

REPORT ON PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

**SUPPORT FOR CHILDREN OF IMPRISONED PARENTS IN
NEW SOUTH WALES**

At Macquarie Room, Parliament House, Sydney, on Friday 14 May 2021

The Committee met at 09:00.

PRESENT

Mr Peter Sidgreaves (Acting Chair)

Legislative Assembly

Ms Jodie Harrison

Ms Robyn Preston

Legislative Council

The Hon. Greg Donnelly

The Hon. Peter Poulos

Mr David Shoebridge

The ACTING CHAIR: Good morning and thank you for attending this public hearing of the inquiry into Support for Children of Imprisoned Parents. Before we start, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respects to the Elders of the Eora nation past, present and emerging, and extend my respect to other Aboriginal and Torres Strait Islander people who are present or viewing the proceedings on the internet. I declare the hearing open.

MINDY SOTIRI, Former Director, Advocacy Policy Research, Community Restorative Centre, affirmed and examined

The ACTING CHAIR: Thank you for appearing before the Committee on Children and Young People today and giving evidence. Will you confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Dr SOTIRI: Yes, I can confirm that.

The ACTING CHAIR: Would you like to make a brief opening statement, before the commencement of questions?

Dr SOTIRI: Yes, I would. Thank you so much. I would also like to acknowledge that we are meeting here on Aboriginal land, and pay my respects to Elders past, present and emerging and any Aboriginal people in the room. I guess I would like to start by noting, as I noted very briefly in the submission, that the Community Restorative Centre [CRC] actually made a submission to the last upper House inquiry in 1997. I wrote that submission as a student on placement, more than 24 years ago. I think that, unfortunately, much of what we noted in our submission in 1997 is very similar to what we raised about 24 years ago. There are thousands of children unnecessarily separated from their parents by imprisonment. There are too many parents in prison that would be much better off supported in community settings with their children, rather than managed in justice system settings.

I guess I also wanted to—and I only very briefly brushed on this in the submission—note that the larger context of this inquiry is really about an unstoppable appetite for incarceration, instead of support in the community, and the way that prison has become a default response to disadvantage. Although there is plenty to be done right now, and quite urgently, for children of incarcerated parents, I think the first point that I really want to make clear, before we get into the nitty-gritty of what should and could be done, is that we really need to first start thinking about how to stop unnecessarily locking parents up, and how to stop the really unnecessary hardship that has been caused for so many children as a result of this. I also wanted to note that there were many recommendations that were made following that 1997 submission, and many government agencies that were not held to account in terms of their responsibilities in responding to that submission. I am very hopeful that this inquiry and any recommendations that do cut across a range of different government departments are taken very seriously by Government.

I would also like to support some of the recommendations made earlier to this Committee by my colleagues over at SHINE for Kids, particularly the fact that there is a real need for a dedicated effort to stop intergenerational incarceration by focusing attention, support and, most critically, resources on supporting children of prisoners. In order for this to occur, what we desperately need is Government leadership. We need funding and resourcing in the community sector to be consistent, to be long term, and to be systemic, so that it is not just a matter of good luck if you get a service, which is what happens at the moment. If you happen to be in a particular jail, if you happen to be living in a particular area, maybe you will happen to hear about somebody who will tell you about a service that exists. Support for children of prisoners should be there for every single child of an incarcerated parent, and every single family, who needs support, in terms of reintegration, should have access to that. That is just simply not the case at all in New South Wales.

Finally, I would like to also point out that, currently, in Australia, we spent \$3.6 billion a year on locking people up. I guess that what I like to do, and what I am really hopeful that this Committee might do, also, is think quite broadly and imagine quite broadly if we made a decision, as a Government and as a community, to invest this sort of money on supporting the 40,000 or so children who we know have a parent in custody, or supporting people leaving prison, to genuinely build lives in the community and supporting families to reintegrate. I think there is a real opportunity to shift the way that we think about both how we imprison, and what we need to do to support those people currently incarcerated.

Ms JODIE HARRISON: Thank you for your submission and for coming in today, Dr Sotiri. I have a question about the casework that CRC does and has done. You referred to it in the submission, but I was just wondering if you could elaborate, a little bit more, about the casework that was provided to support families during incarceration and afterwards, by CRC, and exactly why that is so important.

Dr SOTIRI: Yes, sure. I should note, also, that there have been some shifts since writing this submission a little over a year ago. When I wrote the submission, we were no longer able to fund the family casework position, because there just were not enough resources in that particular stream of funding from Corrective Services NSW [CSNSW]. Since then, we have received some additional funding from clubGRANTS, so CRC has started delivering family casework again, which we are very pleased about. The casework is really support for families who have a loved one inside, who often feel incredibly isolated, are often really struggling with parenting, are often very ashamed, and feel very criminalised by the experience of having a partner or a loved one inside. What it offers is a completely non-judgemental space for people to be able to talk about their concerns, their loneliness and the grief that is involved when somebody that you love goes to prison, in a way that people often feel that they cannot describe in a lot of mainstream or non-specialist services.

There are a couple of elements to the family casework. One is it can be a form of crisis response. If a family just does not know what to do, because they are very concerned about the safety of their loved one, they often will call CRC first as a first port of call, and we can usually try to navigate the corrections system, to find somebody within the prison that is able to do a welfare check. That is a very common use of that brief casework, and then there is ongoing casework for families who have often very complex needs themselves. There might be mental health conditions or disabilities, or their children might have special needs, or be experiencing grief and loss as a consequence of parental incarceration. That operates often when somebody first goes into prison, and often there is a focus, also, on just prior to somebody coming out, which is also quite a stressful—exciting but extremely stressful—time for families as they try to work out what their lives are going to look like with somebody who has been missing for a couple of years.

With families, it is about trying to empower people to be able to survive in the community, to allow people the critical experience of being heard and not being embarrassed, to be able to talk about their experiences. Also, there is a lot of advocacy involved in that casework. Unfortunately, a lot of families experience their loved ones having very difficult times in prison. A lot of families are very shocked by what happens when somebody goes to prison. It takes quite some time, especially if you are not familiar with going to prison, to navigate that system and to understand some of the, unfortunately, more dehumanising aspects of what going to prison actually does to somebody. We have many family members who have experienced their loved ones experience violence while they are incarcerated, and experience, very unfortunately, poor health care while they are incarcerated.

