in CSNSW's efforts to maintain contact with families despite restrictions on in-person visits, and the benefits of virtual visits. The Committee supports work continuing to make sure that all inmates in NSW are provided with these options.
- 2.130 While many stakeholders noted the benefits of virtual visits and welcomed their introduction, they also raised some concerns. Some of these included:
- insufficient digital literacy, particularly for vulnerable children and young people and their carers²¹⁶
 - lack of access to suitable devices and a reliable internet connection²¹⁷
 - the importance of physical contact between parents and children²¹⁸
 - inconsistent access to services for inmates in different correctional centres²¹⁹
- 2.131 Associated with these concerns, stakeholders also worried that there would be a push to reduce in-person visits, or reduce the support and funding to facilitate in-person visits.
- 2.132 The Committee reiterates that while there are benefits to using virtual visits in certain circumstances, they should not affect the availability of or support for in-person visits. Where possible, in-person visits should be available for children with imprisoned parents. Imprisoned parents and their children should be able to choose the best option for themselves.

²¹² Ms April Long, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 4

²¹³ [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 1

²¹⁴ Mr Glen Scholes, [Transcript of evidence](#), 14 May 2021, p 43

²¹⁵ [Answers to supplementary questions](#), Department of Communities and Justice, p 10

²¹⁶ [Answers to questions on notice](#), Community Legal Centres NSW, 3 June 2021, p 1

²¹⁷ [Answers to questions on notice](#), Women's Legal Service NSW, 18 June 2021, p 3

²¹⁸ Ms April Long, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 4

²¹⁹ Ms Carolyn Jones, Senior Solicitor, Legal Education and Advice in Prison for Women Program, Women's Legal Service NSW, [Transcript of evidence](#), 14 May 2021, p 17

Best practice for visiting facilities

Recommendation 21

The Committee recommends that Corrective Services NSW develop best practice guidelines for spaces for family visits to imprisoned parents, to be used in new builds or refurbishments.

- 2.133 The provision of specialised services for children and family visits to correctional centres appears to vary across the state. The Committee considers that best practice guidelines should be developed which identify facilities that would be most useful to support families and children visiting imprisoned parents. While the Committee recognises that this may not be possible in all existing correctional centres, it should become a key consideration when correctional centres are refurbished or new centres are built.
- 2.134 The lack of suitable facilities to ensure children's needs are met can be a barrier to visiting imprisoned parents, particularly for younger children.
- 2.135 The Committee is pleased to note that DCJ submitted that 'CSNSW is committed to providing child and family friendly visit areas'.²²⁰ Silverwater Correctional Centre was highlighted as having good facilities, including: a purpose-built area for scheduled visits by family members and friends; two separate contact visit rooms handling up to 35 visitors for 12 inmates; a separate non-contact visit area for up to eight visitors for four inmates; an outdoor children's play area; a mother's feeding and sitting area; and a nappy changing room.²²¹
- 2.136 Clarence Correctional Centre also provides play areas and technology for children that aim to replicate what they are used to in their day-to-day lives.²²²
- 2.137 However, SHINE for Kids raised concerns that, during a recent expansion project involving the extension of a number of complexes and the building of new facilities, there was insufficient consideration on whether these buildings were family friendly.²²³ The Committee also notes that during its visits of inspection, it found there were differing levels of suitability for families and children in visiting areas.
- 2.138 The Committee notes that DCJ is aware of the importance of providing appropriate visiting facilities and encourages their expansion across more correctional centres. There would be a benefit in creating formal, well-researched best practice guidelines to improve consistency across NSW and establish a standard and performance target to be met.

²²⁰ [Submission 20](#), Department for Communities and Justice, p 4

²²¹ [Submission 22](#), Office of the Advocate for Children and Young People, p 10

²²² Mr Glenn Scholes, [Transcript of evidence](#), 14 May 2021, p 48

²²³ [Submission 10](#), SHINE for Kids, p 10

Counselling for children of imprisoned parents

Recommendation 22

The Committee recommends that children of imprisoned parents be offered specific counselling services to help them cope with the experience. This should include a culturally appropriate service for Aboriginal children and could also involve an optional mentoring service.

- 2.139 The experience of having an imprisoned parent can be a difficult one for children. Having an opportunity to speak confidentially with a professional counsellor would be an effective way to support these children through a difficult time. This counselling should be optional, but should be available to all children who think they would benefit from it.
- 2.140 It is important that these services are well publicised and that children of imprisoned parents are offered them, rather than having to find out about services themselves. The Committee considers that if a new role is established in DCJ focussing on children of imprisoned parents, as recommended in this report, they would be well placed to establish this process and also ensure that children know that counselling services are available. The Committee has also made recommendations to improve the collection of data on the number and situation of all children of imprisoned parents. This should help ensure that all children who want to take up these services are offered them.
- 2.141 Studies have shown that giving children an opportunity to talk about their situation and discuss problems they are facing have had positive outcomes. This has included feeling more in control, more confident, happier, and developing healthy coping behaviours.²²⁴
- 2.142 The Advocate for Children and Young People also highlighted that children of imprisoned parents are faced with a number of challenging decisions, including what contact they would like with their imprisoned parent. They stressed the need for children to be supported in these situations, noting that 'due to the complex and emotionally charged nature of decisions about contact, children are likely to need support to consider the decision outside of their family'.²²⁵
- 2.143 Mr Dennis van Someren, a volunteer for SHINE for Kids, had his own experience of having an imprisoned parent and now drives children to see parents in prison. He explained the benefits for children who he helped to transport: it is a form of 'mentoring on wheels' where children have someone to talk to, particularly someone who has had a similar experience to them. He highlighted the importance of this mentorship role.²²⁶

²²⁴ Dawson, A, Jackson D, Nyamathi, A, [Children of incarcerated parents: Insights to addressing a growing public health concern in Australia](#), December 2012, pp 2438-2439

²²⁵ [Submission 22](#), Office of the Advocate for Children and Young People, p 14

²²⁶ Mr Dennis van Someren, Volunteer, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 3

- 2.144 SHINE for Kids observed that offering opportunities for children of imprisoned parents, where they can talk to someone about what they are going through, helps to break down feelings of isolation they may be having. They stated that:
- Once a year we hold RISE Together where we bring all our mentees and mentors together to reduce the stigma and lift the weight of loneliness. We focus on increasing self-esteem and increasing peer support. For one day they are not the only one with a parent in prison because they are with children just like them.²²⁷
- 2.145 Whether through formal counselling or a mentor relationship, it is important for children of imprisoned parents to recognise that they do not have to go through the experience alone.
- 2.146 The Committee notes that there are some services available to children of imprisoned parents provided by DCJ, including family therapy, but these are reserved for children who are in the out-of-home-care system.²²⁸
- 2.147 Dr Elizabeth Watt, Research and Policy Manager, Yfoundations, also explained that there is limited availability for these services for children in Specialist Homelessness Services. She stated:
- The kind of services that have worked with this cohort—like Multisystemic Therapy and Functional Family Therapy—are all reserved for children who are within the out-of-home care system. They currently are not available to children in the Specialist Homelessness Services ... Regardless of the referral pathways, they are still quite small and specialised programs that are not available across the State.²²⁹
- 2.148 The role played by Aboriginal parents, particularly mothers and grandmothers, is also something that should be considered. Sista2sista outlined that for Aboriginal children:
- ... their mothers and grandmothers are not only their primary caregivers, but also their mentors, knowledge holders and story tellers. This removal can have a detrimental impact on a child's identity, well-being and relationship with their family, community and culture.²³⁰
- 2.149 Similarly, Deadly Connections highlighted that there needs to be an increase in:
- holistic and culturally responsive programs
 - acknowledgement of prisoners as parents and the vital role they play in their children's lives
 - culturally responsive programs that target factors that contribute to disadvantage, grief, loss and trauma.²³¹

²²⁷ [Submission 10](#), SHINE for Kids, p 30

²²⁸ [Submission 20](#), Department of Communities and Justice, p 16

²²⁹ Dr Elizabeth Watt, Research and Policy Manager, Yfoundations, [Transcript of evidence](#), 29 April 2021, p 13

²³⁰ [Submission 5](#), sista2sista, University of Technology Sydney, p 1

²³¹ [Submission 17](#), Deadly Connections Community and Justice Services, pp 9-10

- 2.150 These are all important considerations when formulating culturally appropriate support or mentoring services for Aboriginal children and young people.

Improving training for people working with children of imprisoned parents

Recommendation 23

The Committee recommends that the Department of Communities and Justice provide training or guidelines to all staff who may interact with children of imprisoned parents, including foster carers and out-of-home care managers, on how best to support and interact with these children.

Recommendation 24

The Committee recommends that the Department of Education devise new training for teachers who may have students with imprisoned parents, or promote existing accredited courses on how best to support and interact with children of imprisoned parents. Priority should be given to those schools which may have more of these children.

- 2.151 The Committee was also interested in the training that is provided to people who work with children of imprisoned parents. Stakeholders told the Committee about several areas where training could be improved for key points of contact that children of imprisoned parents will have with government agencies.
- 2.152 We recommend that training is developed and provided for these people so that the best outcomes can be achieved for these children.
- 2.153 Providing training to teachers is paramount, in light of the need to better support children of imprisoned parents in school settings. SHINE for Kids observed that NSW teachers are 'unaware of how to best support children with a parent in prison', they do not receive any relevant training on children of imprisoned parents as part of their studies, nor do most schools have 'policies for children of prisoners'.²³² We return to the issue of sharing information with school leaders and teachers in chapter 3.
- 2.154 SHINE for Kids has developed a Teacher Training program in partnership with the University of Western Sydney. This program has been accredited by the NSW Education Standards Authority and has been externally evaluated.²³³ The Committee believes that this program could be better promoted by the Department of Education in order to cover a greater number of schools, particularly those that may have more children with imprisoned parents.
- 2.155 In terms of homelessness services, which may include children of imprisoned parents, Yfoundations highlighted that US and Scandinavian jurisdictions have

²³² [Submission 10](#), SHINE for Kids, p 29

²³³ [Submission 10](#), SHINE for Kids, p 29

trialled relevant therapeutic residential placements for children with complex needs.²³⁴ These placements are supported by appropriately trained carers.

- 2.156 Such programs have the potential to improve individualised care and reduce recidivism in children experiencing homelessness. Dr Elizabeth Watt told the Committee, 'New South Wales is getting there' with treatment foster care placements, but there is scope for further improvement.²³⁵
- 2.157 Any efforts to develop new training and education opportunities for government staff should thoroughly consider the different points of contact that children of imprisoned parents may have with government services.

²³⁴ Dr Elizabeth Watt, [Transcript of evidence](#), 29 April 2021, p 17

²³⁵ Dr Elizabeth Watt, [Transcript of evidence](#), 29 April 2021, p 17

Chapter Three – Information gathering and sharing

- 3.1 This chapter discusses the need for improved data collection and information sharing mechanisms, in order to facilitate a better whole-of-government response to supporting children of imprisoned parents.
- 3.2 There are numerous data collection and data management issues that are limiting the ability of government departments and non-government agencies to achieve better outcomes for this vulnerable cohort. While there are important privacy considerations in the collection and sharing of data relating to these children and their parents, the Committee believes that several process improvements need to be made. The chapter discusses potential improvements to intake surveys, referral pathways, and information sharing mechanisms, both between government agencies and between government and non-government service providers.

Improving the availability and reliability of data

- 3.3 The Committee heard that there would be a benefit to having more publicly available data on the number of children of imprisoned parents in NSW.
- 3.4 The Committee recommends that both the Department of Communities and Justice (DCJ) and Corrective Services NSW (CSNSW) release more de-identified data on children of imprisoned parents. We also recommend that data collection practices are improved. This could take place through amendment or expansion of data collection tools, and through efforts to improve the quality and reliability of data provided by inmates.

Improving the availability of data on children of imprisoned parents

Recommendation 25

The Committee recommends that the Department of Communities and Justice release more de-identified data on children of imprisoned parents.

- 3.5 Most stakeholders told the Committee that there is inadequate data publicly-available on children of imprisoned parents. The number of children in NSW who have a parent in prison is currently unknown.²³⁶ As Yfoundations submitted, data

²³⁶ [Submission 2](#), Office of the Children's Guardian, p 2; [Submission 6](#), Dr Kath McFarlane, p 6; [Submission 8](#), Royal Australian and New Zealand College of Psychiatrists, p 3; Dr Mindy Sotiri, Former Director, Advocacy Policy, Research, Community Restorative Centre, [Transcript of evidence](#), 14 May 2021, pp 2-3; [Submission 16](#), Law Society of NSW, p 2; [Submission 24](#), Public Health Association of Australia p 4; [Submission 19](#), Women's Legal Service NSW, p 5; [Submission 22](#), Advocate for Children and Young People, pp 5-6; [Submission 23](#), Adjunct Associate Professor Karleen Gribble, p 3; [Submission 25](#), Community Legal Centres NSW, p 14; [Answers to supplementary questions](#), Keeping Women Out of Prison Coalition, 16 June 2021, p 1

on children of imprisoned parents is 'piecemeal and not routinely collected and released by any state or federal government'.²³⁷

- 3.6 Improving data collection on children of imprisoned parents was recommended by the Standing Committee on Social Issues in its 1997 inquiry.²³⁸ Some stakeholders noted that there have been improvements in the collection of data on children of imprisoned parents, including data on the number of inmates who are parents.²³⁹ However, there is still need for further progress. For example, while CSNSW collects data on how many inmates have children, they are unable to determine 'the reverse percentage' of how many children have parents in prison.²⁴⁰
- 3.7 The CSNSW Intake Screening Questionnaire collects some data on inmates' children. However, this information is not made publicly available. While the Bureau of Crime Statistics and Research (BOCSAR) publishes data from its annual inmate census, Dr Kath McFarlane noted that 'it does not include any information regarding prisoners' parenthood status, child-care arrangements or OOHC status'.²⁴¹
- 3.8 The Keeping Women Out of Prison (KWOOP) Coalition submitted that, 'Accurate data on the number of dependent children of women in custody should be made available to relevant service providers'.²⁴² KWOOP observed that BOCSAR 'is able to provide the highest standard of statistical data and analysis for public use'.²⁴³ Similarly, they identified recent valuable statistical work on mothers in custody by Corrections Research, Evaluations and Statistics (CRES).²⁴⁴
- 3.9 However, KWOOP noted their difficulties in finding 'other reliable sources of data on the children of prisoners in NSW'.²⁴⁵ They argued that it is:
- ...impossible to formulate, deliver and sustain effective advocacy for any cause without accurate updated data from reliable sources.²⁴⁶
- 3.10 The lack of available data has significant impacts in terms of supporting children of imprisoned parents. For example, the Royal Australian and New Zealand College of Psychiatrists submitted that:

²³⁷ [Submission 9](#), Yfoundations, p 7

²³⁸ Legislative Council Standing Committee on Social Issues, [A report into children of imprisoned parents](#), report number 12, Parliament of New South Wales, July 1997, pp 14, 38

²³⁹ [Submission 10](#), SHINE for Kids p 45; [Submission 3](#), Mr Grant Mistler, p 3; Ms Rani Young, Principal Policy Officer, Corrections Strategy and Policy, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 61

²⁴⁰ Ms Smith, Governor, Dillwynia and Emu Plains Correctional Centres, [Transcript of evidence](#), 14 May 2021, p 60

²⁴¹ [Submission 6](#), Dr Kath McFarlane, p 8

²⁴² [Submission 15](#), Keeping Women Out of Prison Coalition, p 6

²⁴³ [Answers to supplementary questions](#), Keeping Women Out of Prison Coalition, 16 June 2021, p 3

²⁴⁴ [Answers to supplementary questions](#), Keeping Women Out of Prison Coalition, 16 June 2021, p 1

²⁴⁵ [Answers to supplementary questions](#), Keeping Women Out of Prison Coalition, 16 June 2021, p 1

²⁴⁶ [Answers to supplementary questions](#), Keeping Women Out of Prison Coalition, 16 June 2021, p 2

Clinicians working with the children and families affected confirm that the lack of data about how many children are affected and who they are is a barrier to adequate and timely support for children.²⁴⁷

- 3.11 Community Legal Centres NSW also submitted that data provided to the Collaborative Legal Service Delivery program – which provides legal services to at risk and high needs groups – does not include data on families and young people affected by parental imprisonment.²⁴⁸
- 3.12 The Committee recommends that either DCJ, through CSNSW, or as a whole, release more data on children of imprisoned parents for use outside of the department. This data may come from existing data sources (such as the Intake Screening Questionnaire) or from new inmate surveys that focus on children and parenting. This data should be de-identified to protect the privacy of children and parents affected by incarceration.
- 3.13 Such data could be published through research reports or statistical publications, by DCJ's CRES or BOCSAR. There is an evident need for more research that can improve our understanding of the impacts of parental incarceration and the linkages between the child protection and justice systems, particularly in Australian and NSW contexts. Some stakeholders recommended that government agencies undertake more research on parental incarceration and the experiences of children of imprisoned parents.²⁴⁹
- 3.14 De-identified data could also be released in the form of publicly-available databases that can be analysed by agencies and organisations outside of DCJ. Service providers would likely benefit from the ability to export data on children of imprisoned parents in a customised form that is relevant to their specific operations. For example, NGOs providing transportation for children could better plan their services if they had accurate information on which correctional facilities accommodate a greater number of parents.