Mental health and physical health are often things that families call up to say, "What can we do? We know he's struggling; we know he's not well. What on earth can we do?" It is providing that sort of support. And then the key focus of most CRC programs is really on that reintegration part of the puzzle. 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. Obviously, where it is safe—there are some instances where we would not be supporting families to be staying connected—and, where that is what everybody wants, then we spend a lot of time working with families, prior to somebody's release, and working with the person inside, prior to their release, to talk about and work through what that support might be. In the past, we have run programs about getting out and staying together, for couples, because there are so many challenges, especially around parenting, for people when they are leaving custody. We provide a lot of education and skills-building around parenting as well.

Ms JODIE HARRISON: Certainly, the figures that you talk about, that you provided in your submission, about the difference in recidivism rates having been through the intensive case management program, are absolutely startling. Does what you do overlap with SHINE at all?

Dr SOTIRI: Yes, although SHINE are without a doubt the specialists in children and young people. We work with families, and often we are working with mums and girlfriends, who have children, with their loved one inside. SHINE provide a whole range of programs inside prisons, and provide what needs to be provided, including supported visits for children, especially for children in high-risk categories. We tend to support families that are a little bit more sufficient, in terms of being able to—in the casework element, getting themselves to the prisons and being able to navigate that. So, we do not support children on their own, whereas SHINE absolutely step into that space.

The ACTING CHAIR: You gave a statistic of 40,000 children with incarcerated parents.

Dr SOTIRI: Yes.

The ACTING CHAIR: Can you confirm whether that is in New South Wales?

Dr SOTIRI: No. I should say that I was using that as an example. That is the number in Australia that is bandied around. There is really poor data collection, when it comes to the actual number of kids who are in

custody. We know around 60 per cent of women in prison in New South Wales are parents. We do not know how many are children. Around 66 per cent of Indigenous women in prison are parents. That 40,000 number has been estimated by a number of researchers who have looked into it, but there is very limited actual data. That is the estimation which I was using as a comparison to the 40,000 people who are locked up in prison that we do not know about.

The ACTING CHAIR: We went out and made a number of visits to Corrective Services facilities. What we heard, a lot, from those inmates who had the opportunity to do audio visual links [AVL] with their families was that they were very helpful for them, particularly for those in regional areas, where it is a stress on the family to travel, for example, to Wellington, which we visited as well. Can I get your thoughts on what, in terms of a family and children perspective, has been the positive or negative impact of those?

Dr SOTIRI: Yes, of course. CRC delivers AVL visits as part of its suite of programs that we are qualified to do, and have facilities set up. Certainly, there has been some really important movement, especially over the last year during COVID, in terms of increased access to AVLs for family members. I do not think it is the only answer, in terms of connecting children and families. I think it is an important part of maintaining contact, but it absolutely should not—especially for children and especially for young children—replace actual physical contact with their parents, because that is really critical. It is really important that we continue that, as part of the suite of things that we use to ensure that families and kids are connected, but we should not see that as being the answer. There is a real issue in terms of difficulty accessing people in regional centres, of course. It is such a big state. A large part of what CRC does is provide brokerage and travel assistance, so that people can get to see their loved ones.

The issue here is around movements around the prisons in New South Wales, and where people are situated. Often we build new prisons, and suggest that they will be local prisons, and that it will be much easier for family members in that particular area to be able to visit. That is often a justification for building a big new prison up in, say, Grafton, with Clarence, or building one on the South Coast. What, in fact, we see, is this very rarely eventuates. We, instead, see these prisons—we see one-third of all women in custody are currently up in Clarence at the moment, miles away from their kids. The issue is partly about transport, but it is primarily around why we are putting people so far away from their loved ones. Why are we building prisons so far out of where so many people are able to access them? Why are we moving people around the system so regularly, so that half the time there is not—many years ago, when I was writing this first submission, families used to move near to the prison where their loved ones were staying, so that they could be there to provide that support. Nobody does that anymore, because people move around so incredibly regularly. It is those structural issues that we need to be looking at, as much as we need to be looking at the need for families to be able to travel to visit in person as well.

The Hon. GREG DONNELLY: Before I go to my questions, just on that particular point, are you aware of the reason that is given, from Corrective Services, for moving inmates around? Are you aware of the explanation they give?

Dr SOTIRI: It has, historically, been because of overcrowding. That is usually the reason that is given by Corrections. At various points in New South Wales, there has been close to a prison's worth of inmates on trucks moving between prisons, because of the terrible bed shortages. I am not sure what the situation is now with the reduced numbers in terms of COVID. I think it would probably be a question for Corrections, as to those movements.

The Hon. GREG DONNELLY: I was seeking whether or not you had an awareness of, at least, part of the explanation for moving inmates around. I am not asking you to express a position off the top of your head. You can take it on notice if you wish. At least, the reason is in part with respect to—and this may or may not be an operational position they take—stopping, and preventing, relationships and networks developing inside our prisons. It is part of a deliberate operational strategy, that is used to move people around and stop those relationships from developing, from an internal management point of view. So, it is done very deliberately, at least in part. Have you ever been made aware of that explanation?

Dr SOTIRI: I have certainly heard about people being moved because of association issues. That is, certainly, something that comes up reasonably regularly, but I was not aware of that as a deliberate internal operational issue.

The Hon. GREG DONNELLY: That is my observation, and the only reason I know that is I have a general awareness that that was the case, from when we recently went on a visit to Long Bay jail. I forget who mentioned it, but I do recall it was something that was raised, so I raise it with you. Thank you very much for your submission, which is very helpful, and thank you for coming along today, to allow us to ask you some additional questions. The video visits were presented to us as being a valuable assistance, in terms of helping to create that ongoing contact between prisoners and family members. It seems that, if technology goes one way and not back

the other, we will have this before us into the future. Are there ways and means—I am not asking you to make any concession about it being better than face-to-face contact, but given that technology is not going to go away, do you have any thoughts about how what is provided may be improved and made better? With respect to matters of technology, which are evolving in front of our eyes, are there any other things that we should be looking at, from a technology point of view?