Amending the Intake Screening Questionnaire or utilising a different, child-focused questionnaire

Recommendation 26

The Committee recommends that Corrective Services NSW collect more information from inmates on whether they have children and the nature of their relationship with those children.

Recommendation 27

The Committee recommends that Corrective Services NSW conduct annual surveys with inmates to find any changing circumstances in their relationships with their children and about the services needed for the prisoner or their children.

²⁴⁷ [Submission 8](#), Royal Australian and New Zealand College of Psychiatrists, pp 3-4

²⁴⁸ [Submission 25](#), Community Legal Centres NSW, p 14

²⁴⁹ For example: [Submission 6](#), Dr Kath McFarlane, p 24; [Submission 22](#), Office of the Advocate for Children and Young People, pp 12, 17

- 3.15 The Committee was interested in the specific content of the Intake Screening Questionnaire (ISQ). When the Committee discussed the ISQ during the hearings, it became clear that it is not an effective tool for collecting data on children of imprisoned parents. The Committee recommends that the ISQ is either amended to collect more information on children, or that an alternate questionnaire is developed to focus on children and parenting. This will help to ensure that children who need assistance are identified and supported.
- 3.16 The ISQ is the primary mechanism by which CSNSW collects information about inmates, and some of its questions pertain to any dependent children an inmate may have. The Committee heard that the ISQ is usually completed by CSNSW staff in court settings, as this a key point of entry into custody. An inmate is asked approximately 80 questions, and a corrections officer records their responses. This information is then entered onto the inmate's casefile, which is stored digitally in the CSNSW Offender Information Management System.²⁵⁰
- 3.17 CSNSW provided a copy of the ISQ during the hearing, and discussed the specific questions that relate to inmates' children. The ISQ asks an inmate for:
- their parenting status;
 - the number and age of their children;
 - the name and contact details of the person caring for their children while they are in custody;
 - whether there are any care orders for the children; and
 - if the inmate has any concerns about the safety of the children.²⁵¹
- 3.18 The questionnaire prompts the interviewer to consider the need for making a report to the Child Protection Helpline, or contacting Police when a child is in immediate danger.²⁵²
- 3.19 The ISQ is not intended to focus on inmates' children. DCJ described how the ISQ is used primarily for collecting 'critical personal information to address any immediate risks to the safety and health of an inmate'.²⁵³ Dr Kath McFarlane also submitted that, while the ISQ allows CSNSW to ascertain that the offender has made care arrangements for a child, it 'has not been regarded [by CSNSW] as a comprehensive, data collection tool'.²⁵⁴

²⁵⁰ [Answers to questions on notice, Department of Communities and Justice](#), 1 July 2021, p 5; Tabled document, Department of Communities and Justice, [Intake Screening Questionnaire](#), 14 May 2021; Governor Smith, Transcript of evidence, [14 May 2021](#), pp 68-69, 70

²⁵¹ Tabled document, [Intake Screening Questionnaire](#), 14 May 2021, pp 4-6

²⁵² Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District Youth Services, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 71; Tabled document, Department of Communities and Justice, [Intake Screening Questionnaire](#), 14 May 2021, p 6

²⁵³ [Answers to questions on notice, Department of Communities and Justice](#), 1 July 2021, p 5

²⁵⁴ [Submission 6](#), Dr Kath McFarlane, p 8

- 3.20 However, when DCJ has presented data on children of imprisoned parents to the Committee, the ISQ appears to be the main source of this.²⁵⁵ Other data sources used by DCJ, such as the linked Human Services Dataset (HSDS), do not appear to have been analysed in relation to children of imprisoned parents.²⁵⁶ In responses to questions taken on notice, DCJ indicated that using HSDS data to focus on children of imprisoned parents 'may be undertaken in the future'.²⁵⁷
- 3.21 While the ISQ asks numerous questions about children, the Committee notes several areas where it could be improved. As discussed above, this data could be released to assist service providers and researchers once it is collected. It could also be shared with other government departments and cross-referenced with other datasets. We acknowledge, however, that the data collected on the family and children of young people in custody through the Adolescent Health Initial and Comprehensive assessments are more comprehensive.²⁵⁸
- 3.22 The Committee recommends that, as one possible improvement, the ISQ be amended to better capture information on the children of imprisoned parents. For example, the Committee heard that there is no question on the ISQ that asks the interviewer to record the names of an offender's children. Recording this vital information is left to the discretion of the interviewer, and may be recorded in the forms' comments section.²⁵⁹
- 3.23 Alternatively, DCJ and CSNSW could develop new data collection tools that focus specifically on the children of inmates. Consideration should also be given to collect additional information on children's and families' circumstances in order to improve service delivery and referral pathways.
- 3.24 There is also a need to ensure continuity of data following intake. Rather than rely solely on the ISQ, follow-up data on inmates' children should be collected during their sentence. This could be annual, in the case of inmates serving long sentences, or more frequently for inmates on remand. Data could be collected at additional stages of the justice system, such as during the initial arrest or once the inmate has been accommodated in a correctional facility. Where appropriate, data could also be collected from children or partners of prisoners, such as when a child or parent utilises non-government service providers.
- 3.25 This will be an additional mechanism to ensure that children of imprisoned parents are properly considered and given the support they need, throughout a parent's sentence.

²⁵⁵ [Submission 20](#), Department of Communities and Justice, pp 2-3; Answers to questions on notice, Department of Communities and Justice, date, p 5; [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, p 10

²⁵⁶ [Answers to questions on notice](#), Department of Communities and Justice, 1 July 2021, p 8

²⁵⁷ [Answers to questions on notice](#), Department of Communities and Justice, 1 July 2021, p 8

²⁵⁸ [Answers to questions on notice](#), NSW Health, 15 June 2021, p 2

²⁵⁹ Governor Smith, [Transcript of evidence](#), 14 May 2021, p 72

Improving the reliability of data from the Intake Screening Questionnaire

Recommendation 28

The Committee recommends that the Department of Communities and Justice improves the reliability of data from the Intake Screening Questionnaire, including cross-referencing data held by other agencies. This should include engagement with Aboriginal community-controlled organisations in the administration of data collection tools.

- 3.26 The Committee also heard that data from the ISQ is often unreliable. The limited information on children that is collected through the ISQ is reliant on self-reporting from the inmates. This person may have been taken into custody very recently and may be distraught.²⁶⁰
- 3.27 There may also be limited rapport or trust between an offender and the person who is administering the ISQ. A person who has just been taken into custody, may be reluctant to provide personal information to corrections officers – particularly as it pertains to their children. As Ms Emma Smith, Governor of the Dillwynia and Emu Plains Correctional Centres identified, 'no-one wants to be reported in regards to child protection issues.'²⁶¹ Ms Keisha Hopgood, Managing Solicitor, Children's Criminal Practice, Aboriginal Legal Service, also told the Committee that inmates:
- ...might be hoping that they go into custody, get on the telephone and they are able to organise their own arrangements for the child or young person, whereas if that is brought to the attention of the court, what is going to happen to the kids?²⁶²
- 3.28 Governor Smith observed that, 'Inmates, in general, are honest about it'.²⁶³ However, the ISQ is nonetheless a 'self-reporting mechanism'.²⁶⁴ Dr Leigh Haysom, Clinical Director, Justice Health and Forensic Mental Health Network, NSW Health, described how data collection relating to young people in custody also relies on self-reporting.²⁶⁵
- 3.29 The Committee was also concerned that there is no formal or mandated process that requires cross-checking of ISQ data against any other information that DCJ may have on an offender's children. Governor Smith, said that corrections officers are sometimes able to tell when information is inaccurate – inmates 'might say one thing but portray another'. The officer can then initiate reporting to the Child Protection Helpline or to NSW Police.²⁶⁶

²⁶⁰ Governor Smith, [Transcript of evidence](#), 14 May 2021, p 70

²⁶¹ Governor Smith, [Transcript of evidence](#), 14 May 2021, p 69

²⁶² Ms Keisha Hopgood, Managing Solicitor, Children's Criminal Practice, Aboriginal Legal Service (NSW/ACT), [Transcript of evidence](#), 29 April 2021, p 45

²⁶³ Governor Smith, [Transcript of evidence](#), 14 May 2021, p 69

²⁶⁴ Ms Rani Young, [Transcript of evidence](#), 14 May 2021, p 59

²⁶⁵ Dr Leigh Haysom, Clinical Director, Adolescent Health, and Director, Medical Programs, Justice Health and Forensic Mental Health Network, NSW Health, [Transcript of evidence](#), 14 May 2021, p 59

²⁶⁶ [Correspondence](#), Letter from Governor Smith dated 27 May 2021 – clarification of statements made in public hearing, p 2; Tabled document, Department of Communities and Justice, [Intake Screening Questionnaire](#), 14 May 2021, p 6

- 3.30 However, this relies on the intuition of each corrections officer. Ms Simone Czech, Deputy Secretary of Child Protection and Permanency, District Youth Services, DCJ, described a similar issue in the case of cross-referencing self-reported data against DCJ data on children.
- We are able to look into our system, and sometimes we can verify children, but it would require the corrections officer actually going back and checking, because there may be more than one child.²⁶⁷
- 3.31 The Committee recommends that greater efforts are made to improve the reliability of data from the ISQ. One key step would be to introduce more formal cross-checking protocols into the ISQ process. Another would be to develop strategies or processes that can improve trust or rapport between an offender and the person administering the ISQ. As Ms Janet Schorer, Children's Guardian, noted, non-government organisations may be better placed to support people 'during an interview process or an arrest', and to then 'reach out to the family or to different services' for support.²⁶⁸
- 3.32 This is particularly important in the case of Aboriginal and Torres Strait Islander people. Aboriginal families may have had disproportionate engagement with the justice and child protection systems. Deadly Connections highlighted that this overrepresentation has resulted in intergenerational trauma that is experienced by many Aboriginal people.²⁶⁹ This may result in distrust of government institutions and hesitancy to divulge family information during data collection exercises, such as an ISQ interview.
- 3.33 We strongly recommend that consideration is given to consulting with Aboriginal community-controlled organisations (ACCOs) and, where possible, using their personnel when collecting data on inmates' children. In contrast with using correctional officers to administer the ISQ or other data collection tools, ACCOs may better 'represent the network of family and community that can come in around a family and support them to make sure that the children stay in place, are secure, know what is going on and have family around them'.²⁷⁰ As Ms Hopgood identified, this could include having Aboriginal support staff based in court houses.²⁷¹

Improving data sharing between departments and organisations while parents are in custody

- 3.34 The Committee heard of numerous areas where the management and sharing of data on children of imprisoned parents needs to be improved.
- 3.35 This includes the management of a consistent dataset or data system relating to children of imprisoned parents, particularly those who are in out-of-home care placements. Such a dataset should be shared across DCJ, other departments and

²⁶⁷ Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, p 73

²⁶⁸ Ms Janet Schorer, Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29

²⁶⁹ [Submission 17](#), Deadly Connections Community & Justice Services Inc, p 4; see also [Submission 11](#), Aboriginal Legal Service (NSW/ACT), pp 5-6

²⁷⁰ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29

²⁷¹ Ms Keisha Hopgood, [Transcript of evidence](#), 29 April 2021, p 45

non-government service providers, where appropriate, with necessary safeguards in place to ensure that the privacy of children and their parents is respected. By improving data systems, fewer children are likely to miss out on the existing supports that are available to them, and new supports can be developed with a firm grounding in accurate data.

Improving data sharing within and between government departments

Recommendation 29

The Committee recommends that the Department of Communities and Justice maintain a consistent dataset or data system on all children whose parents are in prison. Specific consideration should be given to identifying and supporting those children who are in out-of-home care.

Recommendation 30

The Committee recommends that the Department of Communities and Justice shares this data across the Department, and with other Departments and non-government service providers, where appropriate, to develop and support policies and programs that focus on children of imprisoned parents.

- 3.36 The Committee heard that there is no centralised data system or dataset that adequately identifies children of imprisoned parents and assists in linking them with necessary support programs. This issue was identified by stakeholders who are integral to the protection and support of children in NSW, including representatives from DCJ, NSW Health and the Office of the Children's Guardian.
- 3.37 The Committee recommends that a consistent dataset or data system is maintained on all children whose parents are in prison. We also recommend that this data is shared across DCJ and other relevant departments, when it is necessary and appropriate to do so. This will ensure that accurate and timely data is provided for service delivery to better support these children. Linking new or existing cross-departmental datasets will also assist in the development of additional policies or programs for supporting children of imprisoned parents.
- 3.38 A recurring theme from witnesses was that there has not been a coherent whole-of-government response to support children of imprisoned parents, and this issue is shaped by the lack of adequate information sharing.²⁷²
- 3.39 The Committee heard that 'siloed' government departments and 'ad hoc' delivery of services have caused these children to 'fall through the cracks' and not receive proper support.²⁷³ Representatives for SHINE for Kids told the Committee that, across government agencies, there are no clear targets for improving outcomes for children of imprisoned parents, nor any collection of data that measures progress.²⁷⁴

²⁷² For example: Ms April Long, National Operations Manager, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 8; Adjunct Associate Professor Karleen Gribble, [Transcript of evidence](#), 29 April 2021, pp 36-37, 38; [Submission 2](#), NSW Office of the Children's Guardian, p 4

²⁷³ Ms April Long, [Transcript of evidence](#), 29 April 2021, pp 2, 8

²⁷⁴ Ms April Long, [Transcript of evidence](#), 29 April 2021, p 8

- 3.40 The Office of the Children's Guardian also highlighted that 'the flow of information between children's services and adult's services has a significant impact on how well the relationship between children and imprisoned parents is facilitated'.²⁷⁵
- 3.41 The Committee heard that the creation of DCJ, which combined the former departments of Justice and Family and Community Services, has not led to better communication between the two departments. Professor Gribble told the Committee, 'They really should be communicating with one another in a much better way...They should be actively advocating for these very vulnerable children'.²⁷⁶
- 3.42 The issue of information sharing and departmental coordination also extends to government departments beyond DCJ. Professor Gribble told the Committee the lack of clarity in inter-departmental communication, and the relevant roles and responsibilities, can have implications for the health of imprisoned mothers and their babies. She told the Committee that issues have arisen when women give birth while under custodial supervision:
- Even when a woman gives birth in a hospital, you can have those three different agencies involved. You have got the justice section; you have got Communities involved; and you have also got the department of health. Sometimes women do not get the same care that they would get if there was not that involvement, simply because midwives are not really aware of who is in charge. That is one of the factors that plays in within the hospital. But even with things like transporting milk or making sure that mothers get to be with their baby in hospital if they are hospitalised, there is a real breakdown because we have got different agencies involved.²⁷⁷
- 3.43 Given the pathways between the child protection system and justice system, there is a particular need to identify and support children who are in OOHC. This information is required to inform decisions made about their situation, such as visiting requirements. The Children's Guardian also advised that at least a 'basic level of information' on parental imprisonment needs to be included in children's case management plans in order to provide necessary support services.²⁷⁸
- 3.44 Some stakeholders also identified the need to collect or better utilise data that is relevant to supporting children of imprisoned parents. This includes:
- the extent to which NSW Police use alternatives to arrest (such as cautions or penalty notices);²⁷⁹
 - how often a child is present during a parent's arrest and what the impacts are of witnessing parental arrest;²⁸⁰

²⁷⁵ [Submission 2](#), NSW Office of the Children's Guardian, p 4

²⁷⁶ Adjunct Associate Professor Karleen Gribble, [Transcript of evidence](#), 29 April 2021, p 36

²⁷⁷ Adjunct Associate Professor Karleen Gribble, [Transcript of evidence](#), 29 April 2021, pp 36-37.

²⁷⁸ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29

²⁷⁹ [Submission 11](#), Aboriginal Legal Service (NSW/ACT) Limited, p 16

²⁸⁰ [Submission 22](#), Office of the Advocate for Children and Young People, sub p 6

- reviewing Police data on domestic violence incidents, so as to reduce the number of misidentified perpetrators;²⁸¹ and
 - the need to better understand the parenting status of men in custody.²⁸²
- 3.45 Dr Gribble also recommended that more data is collected on mothers who are or have been in custody. In particular, whether mothers are breastfeeding at the point of incarceration and how long they were separated from their children (on release).²⁸³
- 3.46 Stakeholders often recommended that centralised or coordinated information flows be developed to improve service delivery. Dr Haysom said that data on children of imprisoned parents 'is the sort of information that should be collected centrally, by the courts, to a central agency'.²⁸⁴ Mr Glen Scholes, General Manager, Clarence Correctional Centre, Serco, suggested a 'single portal' for information sharing and service referral would be beneficial for reintegration officers and people involved in inmates' case planning.²⁸⁵
- 3.47 The Children's Guardian advised that 'a big system that rules the world' may not be necessary, but also told the Committee that system collaboration should be 'much more assertively expected'.²⁸⁶ She stated:
- This should be through a centralised process that is accessible to a range of stakeholders, to better inform policy making about imprisoned parents, and to make sure that we have a coordinated and holistic response to the needs of children and young people, with early interventions that properly engage parents and their vulnerable children.²⁸⁷
- 3.48 The Committee heard about recent developments in the linking of government datasets relating to children. In particular, the Committee's attention was drawn to the Human Services Dataset (HSDS).²⁸⁸ The HSDS was created as part of the Their Futures Matter initiative and links data from 11 government agencies.²⁸⁹ Consideration should be given to linking data from the ISQ with other datasets like the HSDS.
- 3.49 The Committee notes that some data on parent or carer imprisonment is already included in the HSDS, such as through child protection reports.²⁹⁰ It would be a useful exercise to further link and highlight parental imprisonment data within this large dataset (particularly for children who are yet to have contact with the

²⁸¹ [Submission 19](#), Women's Legal Service NSW, sub p 6

²⁸² [Submission 17](#), Deadly Connections Community & Justice Services Inc, p 10

²⁸³ [Submission 23](#), Professor Karleen Gribble, p 10.

²⁸⁴ Dr Haysom, Transcript of evidence, [14 May 2021](#), p 61

²⁸⁵ Mr Glen Scholes, Clarence Correctional Centre General Manager, Serco Group plc, [Transcript of evidence](#), 14 May 2021, p 53

²⁸⁶ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 31

²⁸⁷ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 28

²⁸⁸ [Supplementary submission 20a](#), Department of Communities and Justice, currently p 1

²⁸⁹ Department of Communities and Justice, [TFM Human Services Data Set](#), viewed 16 November 2021

²⁹⁰ [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, currently p 1

child protection system), and explore ways in which it can be shared between agencies for the purposes of service delivery.

- 3.50 One final consideration is that the type of data collected and shared needs to be expanded beyond simple statistical facts. Dr McFarlane highlighted the need for 'personalised' information on children in out-of-home care, as the qualitative circumstances that may have led to offending behaviour is inadequately captured by large governmental datasets.²⁹¹
- 3.51 Similarly, the Children's Guardian told the Committee that the specific data system may be less important than the quality and depth of the data itself. The Guardian emphasised the need for a child's 'story' to be properly told in order for it to be understood by the people who can help them.

A system that has respect for a child's story and information is as important as the facts about their mental health, their health or those sorts of things. Both have to be shared.²⁹²

Improving operational triggers and service referral pathways

Recommendation 31

The Committee recommends that Corrective Services NSW promptly notify relevant Departments, and other organisations where appropriate, when an inmate with children enters a correctional centre.

- 3.52 In addition to the overarching concerns about data systems and information sharing, stakeholders told the Committee that there is an acute need for better 'operational triggers' that inform relevant services when an inmate with children is taken into custody. This would allow children of imprisoned parents to be identified more quickly and offered any support they may need. It is unclear whether the Intake Screening Questionnaire is effective in triggering support mechanisms for children of imprisoned parents. A more formal process would ensure that relevant Departments are informed as soon as practicable.
- 3.53 The Committee heard that inadequate procedures are in place to alert services that a child has a parent in custody. The Office of the Children's Guardian supports 'efforts to make children 'visible' at an early stage in their parent's contact with the correctional system'.²⁹³ The Children's Guardian also told the Committee that the need for timely information is critical in the case of making alternative care arrangements for children. Service providers need:

... access to the right kind of information in a timely way, particularly when, as often happens in relation to the care system, decisions about an alternative placement are made quickly. Being able to have the right information about that young person and being able to place them well and settle them well can be challenging.²⁹⁴

²⁹¹ Dr Kath McFarlane, [Transcript of evidence](#), 14 May 2021, p 28

²⁹² Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 31

²⁹³ [Submission 2](#), Office of Children's Guardian, p 4.

²⁹⁴ Children's Guardian, [Transcript of evidence, 29 April 2021](#), p 31

- 3.54 SHINE for Kids identified that referral pathways and early support for children of imprisoned parents were particularly lacking in school settings. In the absence of any whole-of-government strategy or policy relating to children of imprisoned parents, or any DCJ staff who take direct responsibility for them, there is 'currently no information sharing between Education, Corrections and SHINE for Kids'.²⁹⁵ Many school principals have 'no idea' that their students have parents in prison.²⁹⁶
- 3.55 The need for school leaders and teachers to be informed of parental imprisonment is crucial, as the school setting is an important source of support for children who are experiencing disruption in their home lives. SHINE told the Committee:
- Schools are the one institution that almost all children regularly attend. They are an important source of support for children with imprisoned parents and have potential to contribute to their emotional wellbeing. However, schools are often unaware of the existence of the children of prisoners, or their needs... Where teachers or other trusted school staff (such as assistants or school nurses) do know about the situation, they can support the child emotionally, academically and practically, although this does not always happen.²⁹⁷
- 3.56 Better referral pathways between DCJ, Education and other NGOs like SHINE could improve the support provided to children, with school as the point-of-delivery. This includes using teachers for early intervention supports or improving their understanding of students' changes in behaviour.²⁹⁸ SHINE's RISE Education program would be able to access more children of imprisoned parents if information sharing were improved.
- 3.57 From the parent's perspective, the Committee also heard that referral pathways could be improved for parents in custody. Ms Kat Farrar, LEAP Solicitor, Warringa Baiya Aboriginal Women's Legal Centre, told the Committee that it is often legal services who provide assistance in information gathering and service referral to women in custody. Legal service personnel will often need to 'go off and spend a lot of time finding out all the things that they need to know and then providing legal advice and assistance'.²⁹⁹

Privacy considerations in the collection and sharing of data on children of imprisoned parents

Recommendation 32

The Committee recommends that the Department of Communities and Justice develop guidelines and protocols on the management of data on children of imprisoned parents, so that respect for the privacy of children and parents is

²⁹⁵ [Answers to supplementary questions](#), SHINE for Kids, 30 June 2021, first page after cover (1 or 2)

²⁹⁶ [Submission 10](#), SHINE for Kids, p 30

²⁹⁷ [Answers to supplementary questions](#), SHINE for Kids, 30 June 2021, final page (3 or 4)

²⁹⁸ [Submission 10](#), SHINE for Kids, p 29

²⁹⁹ Ms Kat Farrar, LEAP Solicitor, Warringa Baiya Aboriginal Women's Legal Centre, [Transcript of evidence](#), 29 April 2021, p 51

balanced against the need to ensure that service providers have access to accurate, timely and useful data.

- 3.58 Information gathering and sharing raises important considerations in relation to children's privacy and that of their parents. This includes an awareness of the rights of children and parents not to inform government agencies of their family circumstances or arrangements relating to parental incarceration.
- 3.59 During the Committee's site visits, we heard from some inmates whose children were not aware they were in prison. For varied reasons, an inmate and their partner or spouse may not wish for their children to know that one of their parents is incarcerated.
- 3.60 There is also the need to avoid sharing information on parental imprisonment beyond the level required for ensuring children are properly supported. As SHINE for Kids have noted, 'Where the fact of parental imprisonment becomes public knowledge, children can be bullied and stigmatised'.³⁰⁰
- 3.61 This is equally important for other supports, such as post-release accommodation for former inmates and their children. Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services, DCJ, outlined that housing services do not ask people whether they have had a criminal conviction or provide 'any more [information] than a private real estate agent would require people to give'.³⁰¹
- 3.62 However, respect for individuals' privacy needs to be balanced against the imperative for properly supporting children of imprisoned parents. The Children's Guardian told the Committee that, due to the stigma or fear of being removed from their family, children are unlikely to voluntarily share information about parental imprisonment. Therefore, there needs to be more active information sharing by relevant agencies.³⁰²
- 3.63 Dr McFarlane also reported that a significant impediment to effective data sharing is a 'misunderstanding of privacy and ethics' that results in agencies holding information 'closely'. Dr McFarlane argued that, this has 'suppressed information rather than allowed for its free and frank exchange'.³⁰³
- 3.64 Making efforts to obtain consent from parents and older children could alleviate this issue. SHINE for Kids told the Committee that, as a lead organisation working with children of imprisoned parents, they would be well-positioned to obtain consent to share data, at various stages during incarceration.

A referral pathway that positions SHINE as the conduit or advocate for children with a parent in prison is critical...

³⁰⁰ [Answers to supplementary questions](#), SHINE for Kids, 30 June 2021, final page (3 or 4)

³⁰¹ Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 73

³⁰² Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29

³⁰³ Dr Kath McFarlane, [Transcript of evidence](#), 14 May 2021, p 26

The referral pathway should also allow for children 14 years and over to give consent to information being exchanged between departments on this issue, irrespective of parental consent. The child's views ought to be paramount in this respect.³⁰⁴

- 3.65 Further to potential exemptions to using de-identified data discussed above, there are existing mechanisms that allow for the sharing of information on children, when it is in their best interests. For example, the Children's Guardian described the information exchange and service coordination provisions under chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*. While this legislation is directed towards 'a slightly different purpose' and may not cover every organisation that works with children of imprisoned parents, it may serve as a model for how future information exchange mechanisms could operate.³⁰⁵ The Guardian observed that:

an obligation on an organisation to share information so that it can be proactively used for the immediate wellbeing of that child, would seem to be a step towards almost obliging agencies to actively share information.³⁰⁶

The co-located child protection caseworkers program

Finding 4

The recent introduction of co-located child protection caseworkers who are based in correctional facilities has the potential to improve service delivery for children of imprisoned parents.

Recommendation 33

The Committee recommends that, depending on the results of the evaluation, the Department of Communities and Justice expand the co-located child protection caseworkers program to additional correctional centres in NSW.

- 3.66 In June 2020, DCJ employed eight co-located child protection caseworkers who are based in select NSW correctional facilities. They are generalist caseworkers who are based in prisons with female inmates, specifically: Silverwater, Dillwynia, Emu Plains, Wellington, Mid-North Coast and the Clarence Correctional Centre operated by Serco.³⁰⁷
- 3.67 The Committee considers that these caseworkers can play an important part in supporting inmates in their role as a parent and help to ensure that their children have received assistance where necessary. As such, provided the evaluation of the program is positive, we support more of these caseworkers being co-located in additional correctional centres in NSW to support a greater number of parents and their children.
- 3.68 This caseworker program focuses on female inmates and can assist with numerous issues relating to children. This includes: locating and establishing

³⁰⁴ [Answers to supplementary questions](#), SHINE for Kids, 30 June 2021, final page (3 or 4)

³⁰⁵ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29.

³⁰⁶ Children's Guardian, [Transcript of evidence](#), 29 April 2021, p 29.

³⁰⁷ [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, p 2; Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, p 63.

contact with children, and linking with housing or other support services ahead of release from prison. Representatives from DCJ noted that the co-located caseworkers are able to support mothers by finding post-release accommodation.³⁰⁸ Ms Simone Czech explained the work undertaken in this program, particularly as it relates to supporting children:

... the idea is that they talk to women, regardless of their length of stay in the facility, about their particular needs as it concerns children. It might be that they have been separated from their children because of their entry into prison. It may be that they are coming up for exit, need somewhere to stay, want to get their children restored into their care, and need some additional supports. It may be that they have got children in out-of-home care and they have lost contact with the children while in prison. The other area is pregnant women in prison who are coming up for release and may, in fact, be at risk of homelessness upon release.³⁰⁹

- 3.69 The Committee heard that an evaluation of the program is planned.³¹⁰ Ms Czech reported that the project is 'small scale' and still in its early stages.³¹¹ However, there is anecdotal evidence that the co-located caseworkers program is producing positive outcomes, and has been popular with inmates.³¹² In particular, the program has had some success in helping mothers who are pregnant or have recently given birth retain care of their babies after release from prison.

I have heard some absolutely lovely stories about the work that our caseworkers have done, in collaboration with our corrections colleagues, to make sure that, before those women are released, they do have housing and they have got supports in place. There have been cases where... had that woman been released in the absence of this program, we would have removed that baby at birth—but women have been able to keep their baby. That is one short case study, but there are many of those.³¹³

- 3.70 Given that CSNSW identified 5892 inmates as having children upon entering the corrections system in 2019, the Committee considers that there would be a significant benefit in increasing the pool of co-located caseworkers to more effectively support more children with imprisoned parents.³¹⁴ The Committee also believes that any future expansion of the program should also include fathers in custody.
- 3.71 As discussed in chapter 2, there is a strong case for establishing a specific role or business unit within DCJ that takes responsibility for supporting this specific cohort of vulnerable children. The Committee is of the view that an expansion of the co-located caseworker program should complement this new role. While we note the value of the caseworkers' engagement with mothers in custody, we

³⁰⁸ Mr Paul Vevers, & Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, pp 63-64

³⁰⁹ Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, p 63

³¹⁰ Supplementary [Submission 20a](#), Department of Communities and Justice, p 2

³¹¹ Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, p 63

³¹² Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, p 63

³¹³ Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, p 63

³¹⁴ [Submission 20](#), Department of Communities and Justice, p 3

emphasise that a dedicated role – where children are the focal point – still needs to be created.

3.72 The co-located caseworkers should also link parents and children with supports in the non-government sector, such as SHINE for Kids or the Community Restorative Centre. They could also advocate for children of imprisoned parents through liaison with government departments outside of DCJ (particularly the Department of Education).

3.73 The Committee also acknowledges that the recruitment for the caseworkers 'sought applications from experienced child protection staff'.³¹⁵ However, we note that these officers may not be provided with any specialised training that prepares them for working specifically with children of imprisoned parents. DCJ informed the Committee that the caseworkers receive generalist training provided in the Caseworker Development Program and monthly meetings with CSNSW and DCJ staff.³¹⁶ Any expansion of this program should be accompanied by training and guidelines that informs co-located caseworkers of how to provide the necessary care and support for this uniquely vulnerable cohort of children.

³¹⁵ Supplementary [Submission 20a](#), Department of Communities and Justice, p 2

³¹⁶ Supplementary [Submission 20a](#), Department of Communities and Justice, p 2

Chapter Four – Improving support for imprisoned parents

- 4.1 Providing additional support to imprisoned parents is an important way to improve the wellbeing of their children. This chapter discusses support available to parents during and after their time in jail. This includes the availability and effectiveness of parenting programs in correctional centres and whether these programs are appropriate for Aboriginal people. It also examines diversionary and non-custodial options for parents to further try to reduce the number of children who suffer negative effects from having an imprisoned parent.

Providing adequate and appropriate diversionary and non-custodial alternatives

Recommendation 34

The Committee recommends that the Department of Communities and Justice provide additional funding for services that provide alternatives to custodial sentences, such as residential drug and alcohol treatment programs.