Dr SOTIRI: From what I have heard, in prison and outside of prison, up in Clarence the access to tablets is for quite long hours, so they are able to organise their visits themselves and speak to their loved ones up until, I think, 10 o'clock at night. That is certainly something that could be replicated in other places. Access and being able to take responsibility for organising those visits, and contacting your loved ones in that way, can be really useful. I think there are important steps that are being taken. I am not sure where they are at, in terms of allowing access to tablets that also have a whole range of information: educational tools, access to information about parenting, and other kinds of resources, so that people are able to be quite proactive in terms of accessing services inside.

I say all of this because this is stuff that all of us have, and should be available to people inside. I do also want to make the point that literacy levels are incredibly low in our prisoner population, so we need to be very mindful of the accessibility for all populations. The numbers of people with intellectual disability, for instance, are very high. We know that not everybody is going to have the same quality of access to the tools that we provide them. Also, again, although it is an observation rather than something steeped in evidence, from my perspective—although the evidence might exist. It is not something I am across. There is no substitute for face-to-face contact, in terms of support services, in terms of contact with family members, even though it is much easier a lot of the time to do that both organisationally, operationally, and also for the people involved. I think the observations that we have made with the families that we are working with at CRC, is that their loved ones still need that contact and they still need that contact. That goes for support services, as well as for family contact.

The Hon. GREG DONNELLY: This dovetails nicely into this issue of travel assistance and brokerage. Thank you for your comments and your submission. They are very salient. In addition to those, is there anything you would like to put on the record, in regard to the travel assistance service that exists? I think there are many issues associated with that. Can I leave it to you to elucidate?

Dr SOTIRI: There is a couple of things. Firstly, it is completely inadequate in terms of the actual dollar amount. The demand for CRC's service far outweighs always what we are able to provide. That means that we have to do things that really limit the number of times that people can apply, and put caps on the amount that people can ask for. So there is accessibility issues. The second thing is that it is a reimbursement model, which means that people actually have to have the money before they travel. Again, that is not ideal. We would like to be able to actually give people money without a reimbursement sort of model attached. There are many, many families that just simply cannot afford the bus fare, the petrol or the plane fare, in a number of instances. The other thing I would note, with regard to travel to correctional centres, is that the model that we use is not going to be ideal for children who do not have a parent to take them. I think that the need for organisations like SHINE to be able to provide supported transport for kids, especially kids in out-of-home care, kids in the care of the state or kids who are with carers, who themselves do not want to go to correctional centres—which is a common thing—is absolutely vital.

So, there is the issue of transport for family members, in terms of the difficulty of family members affording to, sort of, be out of pocket and then waiting for the reimbursement. There is the fact that there is not enough money, and there are many more families that we would like to be supporting that we just cannot—every quarter we have to stop providing the dollars. And then, the third thing is that what CRC offers is not targeted towards children and young people. It is a huge gap in the system, the fact that so many children and young people do not have the support that is required to be able to visit their parent in custody. That, I think, is something that SHINE is obviously expert at. But, as I said earlier, this should be something that is systematically funded for every child that has a parent in custody, that wishes to visit their parent in custody, where there is not child protection issues, or if there are, where that can be really well supported. I think that is by far, in terms of the scope of this inquiry, one of the greatest gaps that we currently are facing.

Ms ROBYN PRESTON: Thank you for coming today and for your submission. I wanted to know, if you could explain to the Committee, how easy or not it is for inmates to understand and know about what you offer, as well as for families, and how the connection and the linkages are happening.

Dr SOTIRI: CRC has been around for a long time, so there is a lot of word of mouth. But, having said that, like many services, often it really is word of mouth, rather than necessarily a concerted campaign from CRC to let people know about it. We have this dilemma with all of our programs, which is that if we over-advertise we are worried about the inundation of requests, which is again not ideal. We would just like to be able to be

supporting people, but, with \$170,000 a year, we have got a very limited capacity to support families. The CRC transport services has, in some form or other, been around for about 30 years. People know about it. We put brochures in visiting centres and that sort of stuff, so access to families is reasonably straightforward.

Ms ROBYN PRESTON: If I can just add to that, you talked about brochures and things like that, but is there a trigger, when an inmate goes in, that the system knows that they are parents and you are contacted?

Dr SOTIRI: No.

Ms ROBYN PRESTON: So, it has to be discussions amongst inmates, perhaps, if they are lucky?

Dr SOTIRI: Yes, that is right.

Ms ROBYN PRESTON: So, there is no automatic advice that you get, to say that a person has been brought to a prison, and that they have children outside and they have families that need to connect?

Dr SOTIRI: No, there is nothing like that with almost any service in the community. It is a huge gap. That is the same with reintegration. We would love for there to be a trigger that we are informed about, when people are leaving custody that have complex needs and that require support. There is nothing. It is the same with families. There is some sort of attempt to do that for people with disabilities, and there is a unit dedicated to doing that, in terms of trying to connect people with NDIS support.

Ms ROBYN PRESTON: But the regular inmates that leave—

Dr SOTIRI: No.

Ms ROBYN PRESTON: So you see that as a large gap?

Dr SOTIRI: It is huge. Again, the point that I was making at the beginning is imagine if this was not an ad hoc approach. We know that, for instance, the transitional and reintegration support that CRC provides has a dramatic impact on recidivism. We know it. We have actually just recently completed additional research in partnership with UNSW using Bureau of Crime Statistics and Research [BOCSAR] data, which has again emphasised the dramatic difference that that intervention has, at the point of release. If we actually designed a system, where anybody who wanted that support had access to it, and where there were automatic triggers—everybody who is leaving, three months before they leave they have a community sector worker come and support them, and then stick with them using the model that CRC and others are using, in terms of providing that post-release support or family support—we could make a fundamental or really profound difference, in terms of the numbers of people coming back. The issue, as I see it, is not around a lack of evidence or a lack of not knowing what to do; it is around a lack of political will and a lack of resourcing.