- 4.2 In order to limit the number of parents who are unnecessarily imprisoned, there must be adequate non-custodial and diversionary alternatives available in NSW. Evidence from stakeholders indicated that there are limited opportunities for judges and magistrates to refer defendants to diversionary programs and other non-custodial options.
- 4.3 The Committee recommends that the Department of Communities and Justice (DCJ) provide additional funding for services, so that more alternatives exist to the current practices of placing parents on remand or having them serve short sentences at great detriment to their children and dependents. These alternatives could include residential drug and alcohol treatment and other early intervention or preventative programs. Non-custodial alternatives may also reduce the overall fiscal costs of imprisonment.

The economic costs of incarceration

- 4.4 In addition to mitigating the health and developmental impacts on children of imprisoned parents, there is also a strong economic case for limiting the number of parents that are placed in custody. The Productivity Commission indicated that, for 2019-20, the operating expenditure and capital costs for imprisoning an individual in NSW amounted to \$294 per inmate per day (sentenced or remanded). Conversely, the Productivity Commission reported that the cost of administering a non-custodial order (excluding treatment programs) was approximately \$20 per day.³¹⁷

³¹⁷ Productivity Commission, '[8 – Corrective services data tables](#)', *Report on government services*, Productivity Commission, Canberra & Melbourne, 2021, table 8A.19; Productivity Commission, '[8 – Corrective services interpretative material](#)', *Report on government services*, 2021, page 8.14

- 4.5 The long-term fiscal costs of parental imprisonment are also significant. Children of imprisoned parents are likely to experience poorer educational outcomes than their peers. Mr Andrew Kew, CEO, SHINE for Kids, described how parental incarceration often leads to a child or young person leaving school early, which often 'means you are likely to never return to study in adult life'.³¹⁸ Drawing on calculations from the Mitchell Institute, he noted that the cohort of early school leavers in Australia costs \$1.26 billion annually, or \$1.1 million per person over a lifetime. This is a conservative estimate that factors in reduced tax revenue and increased spending on welfare, health and crime prevention.³¹⁹

Investing non-custodial, diversionary and early intervention programs

- 4.6 Given this expense, and the lifelong impacts of parental incarceration, there should be greater capacity for sentencing and deferring offenders to non-custodial orders and rehabilitative or early intervention programs. Not only does this better support the children of parents who are facing potential imprisonment, but it offers parents a better opportunity at rehabilitation. This is also an important consideration in addressing the overarching social, intergenerational and fiscal costs of recidivism.

- 4.7 Recent legislation has aimed to reduce the volume of people serving short custodial sentences. Commencing in 2018, the *Crimes (Sentencing Procedures) Amendment (Sentencing Options) Act 2017* introduced new sentencing options, such as expanded intensive correction orders and the new community corrections orders. Mr Matthew Karpin, Director, Criminal Law Specialist, Department of Communities and Justice, told the Committee that sentencing reforms were introduced in 2018 for this reason.

I think that was largely in recognition of the fact that short custodial sentences do not necessarily meet the objectives of sentencing in criminal law, particularly, because obviously they need to balance different considerations of punishment, and rehabilitation, with putting the community interest first. Often those can be better achieved through community-based sentencing...³²⁰

- 4.8 Under section 11 of the *Crimes (Sentencing Procedure) Act 1999*, a court may also adjourn proceedings so that a person can participate in an intervention program. The person then has an opportunity to demonstrate that rehabilitation has taken place. Representatives from the CSNSW Women's Advisory Council (WAC) told the Committee that many magistrates are willing to make diversionary orders such as this, so long as alternatives to custodial sentences exist.³²¹
- 4.9 However, the Committee heard that there is currently inadequate availability for programs that manage offenders in the community. The Hon. Elizabeth Evatt, Member, WAC, said that the 'government has not given enough support' to

³¹⁸ Mr Andrew Kew, CEO, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 2

³¹⁹ Mr Andrew Kew, [Transcript of evidence](#), 29 April 2021, p 2; S Lamb & S Huo, [Counting the costs of lost opportunity in Australian education](#), Mitchell Institute, 2017, pp 4, 8

³²⁰ Mr Matthew Karpin, Director, Criminal Law Specialist, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 56.

³²¹ The Hon. Elizabeth Evatt, Member, Corrective Services Women's Advisory Council, [Transcript of evidence](#), 14 May 2021, p 40.

programs that manage female offenders in the community when they are likely to serve only a short sentence.³²² Ms Gloria Larman, Member, WAC, also said that many female offenders would benefit from residing in therapeutic (rather than custodial) environments for their rehabilitation, but not enough places exist.³²³

4.10 The Committee heard numerous examples of programs that could divert parents from the justice system, if they are properly resourced. This, in turn, can help reduce the number of children who are separated from their parents. The Community Restorative Centre (CRC) provided information about their Miranda Project, which focuses on women who are at risk of domestic violence and who have been, or are at risk of being, imprisoned. The Miranda Project works at all stages of the justice system, including intensive case management support that can help women address the factors that often contribute to offending (e.g. homelessness, victimisation or mental illness).³²⁴

4.11 The Miranda Project is widely recognised as a valuable alternative to custody, yet it cannot offer placements to most of the women involved in the NSW justice system.³²⁵ As Ms Evatt of the WAC told the Committee:

We have magistrates in western Sydney who have asked The Miranda Project if they could expand, because they want to use it for women who they think really ought not to be put into prison for just a few months, but ought better to be involved in community programs which will help them overcome their particular issues, and then become fully reintegrated into the community. That is the preference of the Women's Advisory Council, but it is simply not available.³²⁶

4.12 As with sentencing reform, this would be consistent with the practices emerging from the United Kingdom. Providing supports like these for female offenders was a key recommendation from the UK's *Corston Report*. Baroness Corston found that 'there needs to be an extension of the network of women's community centres to support women who offend or are at risk of offending and to direct young women out of pathways that lead into crime'.³²⁷ Supporting programs such as this would serve as an effective early intervention and prevention strategy that limited the number of children affected by parental imprisonment.

4.13 In addition to allowing mothers and fathers to stay in the community and maintain relationships with their children, there are significant economic benefits to addressing root causes of offending behaviour through diversionary and early intervention strategies.

³²² The Hon. Elizabeth Evatt, [Transcript of evidence](#), 14 May 2021, p 39

³²³ Ms Gloria Larman, Member, Corrective Services Women's Advisory Council, [Transcript of evidence](#), 14 May 2021, p 40

³²⁴ Community Restorative Centre, [Annual Report 2019-2020](#), p 33

³²⁵ The Hon. Elizabeth Evatt, [Transcript of evidence](#), 14 May 2021, pp 37-38, 40; [Submission 19](#), Women's Legal Service NSW, p 9

³²⁶ The Hon. Elizabeth Evatt, [Transcript of evidence](#), 14 May 2021, p 38

³²⁷ Baroness Jean Corston, [The Corston report: a review of women with particular vulnerabilities in the criminal justice system](#), Home Office [UK], London, 2007, p 2; The Hon. Elizabeth Evatt, [Transcript of evidence](#), 14 May 2021, p 39

- 4.14 Several stakeholders discussed diversionary and non-custodial alternatives within the framework of 'justice reinvestment'.³²⁸ The purpose of justice reinvestment is to reduce spending on custodial facilities, and to reinvest these savings into early intervention and diversionary programs.
- 4.15 Mr Tim Leach, Executive Director, Community Legal Centres NSW (CLCNSW), emphasised that justice reinvestment programs are generating a strong economic case for early intervention.³²⁹

Diversions and non-custodial alternatives for Aboriginal people

Recommendation 35

The Committee recommends that the Department of Communities and Justice make particular efforts to ensure that there are diversionary and non-custodial programs available for Aboriginal people that are culturally appropriate and close to their communities.

Recommendation 36

The Committee recommends that the Department of Communities and Justice provides more support to Aboriginal community-controlled organisations, with a focus on a potential reduction in recidivism of parents and intergenerational contact with the justice system.

- 4.16 The Committee recommends that particular efforts be made to ensure that diversionary and non-custodial programs are relevant and accessible for Aboriginal parents. It is essential that these programs are culturally relevant and appropriate, and located close to participants' communities and families. Such programs could be pursued through new or strengthened partnerships between DCJ (including Corrective Services NSW) and non-government service providers.
- 4.17 The Committee also emphasises the importance of these programs being developed in consultation with Aboriginal people, and that they be implemented and led by Aboriginal community-controlled organisations. We recommend that additional work is done to support and invest in Aboriginal community-controlled organisations, and the expertise of these organisations is utilised when combating parental recidivism and intergenerational contact with the justice system.

Diverting Aboriginal parents from custody

- 4.18 Many stakeholders expressed concern about the scale of Indigenous incarceration in NSW and the impacts that parental incarceration has on Indigenous children, families and communities. We discussed this further in chapter 2.
- 4.19 The Aboriginal Legal Service told the Committee about the acute lack of diversionary and rehabilitative programs for Aboriginal people.³³⁰ There was

³²⁸ [Submission 10](#), SHINE for Kids, p 8

³²⁹ Mr Tim Leach, Executive Director, Community Legal Centres NSW, [Transcript of evidence](#), 29 April 2021, p 53

³³⁰ [Submission 11](#), Aboriginal Legal Service, p 2, 3, & 7

widespread support from stakeholders for the development and support of diversionary and non-custodial alternatives that are targeted to Aboriginal people.

- 4.20 For example, NCARA described alternatives to custody that are not offered to many Aboriginal defendants who are charged with non-violent, low-level offences. NCARA recommended that mandated treatment programs could be provided to people charged with drug and alcohol offences, and placement in the Work and Development Order program, which allow people to work to pay off fines, 'could be adapted to address minor offences'.³³¹
- 4.21 Stakeholders discussed the diversionary and non-custodial programs that are available and which have a specific focus on Aboriginal people. The Committee heard from stakeholders that provide such programs – Deadly Connections and members of Nelly's Healing Centre – and from stakeholders who refer clients to them, such as Women's Legal Service NSW.³³²
- 4.22 Where Aboriginal parents are diverted from incarceration, the programs available to them need to be culturally safe, appropriate and relevant. Programs that are tailored and responsive to Aboriginal clients are better positioned to help them. These programs can help maintain connections to family, community and culture, strengthen cultural identity, and have an understanding of the impacts of intergenerational trauma and disadvantage.³³³
- 4.23 Deadly Connections is an Aboriginal community-controlled organisation in inner Sydney that runs culturally-responsive diversionary and rehabilitative programs, including Breaking the Cycle.³³⁴ This program is offered to people at any stage of contact with the justice system, and includes case management, counselling and therapy, drug and alcohol treatment, employment support, and restorative justice interventions.³³⁵ However, Deadly Connections told the Committee that their services are not funded by state government.³³⁶
- 4.24 There are also programs that can help parents who have contact with the justice system using both a gendered and culturally-appropriate framework. Ms Helen Eason, Member, Keeping Women Out of Prison (KWOOP) Coalition, described her work with Nelly's Healing Centre.³³⁷ Nelly's Healing Centre provides mentoring, advocacy and drug and alcohol recovery support, and includes traditional practices like yarning circles.³³⁸ Women's Legal Service NSW refer clients to

³³¹ [Submission 13](#), NSW Coalition of Aboriginal Regional Alliances, p 3.

³³² Answers to questions on notice, [Women's Legal Service NSW](#), 18 June 2021, p 5

³³³ [Submission 17](#), Deadly Connections Community & Justice Services, pp 2, 4-5;

³³⁴ [Submission 17](#), Deadly Connections Community & Justice Services, p 2

³³⁵ Deadly Connections, [Breaking the Cycle](#), viewed 15 November 2021

³³⁶ Ms Carly Stanley, CEO, Deadly Connections Community & Justice Services, [Transcript of evidence](#), 14 May 2021, p 9

³³⁷ Ms Helen Eason, Member, Keeping Women Out of Prison (KWOOP) Coalition, [Transcript of evidence](#), 29 April 2021, p 20

³³⁸ Nelly's Healing Centre, [Nelly's Information Brochure](#), accessed at 15 November 2021

Nelly's Healing Centre, and they 'anticipate developing this relationship further as Nelly's continues to expand'.³³⁹

- 4.25 Both of these organisations only have resources to operate in Sydney. Greater opportunities need to be provided for Aboriginal parents to complete community-based sentences and rehabilitation or diversionary programs on country, in proximity to their children and family networks.³⁴⁰
- 4.26 Such programs could be pursued through new or strengthened partnerships between by DCJ (including Corrective Services NSW) and non-government service providers. In particular, programs could be funded so that they can be offered in regional centres closer to rural and remote communities.
- 4.27 Similarly, the Aboriginal Legal Service recommended that the government prioritise investment in community-based sentencing in regional and remote areas. These community-based orders should accommodate family and cultural responsibilities, and only impose conditions that take each person's unique circumstances into consideration.³⁴¹
- 4.28 There was also widespread recognition of the importance of Aboriginal community-controlled organisations (ACCOS) in supporting Aboriginal children and families affected by parental imprisonment.³⁴² ACCOs are governed by Aboriginal community members, and embody the fundamental right to self-determination in relation to policies and programs that affect Aboriginal peoples.
- 4.29 Organisations that feature programs designed and delivered by Aboriginal people are also vitally important for building trust and rapport with clients in a service provision setting. Ms Carly Stanley, CEO and Co-Founder of Deadly Connections, talked about how they use the 'credible messenger' model when engaging mentors who have had prior involvement in the justice system.³⁴³ The mentors are on 'on the same level [with young people], rather than a position of authority', and this helps facilitate 'hard conversations with them about not continuing the cycle of incarceration that their parents may currently be in'.³⁴⁴
- 4.30 ACCOs can more effectively incorporate traditional ways of teaching and learning into the practices of rehabilitation and harm prevention. Ms Eason also told the Committee that ACCOs are empowering for Aboriginal people, when discussing her work with Nelly's Healing Centre.

For us to be able to speak our ways, to share our ways, we empower each other when we tell our stories. When we are sharing, we bounce off each other, so it is crucial that we have our own Aboriginal-led organisations. They need to be

³³⁹ [Answers to questions on notice](#), Women's Legal Service NSW, 18 June 2021, p 5

³⁴⁰ [Submission 13](#), NSW Coalition of Aboriginal Regional Alliances, p 3; [Submission 10](#), SHINE for Kids, p 8

³⁴¹ [Submission 11](#), Aboriginal Legal Service, p 20

³⁴² [Submission 17](#), Deadly Connections, p 10; [Submission 11](#), Aboriginal Legal Service, pp 15, 21, 24; [Submission 22](#), Office of the Advocate for Children and Young People, pp 3, 17; [Submission 24](#), Public Health Association of Australia (PHAA), p 6; [Submission 25](#), Community Legal Centres NSW, p 23.

³⁴³ Ms Carly Stanley, CEO and Co-Founder, Deadly Connections, [Transcript of evidence](#), 14 May 2021, p 11

³⁴⁴ [Answers to supplementary questions](#), Deadly Connections, 30 June 2021, p 1

empowered more, because they are the ones that are coming with the solutions for our people.³⁴⁵

- 4.31 In terms of supporting Aboriginal parents prior to imprisonment, recommendations from stakeholders generally focused on supporting legal services or engaging ACCOs in the sentencing process more often. For example, the Aboriginal Legal Service identified that funding ACCOs would enable them to prepare and deliver sentencing reports. Much like the 'Indigenous Experience Reports' recommended by the Australian Law Reform Commission, these could provide judges and magistrates with accurate information on the background factors contributing to offences by Aboriginal people.³⁴⁶
- 4.32 CLC NSW also recommended that funding should be provided for Aboriginal-controlled organisations so that they can provide 'comprehensive, free, independent youth law services'.³⁴⁷
- 4.33 The Committee is of the view ACCOs will be able to provide greater support to children of imprisoned parents, as long as there is greater funding provided to them. This funding should target capacity-building for ACCOs in regional, rural and remote areas, so that more support is provided to imprisoned Aboriginal parents and their children outside major metropolitan areas. ACCOs should be heavily involved in the design and delivery of government-funded programs for diverting parents from the justice system.

Parenting programs for Aboriginal parents in prison

Recommendation 37

The Committee recommends that Corrective Services NSW develop additional specific prison-based programs for Aboriginal parents. Any existing programs should also be reviewed by Aboriginal people to ensure that they are culturally appropriate.

- 4.34 The Committee notes the over-representation of Aboriginal people in the prison population. As discussed in Chapter 1, there are a large number of Aboriginal parents in custody. There would be a benefit to providing culturally appropriate parenting programs to these inmates which, in turn, will also benefit their children.
- 4.35 Similarly, the Committee considers that any programs that are currently offered to all inmates should be reviewed to ensure that they are culturally appropriate for Aboriginal people. If they are not, there is a risk that the programs will not be of use to Aboriginal participants, or could even be detrimental to their wellbeing as parents. In reviewing existing programs and developing new programs for Aboriginal participants, the Committee further emphasises the need for

³⁴⁵ Ms Helen Eason, [Transcript of evidence](#), 29 April 2021, pp 21-22

³⁴⁶ [Submission 11](#), Aboriginal Legal Service, p 21; Australian Law Reform Commission, [Pathways To Justice—Inquiry Into The Incarceration Rate Of Aboriginal And Torres Strait Islander Peoples \(ALRC Report 133\)](#), January 2018

³⁴⁷ [Submission 25](#), Community Legal Centres NSW, p 23.

Aboriginal community-controlled organisations to be consulted in their design and implementation.

- 4.36 The over-representation of Aboriginal peoples in the prison system is well documented. Deadly Connections observed that 'Indigenous Australians make up 2% of the general population but 28% of the prison population'.³⁴⁸
- 4.37 This also applies to Aboriginal women, who we heard are the fastest growing prison population in Australia. In NSW, Aboriginal women make up 33 per cent of female prisoners, despite making up just 3 per cent of the population. Furthermore, around 80 per cent of these women are mothers and have primary care responsibilities for other children.³⁴⁹
- 4.38 This means that children in Indigenous communities are more likely to be affected by parental incarceration. The Public Health Association of Australia noted that Indigenous parents are more than twice as likely as non-Indigenous parents to report having four or more dependent children prior to entering prison.³⁵⁰
- 4.39 Similarly, the Advocate for Children and Young People noted that 20.1 per cent of Aboriginal children under 16 in NSW have had a parent incarcerated at some point.³⁵¹
- 4.40 DCJ submitted that they currently provide the 'Dads and Family (Aboriginal Babiin-Miyagang) Program' which is for Aboriginal men only. This program aims to help Aboriginal fathers understand the changing role of fathers in society, better understand their children's needs, develop new child management skills, and recognise how they can protect their children.³⁵² The Committee notes that the delivery of this program is currently under review.³⁵³
- 4.41 The Governor of Dillwynia and Emu Plains Correctional Centres also noted that at the Dillwynia Correctional Centre:
- There are a number of culturally sensitive programs throughout the centre and throughout Corrective Services. We do things called Mothering at a Distance, which obviously helps develop that relationship. We have what is called a RAPO, a Regional Aboriginal Programs Officer, which attends the centre and develops cultural programs within the centre, like NAIDOC Day.³⁵⁴
- 4.42 SHINE for Kids also offers the Belonging to Family program to inmates at the Mid North Coast Correctional Centre. This program supports inmates and their families with the aim of reducing reoffending and includes elements to improve parenting skills. The program engages approximately 40 volunteer community

³⁴⁸ [Submission 17](#), Deadly Connections, p 2

³⁴⁹ [Submission 17](#), Deadly Connections, p 6

³⁵⁰ [Submission 24](#), Public Health Association of Australia (PHAA), p 4

³⁵¹ [Submission 22](#), Office of the Advocate for Children and Young People, p 6

³⁵² [Submission 20](#), Department of Communities and Justice, pp 11-12

³⁵³ [Answers to supplementary questions, Department of Communities and Justice](#), 7 July 2021, p 11

³⁵⁴ Ms Emma Smith, Governor, Dillwynia and Emu Plains Correctional Centres, [Transcript of evidence](#), 14 May 2021, p 56

Elders to support inmates, their partners and children to bring a cultural perspective.³⁵⁵

- 4.43 A number of organisations stressed the importance of having culturally appropriate programs available to Aboriginal inmates. Deadly Connections stated:

We recognise that Culture serves as a protective factor and we operate within a healing framework. ... We identify that our communities and Elders are a source of information, knowledge and expertise. We adopt a community-led - “bottom-up” approach to owning, managing and dealing with community matters, as opposed to the “top-down” approach imposed by government and other non-government organisations.³⁵⁶

- 4.44 A number of stakeholders identified that this was currently lacking in NSW. Ms Dixie Link-Gordon Senior Community Access Officer, First Nations Women's Legal Program, Women's Legal Service noted that there are a number of culturally appropriate outreach programs available for Aboriginal mothers to support them in their parenting role. However, these cannot be accessed by incarcerated women, meaning they are not given the same opportunity to meet and talk with other women from their community and background.³⁵⁷

- 4.45 As such, it was recommended that the number of culturally responsive programs available in correctional centres is increased. Sista2sista recommended that CSNSW make:

... parent programs available for all Aboriginal mothers, grandmothers, aunts and big sisters in prison and in the community. These programs should be delivered and run by Aboriginal-owned services and designed and delivered by Aboriginal staff.³⁵⁸

The effectiveness of current parenting programs

Recommendation 38

The Committee recommends that Corrective Services NSW monitors and thoroughly evaluates all parenting programs, to ensure that they are relevant, effective and available.

- 4.46 The Committee notes that there are several parenting programs available to inmates. It is important that these programs are effective and relevant, and the Committee considers that they should be regularly monitored. These programs also need to be available to all imprisoned parents who want to access them and improve their parenting skills. This will ensure that children of imprisoned parents are better supported and may also help to reduce recidivism.

- 4.47 CSNSW stated that the following programs are available for imprisoned parents:

³⁵⁵ Supplementary [Submission 10a](#), SHINE for Kids, p 5

³⁵⁶ [Submission 17](#), Deadly Connections, p 5

³⁵⁷ Ms Dixie Link-Gordon, Senior Community Access Officer, First Nations Women's Legal Program, Women's Legal Service NSW, [Transcript of evidence](#), 14 May 2021, p 14

³⁵⁸ [Submission 5](#), sista2sista, University of Technology Sydney, p 7

- Mothering at a Distance (MAAD)
 - Mini Mothering at a Distance
 - Dads and Family (Babiin Miyagang)
 - Dads at a Distance
 - Mini Dads at a Distance.³⁵⁹
- 4.48 The Mothering at a Distance and Dads at a Distance programs are available at all female and male correctional centres respectively. The other programs are available at selected correctional centres. Parenting programs for mothers and fathers are also available at the Clarence Correctional Centre.³⁶⁰
- 4.49 Mini Mothering at a Distance and Mini Dads at a Distance are the only programs available to remand populations.³⁶¹
- 4.50 Other programs aimed at imprisoned parents are also provided by external organisations. These include:
- The Belonging to Family program, provided by SHINE for Kids at the Mid North Coast Correctional Centre and in the Kempsey community, aimed at imprisoned Indigenous parents and their families.³⁶²
 - The Beyond Barbed Wire program, provided by Barnardos Australia at the Wellington Correctional Centre, aimed at imprisoned mothers.³⁶³
- 4.51 Women's Legal Service noted the important role of parenting programs in supporting imprisoned parents and the associated benefits to their children. They observed that many imprisoned parents come from vulnerable backgrounds and are not confident in their parenting skills.³⁶⁴
- 4.52 It is important, therefore, that parenting programs are regularly reviewed to ensure that they offer the most benefit to imprisoned parents, while also being appropriate to their specific needs and contexts. As discussed previously, this also includes seeking input from Aboriginal people to make sure that programs are culturally sensitive.
- 4.53 The Committee notes that delivery of the Dads and Family (Babiin Miyagang) program is currently being reviewed, and would encourage CSNSW to seek input from Aboriginal people.³⁶⁵

³⁵⁹ [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, pp 11-12

³⁶⁰ [Answers to questions on notice](#), Department of Communities and Justice, 1 July 2021, pp 12-13

³⁶¹ [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, p 12

³⁶² [Submission 10](#), SHINE for Kids, p 21

³⁶³ [Submission 27](#), Barnardos Australia, p 2

³⁶⁴ [Submission 19](#), Women's Legal Service NSW, p 14

³⁶⁵ [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, p 11

- 4.54 The MAAD program was also reviewed in 2009 with positive findings, although this review also recommends further, more comprehensive evaluation of the program.³⁶⁶ The program also collects ongoing feedback from participants through questionnaires.³⁶⁷
- 4.55 The Committee notes the work done by Barnardos to evaluate the Beyond Barbed Wire program and the positive outcomes it achieved in reducing recidivism.³⁶⁸
- 4.56 The Committee also notes the calls from stakeholders for parenting programs to be expanded.³⁶⁹ Given the demonstrated benefits of parenting programs, the Committee expects that they be available to all imprisoned parents, regardless of the length of their sentence or if they are being held on remand. Programs need to be expanded and funded to allow access to those who want to engage with them.

Support for parents on their release from prison

Services available for parents on their release from prison

Recommendation 39

The Committee recommends that the Department of Communities and Justice develop more programs and make more services available to parents, and their families, when they are released from prison, to assist them transition back to life as a parent in the community.

- 4.57 A constant theme through this inquiry has been the importance of children maintaining contact with their parents to improve their wellbeing. It is important that people released from prison are properly supported to resume their life as a parent. Children will benefit when parents successfully reintegrate into their family. The Committee notes that some work is being done in this area, but recommends that it is increased.
- 4.58 The Committee also notes that supporting people to reintegrate into their family life can reduce the chance of recidivism. The Committee supports these programs that will reduce the chance of children being separated from their parents due to incarceration. The post-release family support programs are successful in reducing recidivism and further investment in them will help to achieve the Premier's priority to reduce recidivism, thereby benefitting the state and individuals affected by imprisonment.
- 4.59 A number of stakeholders observed that when an imprisoned parent is released, there can be a number of challenges for them and their family. The Advocate for

³⁶⁶ Corrective Services NSW, [Evaluation of the Mothering at a Distance Program](#), June 2009, pp i-ii

³⁶⁷ Chris Rossiter, Tamara Power, Cathrine Fowler, Debra Jackson, Deirdre Hyslop & Angela Dawson, [Mothering at a Distance: what incarcerated mothers value about a parenting programme](#), *Contemporary Nurse*, 50:2-3, p 242

³⁶⁸ [Submission 27](#), Barnardos Australia, p 4

³⁶⁹ [Submission 10](#), SHINE for Kids, p 12; [Submission 19](#), Women's Legal Service NSW, p 14; [Submission 27](#), Barnardos Australia, p 4 & 5

Children and Young People highlighted that the release of a parent will be 'a significant disruption and adjustment for their child'.³⁷⁰

- 4.60 The Community Restorative Centre (CRC) highlighted that all members of a family can face challenges when an inmate leaves prison. They observed:

When someone leaves custody there is frequently an intense and at times lengthy period of adjustment for all family members. Access and custody issues, parenting skills, rebuilding trust, are a few of the myriad of issues facing offenders and their families upon release.³⁷¹

- 4.61 This can obviously lead to high levels of stress and anxiety. SHINE for Kids noted that in some cases families will also not be willing or prepared to welcome their relative back into the family home upon release. They explained:

Relationships may have changed significantly during incarceration, as well as family roles: family members may have become more independent and learned to cope on their own during their relative's sentence, which can be difficult for ex-prisoners to adjust to.³⁷²

- 4.62 For this reason, a number of stakeholders recommended that, where possible, any services provided to support released parents in this area needed to involve their family as well.³⁷³ The CRC stated that:

Through-care and post-release programs require a holistic approach to supporting families with children throughout both the sentence, and at the critical point of release and beyond.³⁷⁴

- 4.63 The Aboriginal Legal Service also noted that research they had conducted had identified that there would be benefits to expanding this support network further than immediate family. They reported that:

Participants recommended that Corrective Services NSW staff connect with the local communities of prisoners prior to release. In partnership, staff and the local community can then develop initiatives in community that continue or extend upon existing programs provided in prison, respond to local needs and capacity and increase the likelihood of post-release employment and reintegration of Aboriginal and Torres Strait Islander offenders.³⁷⁵

- 4.64 The Committee notes that a major benefit of well-developed post-release support is that it reduces the likelihood of reoffending as people reintegrate back into the community. Dr Mindy Sotiri, former Director, Advocacy Policy Research,

³⁷⁰ [Submission 22](#), Office of the Advocate for Children and Young People, p 17

³⁷¹ [Submission 14](#), Community Restorative Centre, pp 9-10

³⁷² [Submission 10](#), SHINE for Kids, p 31

³⁷³ [Submission 10](#), SHINE for Kids, p 31; [Submission 11](#), Aboriginal Legal Service, p 23, [Submission 17](#), Deadly Connections, p 11; Dr Mindy Sotiri, Former Director, Advocacy Policy Research, Community Restorative Centre, [Transcript of evidence](#), 14 May 2021, p 2

³⁷⁴ [Submission 14](#), Community Restorative Centre, p 7

³⁷⁵ [Submission 11](#), Aboriginal Legal Service, p 23

CRC, highlighted the important role that positive family connections can have in reducing recidivism:

That is really critical for families, because what we know, and what all of the research really indicates, is that if you have strong family support—and that includes contact with children, contact with girlfriends or wives—if you have positive, strong family support then your chances of staying out are significantly increased.³⁷⁶

- 4.65 The CRC stated that they offer specialist support to people affected by the criminal justice system, with a particular emphasis on the provision of post-release and reintegration programs for people with multiple and complex needs. This consists of a holistic approach addressing several issues, including homelessness, drug and alcohol use, social isolation, employment, and education. Importantly, they work with individuals and their families in the process of integration.³⁷⁷
- 4.66 People who participated in the CRC's 'long-term intensive reintegration programs have recidivism rates of 12% over 2 years (measured using BOCSAR's tracking service)'.³⁷⁸ This is significantly lower than the recidivism rates for NSW as a whole, which in 2019, was 42.5 per cent for people who had been in prison and 21 per cent for offenders who received a penalty other than prison.³⁷⁹ CRC also noted that supporting families as part of a post-release program can reduce family violence.³⁸⁰
- 4.67 The Committee notes that some services are available in this area. In addition to the work done by CRC, SHINE for Kids also reported that they operate specialised intensive family case management. This service is especially focussed on offering reintegration support for families after a parent is released. Ms April Long, National Operations Manager, SHINE for Kids, explained the aims of this program and the importance of involving family members.
- What distinguishes that from other post-release programs is that it works with the whole family. ... Whatever the goals are for the family—we see a lot of housing needs—we are able to support that family. ... what we would like to see, ... is holistic post-release support, working with the whole family so that it is client-driven, the goals that they want to set and achieve. It is not us telling them what they need to do. It is identifying, as a family, "What do we need to do to be healthier and happier and have this person, loved one, remain in community?"³⁸¹
- 4.68 Women's Legal Services also offer services to mothers who have been released from prison, including giving legal advice.³⁸² However, CRC's Dr Sotiri observed that while some programs are available, more could be done to support families when parents are released from prison:

³⁷⁶ Dr Mindy Sotiri, [Transcript of evidence](#), 14 May 2021, p 2

³⁷⁷ [Submission 14](#), Community Restorative Centre, p 4

³⁷⁸ [Submission 14](#), Community Restorative Centre, p 5

³⁷⁹ NSW Bureau of Crime Statistics and Research, [Re-offending statistics for NSW](#), accessed 19 October 2021

³⁸⁰ [Submission 14](#), Community Restorative Centre, p 10

³⁸¹ Ms April Long, National Operations Manager, SHINE for Kids, [Transcript of evidence](#), 29 April 2021, p 5

³⁸² [Submission 19](#), Women's Legal Service NSW, p 5

There are a few [community sector organisations]. All of us have these incredibly low recidivism rates, none of us can meet the demand, and all of us would love to be able to scale up our projects in order to actually, genuinely, make a difference.³⁸³

- 4.69 Similarly, the Western NSW Community Legal Centre observed that access to these programs is not uniform across the state. They stated that 'access to support services is difficult for those living in communities experiencing disadvantage'.³⁸⁴
- 4.70 The Committee was concerned that the lack of available programs was particularly pronounced for Aboriginal people. The Aboriginal Legal Service (ALS) reported that consultations they had conducted:
- ... expressed concern at the lack of support for Aboriginal people released from prison. They noted that custodial training and programs do not provide adequate pathways for inmates when they leave prison and return to the community. Mental health, drug and alcohol and housing support services must be provided in community. ... these key services are not currently available once Aboriginal people leave prison.³⁸⁵
- 4.71 The scale of the problem was demonstrated by the fact that 99 per cent of participants in a state wide survey conducted by the ALS in 2017 said there were insufficient rehabilitation services to meet the demand of the Aboriginal community.³⁸⁶
- 4.72 The Committee is pleased to note that the CSNSW Family Matters Strategy recognises that there can be a wide ranging impact on families following someone's release from prison.³⁸⁷ The Strategy also notes the benefits of engaging with family members and the wider community in case management.³⁸⁸ The Committee would recommend that these services be expanded, particularly for Aboriginal people. Any programs aimed at Aboriginal people should be provided by Aboriginal organisations in the community.
- 4.73 The Committee also notes that this is another area that will benefit from the improved data sharing recommended in this report. Proper information sharing will ensure that relevant agencies are aware when a parent is released from prison and will be able to better identify what services a family may require. The CRC also observed that it would be beneficial if they were notified when a person is released so that they can arrange support if required.³⁸⁹ The Committee supports DCJ working closely with non-government organisations, and providing information to inmates prior to their release where necessary.
- 4.74 The Committee is supportive of strategies that can reduce recidivism. We were particularly concerned to hear that 52.6 per cent of sentenced Aboriginal people

³⁸³ Dr Mindy Sotiri, [Transcript of evidence](#), 14 May 2021, p 5

³⁸⁴ [Submission 26](#), Western NSW Community Legal Centre, p 6

³⁸⁵ [Submission 11](#), Aboriginal Legal Service (NSW/ACT) Limited, p 23

³⁸⁶ [Submission 11](#), Aboriginal Legal Services (NSW/ACT) Limited, p 24

³⁸⁷ Corrective Services NSW, [Family Matters Strategy](#), p 5

³⁸⁸ Corrective Services NSW, [Family Matters Strategy](#), p 8

³⁸⁹ Dr Mindy Sotiri, [Transcript of evidence](#), 14 May 2021, p 5

in NSW reoffend within 12 months of their release.³⁹⁰ The Committee considers that there would be benefits to expanding programs to support people on their release from prison, particularly those with a focus on also engaging with families and extended communities. The investment in these programs will benefit children of imprisoned parents by better supporting parents' re-integration into the family and helping them stay out of prison in the future.