We could make a dramatic difference, in the next few years, in the numbers of people going back to prison, if we actually made a decision to, instead of spending money on incarceration, actually resourcing—even if we just focused on the kids that have parents in prison today. If we put genuine resourcing into supporting those populations, we know that we can reduce recidivism dramatically. The most recent figures, that we have got, are that it is 12 per cent of people in one year, and something like 24 per cent go back after two years, which is tiny compared to what the rates of recidivism would be if they were not receiving support. When our report is able to be made public, which will mean the data custodians are able to release the data, I would love to share that report with the Committee, to again give us a little bit of insight into the really simple things that could be happening, for the majority of people leaving prison, that are just not happening right now—and the majority of families.

Ms ROBYN PRESTON: And establishing a relationship while the inmate is still in prison, and then having them work with them as they come into the regular lifestyle, that would establish some trust and relationship building, I would imagine.

Dr SOTIRI: Yes. That is absolutely critical. There are around six features of the support model that are absolutely critical and evidence-based in pre-release support and throughcare support, long-term support and relational support. Those are all absolutely part of that. It is really cheap as well. It is one community sector caseworker, with a case load of around 15 people a year, and they will stay out of prison. It is quite straightforward. I would really love to share the most recent research, but, again, I am using it as an example now, because I know that SHINE's outcomes are really incredible, in terms of the kids and young people that they work with.

It is the same with most of the little community sector organisations that are doing work with people coming out of prison: Rainbow House, Glebe House. There are a few of us. 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. Again, if we were to really get serious about it, and make this stuff available to absolutely every kid who has got a parent in custody, or every person who requires or puts their hand up for re-integration support, we could make a really significant dent in the recidivism rates.

The Hon. GREG DONNELLY: Can you provide that research that you have just alluded to?

Dr SOTIRI: Yes, we are just waiting for it to be—the police are some of the data custodians, so we are just waiting for a couple of sign-offs from some of the government holders of the administrative data.

The Hon. GREG DONNELLY: Sure.

Ms ROBYN PRESTON: That would be good to have.

Dr SOTIRI: Yes, I would love to share that.

The ACTING CHAIR: Thank you very much for your time today, Dr Sotiri, and for the evidence that you have given. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Dr SOTIRI: Absolutely.

The ACTING CHAIR: Great. Thank you very much for your time.

(The witness withdrew.)

CARLY STANLEY, Chief Executive Officer and Co-founder, Deadly Connections Community & Justice Services, affirmed and examined

KEENAN MUNDINE, Co-founder and Ambassador, Deadly Connections Community & Justice Services, affirmed and examined

TRINKA KENT, Family Specialist, Deadly Connections Community & Justice Services, affirmed and examined

TATEA REILLY, Justice Specialist, Deadly Connections Community & Justice Services, sworn and examined

The ACTING CHAIR: I welcome representatives from Deadly Connections. Thank you for appearing before the Committee on Children and Young People to give evidence today. Can each of you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Ms KENT: Yes.

Mr MUNDINE: Yes.

Ms STANLEY: Yes.

Ms REILLY: Yes.

The ACTING CHAIR: Would any of you like to make an opening statement, before we commence with the questions?

Ms STANLEY: I guess we just want to thank everyone for the opportunity to speak today, and to talk about the work of Deadly Connections. We are an Aboriginal community-controlled organisation. The organisation was established by myself and my husband, because of the over-representation of Aboriginal people, families, and communities, in both the justice systems and the child protection systems. The three amazing people, that I have with me, all have lived experience of being parents in the justice system. We really welcome the opportunity to talk today, and we really welcome the opportunity to amplify the voices of the people who are most affected by these issues as well.

The ACTING CHAIR: Would anyone else like to make an opening statement?

Ms REILLY: I am happy with that.

Ms KENT: Yes, I am happy. That kind of covers it.

Ms JODIE HARRISON: Thank you for making a submission and for coming in today. I was actually a witness in a committee hearing on Monday, so I know what it is like to be on that side, and it is kind of nerve-racking sometimes, even as an MP. Your submission was really fantastic, and you have got some great case studies in there. I was wondering if you can give any input into whether there has been evidence-based reviews of the program that Deadly Connections runs, and how that may reduce recidivism.

Ms STANLEY: We have recently undertaken a formal evaluation of our Deadly Families project, which is the primary subject of this submission. I have to say, as well, that when this submission was put forward—we have grown significantly since then. I think this was submitted May of 2020, from memory, and since then we have—

Mr DAVID SHOEBRIDGE: I think it was February.

Ms STANLEY: There you go. It was quite a while ago, and I think since then, obviously, COVID hit and that was in March 2020. However, for Deadly Connections, while most services were slowing down, we actually ramped up. With the impact of the systems, at the moment, for child protection and justice, that did not stop during COVID. We still had children being removed. We still had the issues that we are trying to deal with happening, regardless of whether COVID was happening or not. We slowed down while it was at its peak, from—I think—23 March until about May, and then we really picked up. We have had a number of different staff members be involved in the program. We just recently had an evaluation. It was a small cohort of people that we evaluated, because of the numbers that we had back then. Trinka Kent is our primary worker on the Deadly Families project, and Trinka has been with us I think for eight months, maybe more.

Ms KENT: Yes, since about August last year.

Ms STANLEY: Yes. We only have one full-time worker on the program. We are looking at ways to be able to increase that, because the demand for the program far outweighs the resources that we have. However, in the evaluation, some of the really important outcomes of that evaluation were the fact that we are Aboriginal

community controlled, and we have an intrinsic understanding of the matters, and the issues, that bring our community to the attention of child protection agencies. Even though we are Aboriginal community controlled, we employ people who are not Aboriginal. So, Trinka is not an Aboriginal woman; however, Trinka has a lived experience of the justice system and the child protection system, which allows her to connect with our clients on a deeper level, because she has been there before and she understands the challenges.