Accommodation available for parents on their release from prison

Recommendation 40

The Committee recommends that the Department for Communities and Justice make more services available to provide accommodation for parents on their release from prison to assist them to be reunited with their children, where appropriate.

- 4.75 Having access to stable accommodation is an important consideration for released parents who want to be reunited with their children. The Committee notes that there are still challenges in this area, and recommends a greater focus and integration of DCJ services to allow more children to live with their parents on release from prison, where appropriate. Access to safe and affordable housing is also another key factor in preventing recidivism.
- 4.76 A number of stakeholders raised that a lack of stable accommodation on release was a major concern for the families of people being released from prison. The CRC reported that:
- Post release accommodation remains a common query, with many callers being concerned about their loved one being released into homelessness or very unstable and short-term crisis accommodation.³⁹¹
- 4.77 One of the main reasons for requiring stable accommodation is that this is a key consideration whether released parents are reunited with their children. The CRC stressed the importance of securing accommodation for released parents and families:
- For incarcerated parents who have been separated from their children and are looking to resume care, securing safe and secure accommodation post-release is a critical part of this process. Housing pathways post-release are currently woefully inadequate. Any strategy to support children of prisoners must have accommodation at the centre of post-release planning.³⁹²
- 4.78 Having access to stable accommodation is also shown to be a key aspect of preventing recidivism. According to the CRC, 24 per cent of people in prison in NSW spent the six months prior to their incarceration in primary or secondary

³⁹⁰ [Submission 11](#), Aboriginal Legal Services, p 23

³⁹¹ [Submission 14](#), Community Restorative Centre, p 6

³⁹² [Submission 14](#), Community Restorative Centre, p 11

homelessness.³⁹³ The Aboriginal Legal Service also reported that a major reason for their clients returning to jail is the lack of available housing.³⁹⁴

- 4.79 The Committee was pleased to hear that more work was being done by DCJ in this area with a recent program being introduced to help people approaching release from prison with housing, if required. Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, explained:

If there is likely to be homelessness when the person is released—we are just introducing a scheme that means that three months prior to release, the inmate can have a complete housing assessment done, so that three months before they come out, if necessary, they can go onto the priority housing list. They then accumulate their time on the priority housing list while they are still in prison to give them some greater certainty when they come out.³⁹⁵

- 4.80 Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District Youth Services, DCJ, also highlighted that there is collaboration across DCJ, so that staff in other areas, such as child protection, can liaise with staff in housing services to try and arrange appropriate accommodation for people on their release from prison.³⁹⁶
- 4.81 This is also an area where the co-located child protection case workers should add value, as imprisoned parents will be able to discuss their housing situation with them, particularly as it relates to their concerns around being re-united with their children.³⁹⁷
- 4.82 DCJ noted that there are no limitations imposed on people accessing specialist homelessness services. However, they also observed that there is no 'specialist accommodation specifically for former prisoners with children'.³⁹⁸
- 4.83 The Committee notes that work is being done in this area by DCJ to assist parents who are released from prison, and supports all efforts made in this area. The Committee encourages Housing NSW to evaluate its new initiative and assess what difference it makes to those inmates involved. However, the Committee also received significant evidence that a lack of housing for released prisoners is a major concern to the majority of stakeholders in this inquiry. Therefore, the Committee recommends that such services are expanded, so that the lack of suitable housing is not a barrier to those parents who are in a position to otherwise be reunited with their children.

³⁹³ [Submission 14](#), Community Restorative Centre, p 11

³⁹⁴ [Submission 11](#), Aboriginal Legal Service, p 14

³⁹⁵ Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 63

³⁹⁶ Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District Youth Services, Department of Communities and Justice, [Transcript of evidence](#), 14 May 2021, p 63

³⁹⁷ Ms Simone Czech, [Transcript of evidence](#), 14 May 2021, p 63

³⁹⁸ [Answers to supplementary questions](#), Department of Communities and Justice, 7 July 2021, p 6

Appendix One – Terms of reference

That the Committee inquire into and report on the possible impact on children of imprisoned parents and the adequacy of policies and services to assist the children of imprisoned parents in New South Wales, with particular reference to:

- (a) What policies exist and what services are available;
- (b) How effective these services are and identifying areas for improvement; and
- (c) Any other related matters.

Appendix Two – Conduct of inquiry

Terms of reference

On 14 November 2019 the Committee resolved to conduct an inquiry into support for children of imprisoned parents. The full terms of reference are at Appendix One.

Call for submissions

The Committee called for submissions and wrote to key stakeholders inviting them to make a submission.

Submissions to the inquiry closed on 28 February 2020. The Committee received 28 submissions from a range of stakeholders including: academics, SHINE for Kids, Department of Communities and Justice, Community Restorative Centre, the Office of the Advocate for Children and Young People, the Office of the Children's Guardian, NSW legal centres, and members of the public. A list of submissions is at Appendix Three and copies of submissions are available on the Committee's [webpage](#).

Site Visit

The Committee member's visited at the following sites:

- Wednesday, 21 April – Visits to Long Bay Correctional Centre and Silverwater Women's Correctional Centre.
- Thursday, 22 April – Visits to Macquarie Correctional Centre.
- Tuesday, 27 April – Visit to Goulburn Correctional Centre and SHINE for Kids facility in Goulburn.
- Wednesday, 28 April – Visit to Jacaranda Cottages, Bolwarra Transitional Centre, Dillwynia Correctional Centre and SHINE for Kids facility in Windsor.

Details of the site visit are at Appendix Five.

Public hearings

The Committee held two public hearings at Parliament House on 29 April 2021 and 14 May 2021.

A list of witnesses who appeared at the hearings is at Appendix Four. Transcripts of evidence taken at the hearings are available on the Committee's [webpage](#). The Committee thanks all witnesses who participated in the Committee's hearings.

Appendix Three – Submissions

No.	Author
1	Professor Angela Dawson
2	Office of the Children's Guardian
3	Mr Grant Mistler
4	Prison Fellowship Australia
5	sista2sista, University of Technology Sydney
6	Dr Kath McFarlane
7	Dr Julie Smith
8	Royal Australian and New Zealand College of Psychiatrists
9	Yfoundations
10	SHINE for Kids
10a	SHINE for Kids
11	Aboriginal Legal Service (NSW/ACT) Limited
12	Mr Bernie Matthews
13	NSW Coalition of Aboriginal Regional Alliances
14	Community Restorative Centre (CRC)
15	Keeping Women Out of Prison Coalition (KWOOP)
16	Law Society of NSW
17	Deadly Connections Community & Justice Services Inc
18	John Murray
19	Women's Legal Service NSW
20	Department of Communities and Justice
20a	Department of Communities and Justice
21	Corrective Services NSW Women's Advisory Council
22	Office of the Advocate for Children and Young People (ACYP)
23	Professor Karleen Gribble
24	Public Health Association of Australia (PHAA)
25	Community Legal Centres NSW
26	Western NSW Community Legal Centre
27	Barnardos Australia
28	Ms Bo Robertson

Appendix Four – Witnesses

29 May 2021

Jubilee Room, Parliament House, Sydney

Ms April Long	National Programs Manager, SHINE for Kids
Mr Andrew Kew	CEO, SHINE for kids
Mr Dennis van Someren	Volunteer, SHINE for kids
Ms Susan Plunkett	NSW/ACT State Manager, SHINE for kids
Ms Pam Barker	CEO, Yfoundations
Dr Elizabeth Watt	Research Policy Manager, Yfoundations
Ms Helen Eason	Member, Keeping Women Out of Prison Coalition (KWOOP)
Ms Eleni Psillakis	Member, Keeping Women Out of Prison Coalition (KWOOP)
Ms Janet Donald	Member, Keeping Women Out of Prison Coalition (KWOOP)
Ms Janet Schorer	Children's Guardian, Office of the Children's Guardian
Ms Vanessa Viaggio	Policy Manager, Office of the Children's Guardian
Professor Karleen Gribble	Adjunct Associate Professor
Ms Keisha Hopgood	Managing Solicitor, Children's Criminal Practice, Aboriginal Legal Service (NSW/ACT)
Mr Tim Leach	Executive Director, Community Legal Centres NSW
Mr Patrick O'Callaghan	Principal Solicitor, Western NSW Community Legal Centre, Community Legal Centres NSW
Ms Kat Farrar	LEAP Solicitor, Wirringa Baiya Aboriginal Women's Legal Centre

14 May 2021**Macquarie Room, Parliament House, Sydney**

Dr Mindy Sotiri	Former Director, Advocacy Policy Research, Community Restorative Centre
Ms Carly Stanley	CEO and Co-founder, Deadly Connections Community & Justice Services
Ms Trinka Kent	Family Specialist, Deadly Connections Community & Justice Services
Ms Tatea Reilly	Justice Specialist, Deadly Connections Community & Justice Services
Mr Keenan Mundine	Co-founder and Ambassador, Deadly Connections Community & Justice Services
Ms Dixie Link-Gordon	Senior Community Access Officer, First Nations Women's Legal Program, Women's Legal Service NSW
Ms Carolyn Jones	Senior Solicitor, Legal Education And Advice in Prison (LEAP) for Women Program, Women's Legal Service NSW
Ms Zoe Robinson	Advocate for Children and Young People, Office of the Advocate for Children and Young People (ACYP)
Dr Kath McFarlane	Adjunct Associate Professor, School of Population Health, University of NSW; Kath McFarlane Consulting
Mr Peter Abood JP	State Manager NSW/ACT, Prison Fellowship Australia
Ms Gloria Larman	Member, Corrective Services NSW Women's Advisory Council; CEO, Women's Justice Network
The Hon. Elizabeth Evatt AC	Member, Corrective Services NSW Women's Advisory Council
Ms Cherie Goodwin	Inmate Services Manager, Clarence Correctional Centre, Serco
Mr Glen Scholes	General Manager, Clarence Correctional Centre, Serco
Ms Simone Czech	Deputy Secretary, Child Protection and Permanency, District Youth Services, NSW Department of Communities and Justice
Mr Paul Vevers	Deputy Secretary, Housing, Disability and District Services, NSW Department of Communities and Justice

Mr Matthew Karpin	Director, Criminal Law Specialist, NSW Department of Communities and Justice
Mr Joe Parsons	Director, Housing and Homelessness, NSW Department of Communities and Justice
Ms Rani Young	Principal Policy Officer, Correctional Strategy and Policy, NSW Department of Communities and Justice
Dr Leigh Haysom	Clinical Director, Adolescent Health and Director, Medical Programs, Justice Health and Forensic Mental Health Network, NSW Health
Ms Emma Smith	Governor, Dillwaynia and Emu Plains Correctional Centres

Appendix Five – Site visits report

In April 2021, members of the Committee on Children and Young People and secretariat conducted a series of site visits and roundtable discussions to support the inquiry. We visited:

- the Silverwater Women's Correctional Centre,
- Metropolitan Special Programs Centre (Long Bay Correctional Complex),
- Macquarie Correctional Centre (Wellington),
- Emu Plains Correctional Centre (including Jacaranda Cottages) and
- Dillwynia Correctional Centre (Windsor).

We would like to thank Corrective Services NSW (CSNSW) for their assistance in facilitating these visits, and the governors, correctional officers and inmates of each of the facilities for their generosity of time. We wish the inmates well in their rehabilitation, and hope that this inquiry can contribute to improving the support provided to them and their children.

The site visits and roundtables were a valuable opportunity for the Committee to hear first-hand from imprisoned parents and the corrections officers who work with them. Senior CSNSW staff, including Mr Luke Grant, Deputy Commissioner, and Ms Kelly-Anne Stewart, Principal Advisor Women Offenders, also assisted in managing the site visits and shared their experiences and expertise with Committee members. In addition to the submissions made to the inquiry and the evidence given by stakeholders during the hearings, the site visits were valuable in informing our discussions and recommendations to Government.

At each correctional centre, we were given a tour of key facilities and an opportunity to meet the women and men who reside there. The Committee was particularly interested to see the visiting areas where inmates can have physical contact with their families, and audio-visual (AVL) facilities and technologies that allow them to have 'virtual visits' with their children.

For example, the Committee met with the women who are housed in Dillwynia Correctional Centre and are involved in the trial of tablet technology. We are grateful for this opportunity, and it has informed the recommendations made in our report.

We also had the opportunity to have a discussion with men accommodated in the Macquarie Correctional Centre (Wellington) in regional NSW. Many of the men are fathers: they shared their aspirations for maintaining healthy relationships with their children, and offered suggestions as to how the NSW Government can best support them in this.

The site visits also provided the Committee with an opportunity to meet with representatives from SHINE for Kids, their hard-working volunteers and local school leaders, all of whom work to improve outcomes for children of imprisoned parents. At the SHINE visitor facilities in Goulburn and Windsor, we had informal discussions around their suggestions on how to better support children of imprisoned parents. SHINE's staff and volunteers had an abundance of insight in this area, which is derived from their many years of dedication to supporting children of imprisoned parents. The Committee is immensely grateful for their contributions to this inquiry.

Appendix Six – Extracts from minutes

MINUTES OF MEETING No 3

1:31pm, 14 November 2019

Room 1136, Parliament House

Members present

Mr Mason-Cox (Chair), Ms Wilson (Deputy Chair), Ms Boyd, Mr Donnelly, Ms Harrison, Ms Preston and Mr Saunders.

Officers in attendance

Elaine Schofield, Elspeth Dyer and Jennifer Gallagher.

1. Confirmation of minutes

Resolved, on the motion of Mr Donnelly:

That the draft minutes of meeting no 2, held on 9 August 2019, be confirmed.

2. ***

3. ***

4. Consideration of Terms of Reference

The Committee noted briefing materials concerning the following possible inquiry topics:

- i. ***
- ii. Support for children of incarcerated parents;
- iii. Suggested inquiry topics that the Committee considered in the 56th Parliament.

Discussion ensued.

The Committee also considered draft terms of reference for an inquiry into support for children of incarcerated parents.