So, the outcomes, in terms of the evaluation, we engaged an external evaluator—I can also take it on notice and submit the findings of the evaluation to the Committee, which would help—but if I could just talk to it very quickly. The primary outcome of the evaluation was that as an Aboriginal community controlled organisation there is an immediate level of trust from our community. So it helps us to be able to get in there and do the work that we need to quite quickly. We still need to build relationships, and Trinka can talk about some of the engagement issues that she has had with the women—and I say "women", because the majority of the people that she works with are women at the moment; we have had a couple of men on the program—but the fact that we are Aboriginal community controlled, the fact that we have people working in Deadly Connections who have a lived experience, and it is something that all of our staff members have, and it is in different areas—sometimes in child protection and sometimes in the justice system, mental health, homelessness, or whatever that might look like.

The other outcomes of the evaluation were around the fact that we are very much solutions focused. Where other organisations might work with somebody for one, two or three years, sort of supporting them through these systems, we make sure that we have an outcome focus. We have been successful in closing a number of child protection cases through the Department of Communities and Justice [DCJ], for example. We have also been successful in relocating women who are experiencing domestic violence [DV], who are having difficulty advocating, to NSW Housing, to be moved or be placed in a safe environment. We have had a number of successes with that. One of the cases that I think is really important is the case of Renee, that has been referenced in the submission.

Renee came to our attention, because we put out a call to communities saying we want the voices of lived experience to be embedded in this submission. Renee came forward to us and said, "I really want to share my experience with you about what has happened." As a result of her sharing this experience with us, we started working with Renee. She was out of area for us, but, I guess, the uniqueness of Deadly Connections is that we target certain areas, but if we can support people from outside of those areas, we will do that where required. Renee had no-one to work with her, and you can see the complexities of her case. When we started working with Renee was during the height of COVID, so nobody else would provide support to her. Renee was residing in Ronald McDonald House with her young daughter, who was receiving chemotherapy treatment. When Ronald McDonald House found out that Renee was on a community-based parole order, they evicted her from Ronald McDonald House. So, she was homeless with her young daughter, who was receiving treatment at Westmead Hospital—she was originally at Randwick, and then she went to Parramatta Ronald McDonald House.

We ended up getting her temporary accommodation in a hotel, and she had to travel to and from the hotel to assist her daughter receive the chemotherapy treatment. During that time, during COVID, we continued to advocate for her. We ended up advocating for her to receive a four-bedroom home in Guildford, because she had to be within a certain kilometre radius for the little girl, in case there was an emergency, to get her to the hospital quickly. Housing actually offered her a house in Mount Druitt, which was not within that radius, so we had to advocate that that was not an appropriate offer. We ended up getting her a brand new, four bedroom townhouse through headleasing, and we furnished her entire house for her and her children as well.

Mr MUNDINE: I think the depressing thing about that matter was she was on the books with DCJ, and they offered to buy her a washing machine.

Ms STANLEY: So we had to furnish the four bedrooms. I think she had a kettle and a toaster from the hotel room, and bags of clothes for her and the kids, and that was it. So we ended up getting four beds, bedside tables, we got them some toys, we got them some clothes, we got them a washing machine, a brand new fridge, lounges—we furnished the whole house, and that was a joint effort from a number of different partners that we work with. We were able to successfully close her DCJ case as well, which was huge for her. That had never, ever been even discussed as a possibility. I think what is really important, with us, is that we really want to make sure that we are providing the support to mums and dads that they are requesting. We are working with them where they are at, and we are making sure that the needs of the children that we are supporting, as well, are met. I will take it on notice, in terms of the specific outcomes but, in terms of the evaluation, Renee was one of the women evaluated as well. So I will take it on notice and get it back to the Committee, the formal Deadly Connections evaluation—Deadly Families, sorry.

Mr DAVID SHOEBRIDGE: Thanks for your submission and thanks for your work. For full disclosure: I have been out and seen the work that Keenan and Carly and the team do down at Glebe, working with young kids—it is amazing. I have also been and seen them at—I think you have now moved from your previous premises, but I have also seen the work there, and I just want to commend you for your work. I am extremely grateful for it. How much help do you get from government?

Ms STANLEY: For the Deadly Families project?

Mr DAVID SHOEBRIDGE: Yes.

Ms STANLEY: Zero dollars.

Mr DAVID SHOEBRIDGE: How do you source the funds to do this kind of work? Where does it come from?

Ms STANLEY: From our philanthropic supporters or from donations. That is how we do the work. For Keenan and I, we started Deadly Connections with zero dollars. We started it because it was a significant community need, and we knew how bad our mob needed that support. We also started from the fourth bedroom of our home. We have only recently secured an office location. But, yes, it is generally from our supporters—from philanthropic organisations. At the moment, we are funded for our Deadly Families project through CAGES, which is a philanthropic organisation that specifically wants to support programs that work with Aboriginal children, zero to five. We do get a small amount of local government money from the City of Sydney council as well, but no state government money.

Mr DAVID SHOEBRIDGE: I might ask Keenan, first of all, but then I will open it up to Trinka and Tatea as well: how does your lived experience, having been in the criminal justice system and seen it firsthand, how does that help you make those connections in the work you do?

Mr MUNDINE: Are you reading my mind, David? Great question.

Mr DAVID SHOEBRIDGE: You tell me.

Mr MUNDINE: For me, my experience and going back to prison as a father, and having no support in prison as a father, there is no support at all in terms of dealing with your family and the community. So for me to be able to come back out and share my experience, verbalise it and talk, and talk on behalf of men that do not have the support and the skills to share their experience, is a way in which they directly connect with me as a form of a mouthpiece for their experience, and a way to inspire them to verbalise their own narrative, and to talk about it, to be able to address some of the psychological issues that come up from such traumatic experiences.