Ms Preston moved that the draft Terms of Reference be amended to state: 'That the Committee inquire into and report on the possible impact on children of imprisoned parents and the adequacy of policies and services to assist the children of imprisoned parents in New South Wales, with particular reference to:

- (a) What policies exist and what services are available;
- (b) How effective these services are and identifying areas for improvement;
- (c) Any other related matters'.

Motion agreed to.

Resolved, on the motion of Ms Harrison:

- That the Committee conduct an inquiry into the support for the children of imprisoned parents in New South Wales;
- That the Committee adopt the draft terms of reference for the inquiry as amended;
- That the Committee call for submissions to the inquiry and advertise the inquiry on the Committee's webpage;
- That the closing date for submissions be 28 February 2020;
- That the Chair issue a media release announcing the inquiry;
- That the secretariat, in consultation with the Committee, develop a list of key stakeholders to be informed of the inquiry and invited to make a submission.

5. ***

6. Next meeting

The Committee adjourned at 2:06pm until a date and time to be determined.

MINUTES OF MEETING No 4

10:16am, 6 March 2020

Preston-Stanley Room, Parliament House

Members present

Mr Mason-Cox (Chair), Ms Boyd, Mr Donnelly, Ms Harrison, Ms Preston and Mr Saunders.

Officers in attendance

Elaine Schofield, Leon Last, Jackie Linnane, Jennifer Gallagher, and Mohini Mehta.

1. Apologies

An apology was received from Ms Wilson.

2. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Mr Saunders:

That the draft minutes of meeting no 3, held on 14 November 2019, be confirmed.

3. ***

4. ***

5. Inquiry into support for children of imprisoned parents in NSW

The Committee discussed the progress of the inquiry and future plans.

a. Submissions

Resolved, on the motion of Ms Preston:

That the following submissions be published in full, with private contact details redacted:

2, 3, 4, 5, 6, 8, 9, 11, 13, 15, 16, 18, 19, 20, and 21.

That submission 1 and submission 7 be published with the covering letter considered as the submission and the supporting documents considered as attachments.

That submission 10 be published with the photographs of children on: the inside front cover, and pages 7, 17, 21, 22, 31, and 32 redacted.

That the following submissions be kept partially confidential: 12, 14, and 17.

6. ***
7. ***
8. ***
9. ***

10. Next meeting

The Committee adjourned at 2:06pm until a date and time to be determined.

MINUTES OF MEETING No 5

1.30pm, 18 June 2020

Macquarie Room, Parliament House

Members present

Mr Mason-Cox (Chair), Mr Donnelly, Ms Harrison, Ms Preston, Mr Saunders, and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, Leon Last, and Jackie Linnane.

1. Apologies

An apology was received from Ms Boyd.

2. Committee membership

The Chair reported a change in the membership of the Committee as reported in the Votes and Proceedings, of 16 June 2020, entry 13.

Mr Peter Sidgreaves MP has been appointed to the Committee in place of Ms Felicity Wilson MP.

3. Election of Deputy Chair

As a consequence of the membership change, the Chair noted the vacancy in the office of Deputy Chair for the Committee and called for nominations.

Ms Preston, seconded by Mr Saunders, nominated Mr Sidgreaves.

Mr Donnelly, seconded by Ms Harrison, nominated Ms Harrison.

Question put- that Mr Sidgreaves be elected Deputy Chair of the Committee.

Question resolved in the affirmative.

Mr Sidgreaves elected as the Deputy Chair.

4. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Ms Preston:

That the draft minutes of meeting no 4, held on 6 March 2020, be confirmed.

5. Inquiry into support for children of imprisoned parents in NSW

5.1. Inquiry timeline

The Committee discussed a timeline for the inquiry, including potential site visits.

The Committee agreed that it would hear from the Department of Corrections, the SHINE for Kids organisation and the Serco organisation at information briefings. When dates had been finalised, the Chair would write to the Minister for Counter Terrorism and Corrections, to request the briefings and to facilitate site visits.

5.2. Submissions

Resolved, on the motion of Ms Harrison:

That the following submissions be published in full, with private contact details redacted: 22, 24, 25, 26, and 27.

That the following submission be kept partially confidential: 23.

5.3. Briefing papers

The Committee noted the briefing papers on:

- Policies affecting children of imprisoned parents in other Australian jurisdictions
- Policies affecting children of imprisoned parents in New Zealand, the United Kingdom, and the Netherlands
- A list of potential site visits for the Committee to consider.

6. ***

7. Next meeting

The Committee adjourned at 2.04 pm until a date and time to be determined.

MINUTES OF MEETING No 6

9.00am, 31 July 2020

Macquarie Room, Parliament House

Members present

Mr Mason-Cox (Chair), Mr Donnelly, Ms Harrison, Ms Preston (via teleconference), Mr Saunders, and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, Leon Last, Jackie Linnane, and Jennifer Gallagher.

1. Apologies

An apology was received from Ms Boyd.

2. Confirmation of minutes

Resolved, on the motion of Mr Saunders:

That the draft minutes of meeting no 5, held on 18 June 2020, be confirmed.

3. ***

4. Inquiry into support for children of imprisoned parents in NSW

4.1. Site visits

The Committee discussed dates for the site visits as part of the inquiry into support for children of imprisoned parents in NSW.

Resolved, on the motion of Mr Saunders, that the Chair write to the Minister for Counter Terrorism and Corrections to request that he facilitate the arrangement of the site visits

4.2. Briefings

Resolved, on the motion of Mr Saunders, that the Committee receive briefings from representatives of Corrective Services and SHINE for Kids.

5. ***

6. ***

7. Next meeting

The Committee adjourned at 2.46pm until 9.00am, Thursday, 6 August.

MINUTES OF MEETING No 8

1.33pm, Wednesday, 23 September 2020

Macquarie Room, Parliament House

Members present

Mr Mason-Cox (Chair), Mr Donnelly, Ms Harrison, Ms Preston, Mr Saunders, Mr Shoebridge and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, Leon Last, and Jennifer Gallagher.

1. Committee membership

The Chair reported a change in the membership of the Committee.

Mr David Shoebridge MLC has been appointed to the Committee in place of Ms Abigail Boyd MLC.

(Legislative Council Minutes of 23 September 2020)

2. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Mr Sidgreaves:

That the draft minutes of meeting no 7, held on 6 August 2020, be confirmed.

3. ***

4. Inquiry into support for children of imprisoned parents

4.1. Correspondence

The Committee noted the letter from the Hon Anthony Roberts MP, Minister for Counter Terrorism and Corrections, requesting that the Committee postpone visits of inspection until COVID-19 restrictions are lifted.

4.2. Submissions

Resolved, on the motion of, Mr Sidgreaves, seconded by Ms Preston, that the supplementary submission from SHINE for Kids be published on the Committee's website with information on pages 3, 4, 5, 6, and 7 redacted.

4.3. Update for stakeholders

The Committee agreed that the Chair write to inquiry stakeholders to explain the delay in progressing the inquiry, and provide an updated timeline.

5. ***

6. Next meeting

The Committee adjourned at 1.52pm until a date and time to be determined.

MINUTES OF MEETING No 9

1.32pm, Thursday, 18 February 2021

Room 1043, Parliament House

Members present

Mr Mason-Cox (Chair), Ms Harrison, Ms Preston, Mr Saunders, Mr Shoebridge and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, Leon Last, and Mohini Mehta.

1. Apologies

An apology was received from Mr Donnelly.

2. Confirmation of minutes

Resolved, on the motion of Mr Shoebridge, seconded by Mr Saunders:
That the draft minutes of meeting no 8, held on 23 September 2020, be confirmed.

3. ***

4. Inquiry into support for children of imprisoned parents

The Committee discussed timelines for the inquiry, including upcoming visits of inspection.

Resolved on the motion of Ms Harrison:

That the Committee conduct the following events as part of the inquiry into support for children of imprisoned parents in New South Wales:

- Wednesday, 21 April – Visits to Long Bay Correctional Centre and Silverwater Women's Correctional Centre. At the conclusion, fly to Dubbo.
- Thursday, 22 April – Visits to Wellington and Macquarie Correctional Centres. At the conclusion, return flight to Sydney.
- Tuesday, 27 April – Visit Goulburn Correctional Centre and meet with SHINE.
- Wednesday, 28 April – Visit to Jacaranda Cottages, Bolwarra Transitional Centre, Dillwynia Correctional Centre and SHINE facility at Windsor.
- Thursday, 29 April – Public Hearing at Parliament House.
- Friday, 14 May – Public Hearing at Parliament House.

Resolved on the motion of Ms Preston, seconded by Ms Harrison:

That the Chair write to the Minister for Counter Terrorism and Corrections requesting that the Government provide a supplementary submission to the inquiry into support for children of imprisoned parents in New South Wales.

5. ***

6. Next meeting

The Committee adjourned at 2.00pm until a date and time to be determined.

MINUTES OF MEETING No. 10

9.02 am, 29 April 2021

Jubilee Room, Parliament House

Members present

Mr Mason-Cox (Chair), Mr Sidgreaves (Deputy Chair), Ms Harrison, Ms Preston, Mr Saunders (via Webex), Mr Shoebridge

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Ilana Chaffey, Mohini Mehta

1. Deliberative meeting

1.1 Apologies

An apology was received from Mr Donnelly

1.2 Confirmation of minutes

Resolved on the motion of Ms Harrison, seconded by Ms Preston:

That the minutes of deliberative meeting no. 9 held on 18 February be confirmed.

1.3 Public hearing

Resolved on the motion of Mr Sidgreaves, that the Committee invite the witnesses listed in the notice of hearing for Thursday, 29 April 2021 to give evidence in relation to the inquiry into support for children of imprisoned parents in New South Wales.

Resolved on the motion of Mr Sidgreaves, that the Committee authorise the audio-visual recording, photography and broadcasting of the public hearing on 29 April 2021, in accordance with the guidelines for the coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

The deliberative meeting adjourned at 9.04 am.

2. Public hearing: Inquiry into support for children of imprisoned parents in NSW

Witnesses were admitted. The Chair opened the public hearing at 9.04 am and, after welcoming the witnesses, made a short opening statement.

Mr Andrew Kew, CEO, and Ms Susan Plunkett, NSW/ACT State Manager, SHINE for Kids were sworn and examined.

Ms April Long, National Programs Manager, and Mr Dennis van Someren, Volunteer, SHINE for Kids were affirmed and examined.

Mr Kew made an opening statement.

Ms Long made an opening statement.

Mr van Someren made an opening statement.

The Committee commenced questioning the witnesses. Evidence concluded, the witnesses withdrew.

Ms Pam Baker, CEO, and Dr Elizabeth Watt, Research and Policy Manager, Yfoundations, were affirmed and examined.

Ms Baker made an opening statement.

The Committee commenced questioning the witnesses. Evidence concluded, the witnesses withdrew.

The hearing adjourned at 10.43 am and resumed at 11.01 am.

Ms Janet Donald, Member, Ms Helen Eason, Member, and Ms Eleni Psillakis, Member, Keeping Women Out of Prison Coalition (KWOOP) were sworn and examined.

Ms Donald made an opening statement.

Ms Psillakis made an opening statement.

Ms Eason made an opening statement.

The Committee commenced questioning the witnesses. Evidence concluded, the witnesses withdrew.

Ms Janet Schorer, Children's Guardian, Office of the Children's Guardian was sworn and examined.

Ms Vanessa Viaggio, Policy Manager, Office of the Children's Guardian was affirmed and examined.

Ms Schorer made an opening statement.

The Committee commenced questioning the witnesses. Evidence concluded, the witnesses withdrew.

The hearing adjourned at 12.20 pm.

3. Deliberative meeting

The Committee resumed the deliberative meeting at 12.21 pm.

3.1. ***

3.2. Inquiry into support for children of imprisoned parents in NSW

3.2.1. Correspondence

The Committee noted the correspondence received from Peter Severin, Commissioner, Corrective Services, received 10 March 2021.

3.2.2. Submissions

Resolved on the motion of Mr Shoebridge:

That supplementary submission 20a and submission 28 be published in full with private contact details redacted.

3.2.3. Public hearing – 14 May

The Committee discussed witnesses for the public hearing on 14 May. The Committee agreed that the Chair and secretariat should make arrangements and inform the Committee when they had been finalised.

3.2.4. Public hearing – 29 April

3.2.4.1. Answers to questions on notice and additional questions

Resolved, on the motion of Ms Preston, that witnesses be requested to return answers to questions taken on notice and additional questions within 21 days of the date on which the questions are forwarded to the witnesses.

The deliberative meeting concluded at 12.28 pm

The public hearing resumed at 1.32 pm.

Adjunct Associate Professor Karleen Gribble was affirmed and examined.

Professor Gribble made an opening statement.

The Committee commenced questioning the witness. Evidence concluded, the witness withdrew.

The hearing adjourned at 2.08 pm and resumed at 2.17 pm.

Ms Keisha Hopgood, Managing Solicitor, Children's Criminal Practice, Aboriginal Legal Services (NSW/ACT), attended by Webex and was sworn and examined.

Ms Hopgood made an opening statement.

The Committee commenced questioning the witness. Evidence concluded, the witness withdrew.

The hearing adjourned at 2.54 pm and resumed at 3.15 pm.

Mr Tim Leach, Executive Director, and Ms Kat Farrar, LEAP Solicitor, Wirringa Bay Aboriginal Women's Legal Centre, Community Legal Centres NSW were affirmed and examined.

Mr Patrick O'Callaghan, Principal Solicitor, Western NSW Community Legal Centre, Community Legal Centres NSW, attended by Webex and was affirmed and examined.

Mr Leach made an opening statement.

The Committee commenced questioning the witnesses. Evidence concluded, the witnesses withdrew.

The public hearing concluded at 4.07 pm.

4. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 4.08 pm.

4.1. Publication of transcript

Resolved, on the motion of Ms Preston, that the corrected transcript of public evidence given today be authorised for publication and uploaded on the Committee's website.

5. Next meeting

The Committee adjourned at 4.13 pm until 9.15 am on Friday, 7 May.

MINUTES OF MEETING No. 11

9.31 am, 7 May 2021

Macquarie Room, Parliament House

Members present

Mr Sidgreaves (Deputy Chair), Mr Donnelly, Ms Harrison, Mr Saunders

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Mohini Mehta

Deputy Chair presiding

In the absence of the Chair, the Deputy Chair opened the meeting.

1. ***

1.1 Apologies

Apologies were received from Mr Mason-Cox, Ms Preston, and Mr Shoebridge

1.2 ***

1.3 ***

2. Next meeting

The Committee adjourned at 1.02 pm until 8.45 am on Friday, 14 May.

MINUTES OF MEETING No. 12

8.57 am, 14 May 2021

Macquarie Room, Parliament House

Members present

Mr Sidgreaves (Deputy Chair), Mr Donnelly, Ms Harrison, Mr Poulos, Ms Preston, Mr Shoebridge

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Ilana Chaffey, Mohini Mehta

Deputy Chair presiding

In the absence of the Chair, the Deputy Chair opened the meeting.

1. Deliberative meeting

1.1 Apologies

An apology was received from Mr Saunders

1.2 Confirmation of minutes

Resolved on the motion of Ms Harrison, seconded by Mr Donnelly:

That the minutes of deliberative meeting no. 10 held on 29 April 2021 and the public hearing held on 7 May 2021 be confirmed.

1.3 Public hearing

Resolved on the motion of Mr Donnelly, seconded by Ms Harrison:

That the Committee take evidence from the witnesses listed in the notice of hearing for Friday, 14 May 2021 in relation to the inquiry into support for children of imprisoned parents in NSW.

That the Committee authorise the audio-visual recording, photography and broadcasting of the public hearing on 14 May 2021, in accordance with the guidelines for the coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

That witnesses be requested to return answers to questions taken on notice and additional questions within 21 days of the date on which the questions are forwarded to the witnesses.

The deliberative meeting adjourned at 8.58 am.

2. Public hearing: Inquiry into support for children of imprisoned parents in NSW

Witnesses were admitted. The Deputy Chair opened the public hearing at 9.00 am and, after welcoming the witnesses, made a short opening statement.

Dr Mindy Sotiri, Former Director, Advocacy Policy Research, Community Restorative Centre, was affirmed and examined.

Dr Sotiri made an opening statement.

Evidence concluded, the witness withdrew.

Ms Carly Stanley, CEO and Co-founder, Mr Keenan Mundine, Co-founder and Ambassador, and Ms Trinka Kent, Family Specialist, Deadly Connections Community and Justice Services, were affirmed and examined.

Ms Tatea Reilly, Justice Specialist, Deadly Connections Community and Justice Services, was sworn and examined.

Ms Stanley made an opening statement.

Evidence concluded, the witnesses withdrew.

Ms Carolyn Jones, Senior Solicitor, Legal Education and Advice in Prison (LEAP) for Women Program, and Ms Dixie Link-Gordon, Senior Community Access Officer, First Nations Women's Legal Program Women's Legal Services NSW, were affirmed and examined.

Ms Jones made an opening statement.

Ms Link-Gordon made an opening statement.

Evidence concluded, the witnesses withdrew.

The hearing adjourned at 10.40 am and resumed at 10.50 am.

Ms Zoe Robinson, Advocate for Children and Young People, was affirmed and examined.

Ms Robinson made an opening statement.

Evidence concluded, the witness withdrew.

Adjunct Associate Professor Kath McFarlane, Kath McFarlane Consulting, was affirmed and examined.

Professor McFarlane made an opening statement.

Evidence concluded, the witness withdrew.

Mr Peter Abood, State Manager NSW/ACT, Prison Fellowship Australia, was sworn and examined.

Mr Abood made an opening statement.

Evidence concluded, the witness withdrew.

The hearing adjourned at 12.18 pm and resumed at 1.33 pm

The Honourable Elizabeth Evatt AC, Member, and Ms Gloria Larman, Member, Corrective Services NSW Women's Advisory Council, were affirmed and examined.

Ms Evatt made an opening statement.

Ms Larman made an opening statement.

Evidence concluded, the witnesses withdrew.

Mr Glen Scholes, Clarence Correctional Centre General Manager, and Ms Cherie Goodwin, Clarence Correctional Centre Inmate Services Manager, Serco, were sworn and examined.

Mr Scholes made an opening statement.

Evidence concluded, the witnesses withdrew.

The hearing adjourned at 2.54 pm and resumed at 3.09 pm.

- Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District Youth Services, Department of Communities and Justice
- Mr Matthew Karpin, Director, Criminal Law Specialist, Department of Communities and Justice
- Mr Joe Parsons, Director, Housing and Homelessness, Department of Communities and Justice
- Ms Rani Young, Principal Policy Officer, Corrections Strategy and Policy, Department of Communities and Justice
- Ms Emma Smith, Governor, Dillwynia and Emu Plains Correctional Centres, and
- Dr Leigh Haysom, Clinical Director, Adolescent Health and Director, Medical Programs, Justice Health and Forensic Mental Health Network, NSW Health

were affirmed and examined.

Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, was sworn and examined.

Dr Haysom made an opening statement.

Evidence concluded, the witnesses withdrew.

The public hearing concluded at 4.54 pm.

3. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 4.56 pm.

Inquiry into support for children of imprisoned parents in NSW

3.1. Correspondence

The Committee noted the following correspondence received:

- Letter from Secretary of the Department of Communities and Justice, nominating witnesses for the public hearing to be held on 14 May, dated 10 May 2021.

- Email from Michelle Vo, nominating witness from NSW Health, for the public hearing to be held on 14 May, dated 11 May 2021.

3.2. Inquiry timeline

The Committee discussed the next stages for the inquiry and agreed to have further discussions after it had reviewed the transcript from the public hearing.

3.3. Public hearing publication orders

Resolved, on the motion of Ms Preston, seconded by Ms Harrison, that the corrected transcript of public evidence given today be authorised for publication and uploaded on the Committee's website.

4. ***

5. ***

6. Next meeting

The Committee adjourned at 5.19 pm until a time and date to be confirmed.

MINUTES OF MEETING No. 13

1.18 pm, 8 June 2021

Room 1043, Parliament House

Members present

Mr Poulos (Chair), Mr Sidgreaves (Deputy Chair), Mr Donnelly, Ms Harrison, Ms Preston, Mr Saunders, Mr Shoebridge

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Ilana Chaffey

The Deputy Chair opened the meeting.

1. Committee membership

As reported in the Legislative Council Minutes, of 13 May 2021, Entry 16, Mr Mason-Cox was discharged from the Committee and Mr Faraway was appointed as a member of the Committee.

As reported in the Legislative Council Minutes, of 13 May 2021, Entry 18, Mr Faraway was discharged from the Committee and Mr Poulos was appointed as a member of the Committee.

2. Election of Chair

As a consequence of the membership changes, the Deputy Chair noted the vacancy in the office of Chair for the Committee and called for nominations.

Ms Preston moved, seconded by Mr Saunders, that Mr Poulos be the Chair of the Committee.

Mr Donnelly moved, seconded by Mr Shoebridge, that Ms Harrison be the Chair of the Committee.

Question put – that Mr Poulos be elected Chair of the Committee.

The Committee divided.

Ayes: Mr Poulos, Ms Preston, Mr Saunders, Mr Sidgreaves

Noes: Mr Donnelly, Ms Harrison, Mr Shoebridge

Question resolved in the affirmative.

Mr Poulos elected as the Chair, and presided over the meeting.

3. Confirmation of minutes

Resolved on the motion of Mr Donnelly, seconded by Mr Sidgreaves:

That the minutes of deliberative meeting no. 12, held on 14 May, be confirmed.

4. Next meeting

The Committee adjourned at 1.21 pm until 1.30 pm on Wednesday, 23 June.

MINUTES OF MEETING No 14

1.33pm, Wednesday, 23 June 2021

Room 1043, Parliament House

Members present

Mr Poulos (Chair), Mr Donnelly, Ms Harrison (via Webex), Ms Preston, Mr Saunders, Mr Shoebridge (via Webex) and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, and Leon Last

1. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Mr Sidgreaves:

That the draft minutes of meeting no 13, held on 8 June 2021, be confirmed.

2. ***

3. Inquiry into support for children of imprisoned parents

3.1 Correspondence

The Committee noted the correspondence from Mr Peter Abood from Prison Fellowship, indicating that he does not have access to a copy of a report asked for in a question taken on notice, received 10 June.

Resolved, on the motion of Mr Donnelly, seconded by Mr Sidgreaves:

That the correspondence from Governor Smith, providing clarification on certain statements made at the public hearing on 14 May, received 27 May be published on the Committee's website and that a footnote be added to the relevant section of the transcript with a link to the correspondence.

3.2 Documents presented at the public hearing held on 14 May

Resolved on the motion of Ms Harrison, seconded by Ms Preston, that the following documents, received from witnesses at the public hearing held on 14 May, be published on the Committee's website:

- Legal Education and Advice in Prison (LEAP) for Women – Provided by Ms Carolyn Jones, Women's Legal Service NSW.
- Parenting and DV Programs that have been delivered at CLA – Provided by Mr Glen Scholes, SERCO.
- Intake Screening Questionnaire – Provided by Ms Rani Young, Department of Communities and Justice.
- Young People and Parental Incarceration (PI) – Provided by Dr Leigh Haysom, NSW Health.

3.3 Answers to questions on notice

Resolved, on the motion of Mr Saunders, seconded by Mr Sidgreaves, that the following answers to questions on notice be published on the Committee's website:

- Yfoundations, received 13 May
- Office of the Children's Guardian, received 17 May and 16 June
- SHINE for Kids, received 25 May
- Aboriginal Legal Service, received 1 June
- Community Legal Centres, received 3 June
- Dr Kath McFarlane, received 8 June
- SERCO, received 11 and 14 June
- Office of the Advocate for Children and Young People, received 15 June
- NSW Health, received 15 June
- Keeping Women Out of Prison Coalition (KWOOP), received 16 June

Resolved, on the motion of Mr Shoebridge, seconded by Mr Donnelly:

That the answers to questions on notice received from the Community Restorative Centre be published on the Committee's website but that the other information provided be kept confidential to the Committee.

3.4 Conduct of inquiry

The Committee agreed to meet to discuss the content of the report. The secretariat agreed to circulate a draft outline of the report.

4. ***

5. Next meeting

The Committee adjourned at 1.54pm until a date and time to be determined.

MINUTES OF MEETING No 15

1.42pm, Thursday, 16 September 2021

Via Webex

Members present

Mr Poulos (Chair), Mr Donnelly, Ms Harrison, Ms Preston, Mr Saunders, Mr Shoebridge, and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, Leon Last, and Mohini Mehta

1. Recording of meeting

Resolved on the motion of Ms Preston:

That the Committee agree to record the meeting for the purpose of the secretariat preparing the reports, and that the recording be deleted when the reports are adopted.

2. Confirmation of minutes

Resolved, on the motion of Mr Sidgreaves:

That the draft minutes of meeting no 14, held on 23 June 2021, be confirmed.

3. ***

4. Support for children of imprisoned parents

4.1. Committee consultation on the report plan

The Committee discussed the report plan prepared by the secretariat and forwarded to members for the *Support for children of imprisoned parents in New South Wales* inquiry.

The Committee considered the draft report plan and made suggestions.

5. Next meeting

The Committee adjourned at 2.05pm until a date and time to be determined.

MINUTES OF MEETING No 16

1.40 pm, Thursday, 21 October 2021

Via video conference

Members present

Mr Poulos (Chair), Mr Donnelly, Ms Harrison, Mr Saunders and Mr Sidgreaves.

Apologies

Apologies were received from Ms Preston and Mr Shoebridge.

Officers in attendance

Elaine Schofield, Leon Last, Matt Johnson and Mohini Mehta

1. Confirmation of minutes

Resolved on the motion of Mr Donnelly, seconded Mr Sidgreaves:
That the draft minutes of meeting no 15, held on 16 September, be confirmed.

2. ***

3. ***

4. Next meeting

The meeting adjourned at 1.47pm until a date to be determined.

MINUTES OF MEETING No 17

2.55 pm, Wednesday, 1 December 2021

Room 1254 and via Webex videoconference

Members present

Mr Poulos (Chair), Mr Donnelly, and Mr Shoebridge.

Members attending via videoconference

Ms Harrison, Mr Saunders, Mr Sidgreaves and Ms Preston (via teleconference).

Officers in attendance

Leon Last, Matt Johnson and Mohini Mehta.

1. Confirmation of minutes

Resolved on the motion of Mr Donnelly:
That the draft minutes of meeting no 16, held on 21 October, be confirmed.

2. ***

3. ***

4. Support for children of imprisoned parents in NSW

4.1 Publication orders

Resolved on the motion of Mr Sidgreaves, seconded by Mr Donnelly:
That the Committee accept the listed answers received to questions on notice and supplementary questions, and publish them on its website, with contact details redacted.

- Answers to questions on notice and supplementary questions from Deadly Connections Community and Justice Services Pty Ltd
- Answers to questions on notice and supplementary questions from Department of Communities and Justice

- Answers to questions on notice and supplementary questions from Adjunct Associate Professor Karleen Gribble
- Answers to questions on notice and supplementary questions from Dr Kath McFarlane
- Answers to supplementary questions from SHINE for Kids
- Answers to supplementary questions from Yfoundations
- Answers to supplementary questions from NSW Health

5. ***

6. Next meeting

The Committee agreed to meet in the week beginning 14 February, with the secretariat to canvass availability of members.

The meeting adjourned at 3.10pm.

MINUTES OF MEETING No 18

1.40 pm, Thursday, 19 May 2022

Jubilee Room, Parliament House

Members present

Mr Sidgreaves (Chair), Ms Gibbons (Deputy Chair), Ms Boyd, Mr Donnelly, Mr Rath, Ms Harrison and Mr Smith.

Officers in attendance

Carly Maxwell, Rohan Tyler, Leon Last, Matt Johnson and Mohini Mehta.

1. Membership changes

The Deputy Clerk advised the Committee of the change in membership recorded in:

The Legislative Assembly Votes and Proceedings of 24 February 2022, No 15, Item 1(a), in which Melanie Gibbons and Leslie Williams were appointed to the Committee, in place of Robyn Preston and Dugald Saunders.

The Legislative Council Minutes of 24 February 2022, No 4, Item 1(b), in which Catherine Cusack was appointed to the Committee in place of Peter Poulos.

The Legislative Council Minutes of 30 March 2022, No 8, Item 1(a), in which Chris Rath and Abigail Boyd were appointed to the Committee, in place of Catherine Cusack and David Shoebridge.

The Legislative Assembly Votes and Proceedings of 31 March 2022, No 17, Item 1(a), in which Stephen Bromhead was appointed to the Committee, in place of Leslie Williams.

The Legislative Assembly Votes and Proceedings of 18 May 2022, No 13, Item 1(a), in which Nathaniel Smith was appointed to the Committee, in place of Stephen Bromhead.

The Committee noted the changes in membership.

2. Election of Chair

There being a vacancy in the office of Chair of the Committee, the Deputy Clerk called for nominations for the office of Chair.

Mr Smith nominated Mr Sidgreaves as Chair, seconded by Ms Gibbons.

No further nominations were received. There being only one nomination, the Deputy Clerk declared Mr Sidgreaves to be the Chair.

The Deputy Clerk handed the meeting over to the Chair to preside.

3. Election of Deputy Chair

There being a vacancy in the office of Deputy Chair of the Committee, the Chair called for nominations for the office of Deputy Chair.

Mr Smith nominated Ms Gibbons as Deputy Chair, seconded by Mr Rath.

No further nominations were received. There being only one nomination, the Chair declared Ms Gibbons to be the Deputy Chair.

4. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Mr Sidgreaves: That the minutes of the meeting of 1 December 2021 be confirmed.

5. ***

6. Inquiry into support for children of imprisoned parents in New South Wales

Resolved, on the motion of Mr Donnelly, seconded by Ms Harrison: That the Committee meet in the first sitting week of June 2022 to consider the Chair's draft report on the inquiry into support for children of imprisoned parents in New South Wales.

7. ***

8. ***

9. Next meeting

The meeting adjourned at 2.02pm until date to be confirmed.

MINUTES OF MEETING No 19

1.41 pm, Wednesday, 8 June 2022

Room 1254, Parliament House

Members present

Ms Gibbons (Deputy Chair), Ms Boyd, Mr Donnelly, Mr Rath, Ms Harrison and Mr Smith.

Apologies

An apology was received from Mr Sidgreaves.

Officers in attendance

Clara Hawker, Leon Last, Matt Johnson, Ilana Chaffey and Mohini Mehta.

In the absence of the Chair, the Deputy Chair, Ms Gibbons, opened the meeting at 1.41pm.

1. Confirmation of minutes

Resolved, on the motion of Mr Rath, seconded by Mr Smith: That the minutes of the meeting of 19 May 2022 be confirmed.

2. ***

3. ***

4. Inquiry into support for children of imprisoned parents in New South Wales

The Chair's draft report, which had previously been circulated, was taken as being read.

The Committee considered the Chair's draft report.

The Committee agreed to consider the report chapter by chapter.

Resolved, on the motion of Mr Donnelly, seconded Ms Harrison, that chapter 1 stand part of the report.

Resolved, on the motion of Mr Rath, seconded Mr Smith, that chapter 2 stand part of the report.

Resolved, on the motion of Mr Donnelly, seconded Mr Smith, that chapter 3 stand part of the report.

Resolved, on the motion of Ms Harrison, seconded Mr Rath, that chapter 4 stand part of the report.

Resolved, *in globo*, on the motion of Ms Boyd, seconded Mr Rath:

1. That the draft report be the report of the Committee and that it be signed by the Chair and presented to the house.
2. That the Chair and committee staff be permitted to correct stylistic, typographical and grammatical errors.
3. That, once table, the report be posted on the Committee's website.

5. ***

6. **Next meeting**

The meeting adjourned at 2.01pm until 24 June.

Appendix Seven – Glossary

ACCO	Aboriginal community-controlled organisations
ACYP	Office of the Advocate for Children and Young People
ALS	Aboriginal Legal Service NSW/ACT
BOCSAR	Bureau of Crime Statistics and Research
CRC	Community Restorative Centre
CSNSW	Corrective Services NSW
DCJ	Department of Communities and Justice
HSDS	Human Services Dataset
ISQ	Intake Screening Questionnaire
KWOOP	Keeping Women Out of Prison Coalition
MAAD	Mothering at a Distance
NCARA	The NSW Coalition of Aboriginal Regional Associations
OOHC	Out-of-home care
WAC	the CSNSW Women's Advisory Council