I am very open about my experience and the way it impacts me, the way it impacts my mental health, the way it impacts my decisions every day, from going back to prison and being removed from my family, being taken out of their house, having a disconnection from my children and having no support structures, interventions, educational programs, culturally appropriate, responsive—nothing. I went back to prison and I asked for help, and they wanted to put me on medication, that was it. Nobody talked to me, nobody sat with me—not even a staff member in the facility who is a father would sit down with me as a father. So, for me, I struggled really, really, really, really hard in that time. The incident that led me back to prison is something that me and my wife are working through today, but it was a domestic violence incident where there was a type 2 apprehended violence order [AVO] imposed, and I did not get to speak to my wife or children for six months, and I suffered every day.

I have the skills, as you can see, to articulate and ask for help, but there was no help—none. I was locked in a room by myself, and when I asked for help, the male prisons have a thing called a green card, which means if they think you are struggling mentally, you cannot be housed in a room by yourself. So, for me, I spent a lot of time in prison, and for me to sort of take care of myself, I need to be by myself. So I went into the clinic. From being in a single-occupant cell, and after walking out of the clinic after 45 minutes and receiving no help, and having arguments, they put me in a room with a stranger. I had to get head checked. The officers had to come and check on me every 15 minutes to see if I was all right. But nobody talked to me, nobody asked me anything, nobody gave me any skills to cope—none of that.

That is why I am very open about my experience, because there are many people, not just the men—and the girls will talk about their experience, too—suffering today, and these institutions have no support mechanisms in play for these families, these mums and these dads. They have no upskilling to what society expects them to be as a parent. There are no parent development programs in prisons. There are no parent support programs in prisons. There is nothing. You are just an inmate and an offender in prison. You are not a dad, you are not a son, you are not an uncle, you are not a stepdad; you are an offender and an inmate.

Ms STANLEY: I think it is a really important point. I want to let Tatea Reilly and Trinkia Kent speak, but I think there is an inherent expectation that everybody knows how to be a parent. I think for Aboriginal people, in particular, where there has been such disruption to the family unit and to the community, particularly for people that have been removed—and we know what the statistics are around people that are in prison that have experienced out-of-home care themselves—that is not always the case. People do not always know how to be good parents. I think what is also important, in terms of what Keenan just shared is that when he was in custody, I wanted him to still have contact with the children. So, I had to spend six months in court trying to vary the apprehended violence order, just to give him a protective factor in prison, to try and come back from what was going on for him. The court system just traumatised me and made it so hard for me. So, it is understanding that it is not a one size fits all for everyone, and making sure that we have got the proper support for the people that need it.

Ms REILLY: Can I speak quickly? I just want to talk about Rachel, a young mum who was 20 years old and pregnant. The referral came through DCJ. I usually work with the young people, but Trinkia mentioned this case to me, because no-one could make contact with her. She just was not responding at all. She was couch surfing and had a number of mental health disabilities.

Ms KENT: Fetal alcohol syndrome.

Ms REILLY: Yes, fetal alcohol syndrome. What else did she have?

Ms KENT: Cognitive impairment, intellectual—like, the whole gamut.

Ms REILLY: The whole lot, and she was pregnant, so DCJ were freaking out. They could not get a hold of her. She was saying that she would engage, once she had the baby, but she did not want to engage up until then. I had my son removed from my care when he was 2½, and I know that does not work. I have worked with many people in these sorts of situations and, even informally, before I was working, I would get Facebook messages from—if I knew it was from someone I did not know, you know, not from family, I would know straightaway it was about, "Someone has been removed", and they would be asking advice, because I was pretty public with what happened with me. I thought I could help others, because I ended up getting him returned back to my care, so I shared my story. She was also Aboriginal. I am Aboriginal and Trinkia said, "I think that you would maybe be able to engage her." She went to hospital. I think it was an overdose.

Ms KENT: An overdose.

Ms REILLY: An ice overdose or something. So she has put herself into hospital, and Trinkia said, "Look, let's just go there now while we've got her, because we can't again, and let's see how you go", and that is exactly what we did. When I went there she was really closed off. But I just spoke from my truth, and I was able to say, "Look, this has happened to me. If your aim is to keep your baby, it is not going to happen. DoCS will remove it from the hospital." Because she had those impairments, she obviously was not able to take in the wording, or whatever, from whoever had mentioned stuff to her formally, you know? I was the same when I had my son removed. I did not even know that was possible. I did not even know that that organisation existed. I was given a piece of paper and told to ring a number, and they did not even answer. You know what I mean? You are freaking out and you are so traumatised.

So I was able to say, "I am here because this has happened to me. I want to be able to tell you that I know from experience, and I want to be able to tell you what is going to happen if you don't do X, Y and Z, and if you do, and how we can best go about it. I just want to say that we are here to support you through it all, if that is what you want to do. If you want to keep your baby, this is how we will go about it." She wanted to leave right then. The doctor has then come back in, 15 minutes later, with the devastating news that she had actually lost the baby—she had just come out of an ultrasound when I got there, so I was waiting. She did not know how to understand what the doctor was saying about that either. She did not necessarily believe it. She said, "No, I can still feel it now." So I was able to talk to her a bit about that. In my past I had a termination. There was a process where they were saying, "You can either go through this tomorrow, where you have sort of like a termination process, where we can get rid of it, or we can give you tablets and it'll pass through naturally." That was not going to be an option for her, because she was couch surfing and would not know when that was going to happen—do you know what I mean?

So I was able to say, "Look, I have had this. I have done this before. It is not scary. You wake up and you are just a little bit hungry—that's pretty much it." Just being able to say that to her, she was like, "Oh, yeah, I'll do that one then. I'll do that one." She just did everything that I said, you know, like, "Oh, yep, okay, she's done it, I can do that. I'll do that." She ended up getting it done, but I just think if I was not able to say that—she just wanted to leave. She was not going to make any sort of connection. She was just like, "I'd rather just go now." But I was able to say that. That is how important lived experience is, I think. In my last role we were not allowed

to say to the young people there anything about where we live, where we are from, our mob, or anything about our past experiences. The difference at Deadly Connections, being able to share my experience, is massive—just like in that example.

Mr MUNDINE: In the non-government sector, in the community sector, when working for non-Indigenous organisations you are not allowed to disclose any information about yourself. That is a common practice, and you can be reprimanded if you share personal information with your client. So we, as an Aboriginal community controlled organisation, know the importance of building rapport, and sharing your experience and encourage, where our clients and our staff are most supported, to talk about their trauma and to talk about their vulnerable experience, but then to talk about what helped them and got them through it.

Ms STANLEY: We adopt a credible messenger model, which is from New York as well. I can take that on notice, and send some information around that, but it is basically saying that people with lived experience are the best people to deliver the messages to the people who are system impacted.

The ACTING CHAIR: If you would take that on notice, that would be much appreciated.

Ms STANLEY: Thank you, no problem.

Ms KENT: Yes, I mean, similar to Tatea Reilly, I have also worked in other organisations where you are not allowed to share any kind of lived experience. I have come into this sector because of my lived experience. I was born into a family of disadvantage. My mother was a heroin addict. I went on to become an addict myself and, as a result, my young son was removed. So, I know what it is like to not have any access to the resources that you need to fight that battle to get a child back into your care. I am just lucky enough that my son went to the paternal grandparents. I cannot imagine what it would be like for some of the mums that I work with, where their kids get put into out-of-home care and not knowing who is looking after them, not knowing if they are loved, not knowing if their needs are met. I just cannot even imagine.

In terms of the lived experience, I am obviously working for an Aboriginal organisation, but I am not Aboriginal. But I feel like my lived experience is a direct line to building trust and, of course, I share my lived experience appropriately. I often—even yesterday—get feedback like, "It is so helpful to have somebody share from their lived experience. I am thankful. You are a safe person." I am always getting this feedback from the women that I work with, because I share my lived experience. When I was going through what I was going through, I felt so much shame and stigma about my lifestyle, about my family and about where I had come from.

I was sent to counsellors and different professionals, and I just felt misunderstood. I felt that these people do not know what it is like to walk in my shoes, which isolated me even more. It made me feel even more isolated. I am in recovery now and I feel like that is just because of one person, in particular, who was a worker, who had lived experience and shared her experience and believed in me. I know what a difference that made to me, and that is what I hope to be for other women.

The ACTING CHAIR: I am cognisant of time, and we have other witnesses to follow. I do know that other members still have some questions they would like to ask. We would like to thank each of you for coming in today and giving evidence. As I said, the Committee may have some extra questions. Would you be happy to take these questions, and reply in writing?

Ms STANLEY: Sure.

The ACTING CHAIR: Thank you very much. I know you will have some follow-up questions.

(The witnesses withdrew.)

CAROLYN JONES, Senior Solicitor, Legal Education and Advice in Prison for Women Program, Women's Legal Service NSW, affirmed and examined

DIXIE LINK-GORDON, Senior Community Access Officer, First Nations Women's Legal Program, Women's Legal Service NSW, affirmed and examined

The ACTING CHAIR: I now welcome representatives from Women's Legal Service NSW. Can each of you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Ms JONES: Yes.

Ms LINK-GORDON: Yes.

The ACTING CHAIR: Would either of you like to make an introductory statement?

Ms JONES: I think we both would, if that would be accommodated.

The ACTING CHAIR: Absolutely, yes.

Ms LINK-GORDON: I would like to acknowledge, first and foremost, that we are on Aboriginal land that always was and always will be, which we are here gathered on today to share, hopefully, and respond to, the concerns and the talk of what we are talking about: children of imprisoned parents in New South Wales. For the Women's Legal Service, particularly, it is the women. As Women's Legal Service, we recognise the opportunity to share here with the parliamentary Committee, so I hope our good messaging gets over. First Nations Women's Legal Program, where I work as a community access worker—I am not a lawyer—as such, I see myself as someone who cares very much about the safety and community of all women and children, and a safe environment for families here in New South Wales, and right across Australia. I take that with me into my private life, too.

With First Nations Women's Legal Program, it is a pathway to legal justice. We do family law, domestic violence, and care and protection. We outreach with various NGO services across western New South Wales, and we do rural trips right across the state of New South Wales. The particular First Nations women's program has been operating for about 20 years out of Women's Legal Service. I would like to state just a couple of points that keep us really on track of how we are operating with women who have been imprisoned, and their families, and our concerns for the children. Eighty per cent of women in prison have been physically and sexually violated at some point in their lives. That is research, and that is a fact that has come out repeatedly right across Australia and globally. The children suffer from the detachment from parents and parental care.

That can lead to a lot of whole broken futures for us as Australians, and for the young children that are growing up not knowing their parents and not getting back to them. The DCJ sees these parents and treats them, the majority of the time, as failures. Not a lot of mums are going to get back with their kids after they have done even a small amount of time in prison. Do these children get to see their parents throughout that time? No. There has been many a time when I have engaged, in a community way and via work, where mums just have not seen their kids for 18 months.

Do we have to criminalise them about that? There have been decisions made, but are we going to continually judge mothers—the mothers of our children—with this future? But, I do want to point out there is a bit of a shining light. It is an organisation called SHINE for Kids. It is very small but it works really hard. It is only a small program that operates across the state, for children to have a safe space to engage with their parents who are in prison. They are the real points I wanted to share. I am going to give all the meaty stuff over to Ms Jones.

Ms JONES: Thank you for the invitation to speak today. I acknowledge and pay my respects to the traditional owners of the many lands on which I have studied, worked and lived. I also acknowledge the generous and patient guidance of my First Nations clients and colleagues. My comments today are informed by the hundreds of women that I have spoken to in New South Wales correctional centres, via our Legal Education and Advice in Prison [LEAP] program. I would at this stage like to seek leave to table a document to assist the Committee with some further information about LEAP.

The ACTING CHAIR: Yes, absolutely. I acknowledge that we have received it.

Ms JONES: Great. Thank you very much. I also convene the Community Legal Centres NSW Prisoner's Rights Working Group, and I am on the Corrective Services NSW Women's Advisory Council, who will be appearing before you later today. Our work with criminalised women at Women's Legal Service NSW is largely focused on safety, victim support, and maintaining relationships with children. Our approach is culturally safe, gendered, trauma informed, sexual, domestic and family violence informed, and holistic. Many of our clients have

been misidentified as an aggressor, when they are actually the person most in need of protection. To lose your children in these circumstances is particularly devastating. We strongly advocate for the imprisonment of pregnant people and parents and caregivers only as a last resort.

We support submissions made by others to reform bail and sentencing legislation, to require the consideration of the impact of incarceration of a parent or caregiver in the best interests of their children. The obstacles for our clients in custody are many and complex, and the impacts on their children are enormous and often irreversible. It is well documented that First Nations women are disproportionately incarcerated and impacted by child removal. I echo the comments made by Ms Link-Gordon, and by Deadly Connections, in the evidence prior to this session, that steps must be taken to entrench Aboriginal-controlled, culturally safe and trauma-informed service provision. We also work with non-citizen women in custody facing removal from Australia, following the mandatory cancellation of their visa on character grounds. We have seen clients removed from Australia forever without their children, who may be left behind in Australia under the care of the Minister, or in care of a violent father.

A number of our incarcerated clients have had their children adopted. We are very concerned that prisons will become a primary conduit for adoption. Women in custody can do very little to address the risk factors identified in relation to their children. They can only cry and protest while they are repeatedly told that they have failed their children, with no opportunity to take responsibility or change behaviour. Post adoption, they are left to grieve with no support provided by adoption agencies. Our work with pregnant clients is also stressful. Some clients have given birth while in custody and had the baby removed within 24 hours, without any prior engagement from the Department of Communities and Justice. Others have been told, by that same department, that they will support a placement with a particular family member, only to change their mind and place the baby with strangers.

The cases we see are complex, often with multiple children in various locations, and case-managed by different agencies. There is commonly poor inter-agency collaboration, and regular changes to caseworkers and carers. Sometimes siblings will not have had contact with each other for years. On occasion, no-one will actually know where a child is living. Many clients rarely have face-to-face contact with children. This can be compounded by regular transfers away from the areas where their children reside, which I am aware is an issue many other people have spoken to. Criminalised women, and particularly criminalised mothers, are held to higher standards by the courts. There is significant reluctance, in both the family and children's courts, to order regular contact with a mother in custody. The attitudes of caseworkers and carers, to contact in custody, is also a major barrier.

Our clients need effective post-release transitional support for up to 12 months, as recommended by the "ice" inquiry, including case management, safe housing, alcohol and other drug treatment, and primary and mental health services. We would add that this must be gendered, culturally safe, and trauma informed. Criminalised clients generally find it hard to trust anyone, particularly when it relates to their children, and more so if they have had their own experience of removal, as a child or young person. LEAP addresses this by providing an independent, non-judgmental and safe response, where clients can discuss all the risk factors, with the added protection that lawyers are not mandatory reporters. The LEAP program has never been funded, and is always under threat. Demand exceeds capacity. One of the best ways to support children is to support their mothers and caregivers to be safely, and meaningfully, involved in their lives, both inside and outside custody. Thank you.

The ACTING CHAIR: I will start with a quick question. Are you able to tell me some of the most effective programs, either that you have witnessed over your time or that you currently implement, in diverting women away from being imprisoned?

Ms JONES: That is such an ad hoc space, really. I think it is luck, as much as anything. I know there are a lot of people working in this space doing small parts of the puzzle—not very well coordinated. To be honest, we do not really see a lot of the diversionary side of things, because we tend to pick up clients once they are actually in a custodial environment. A lot of their comments, to us, are that they have not really been engaged with a service prior to that. For some of those women it is actually, probably, more concerning that they have already been under supervision in the community, and they are in there because they are breaching intensive corrections orders or other community-based supervision. During that time, if you are lucky, you might get a community corrections officer who is really proactive and, maybe, working to try to prevent you from returning to custody. Others do not get that service. It is postcode justice, as much as anything.

We work with the Women's Justice Network, probably as one of our more regular partners. We have a lot of overlap with that service, as another specialist service that is gendered and trauma informed, targeting the experiences, specifically, of women in custody. They work with a lot of our clients to provide case management or mentoring support roles. We have done some work with The Miranda Project and, for a period there in the early days, Women's Legal Service was part of the steering committee for that program. We continue to work with members of the Women's Advisory Council on diversionary options. I know some work has been done to

put a position paper to the Department of Communities and Justice—I think, possibly, the Commissioner of Corrective Services NSW—in respect of what a women's centre and a diversionary model could look like in New South Wales. There is an appetite for it, no funding and, I suppose, a bit of work to be done on what it looks like, and how you integrate all the various services that already have quite a lot of specialty and interest in this space.

Ms JODIE HARRISON: Thank you for addressing us today. Other witnesses—and certainly you in your submission just then—talked about the need for a change to sentencing provisions in relation to custodial sentences. I think we have heard, in particular, in relation to shorter sentences and also remand. Does the Women's Legal Service have any suggestions on how that gets managed? What needs to happen to make sure that that does not just become a problem, and how it can actually be beneficial?

Ms JONES: I think that is about legislative reform, to just make it very clear that there is not a benefit to a short sentence. It is very much the experience that 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. I think the specifics of what happens, for legislative reform for bail and sentencing provisions, are probably something we would leave to services like the Aboriginal Legal Service and Legal Aid NSW to provide specific comment. We do not have a criminal law practice. We would love to have an in-house criminal lawyer, to be as holistic as possible.

We just see so many women being misidentified by the police, and that being compounded by the courts. They end up with custodial sentences in circumstances where they have been clearly defending themselves against violence, or perceptions that they were about to be harmed, or they were protecting the children from harm. That is just misinterpreted by everybody they come into contact with. We just see so much injustice, in terms of how people enter custody. I think the sentence length is one, but I think the skill set of police and other frontline responders sometimes—including child protection authorities—really needs to be improved, with significant education around domestic violence and how resilience and other protective factors present for women in those circumstances.

Predominantly, the outreach location that we visit is Silverwater Women's Correctional Centre. There are three LEAP community legal centres, and Silverwater Women's Correctional Centre is the centre that we most commonly visit—not so much during the COVID period. That is a massive remand population, and there is just nothing being done. They just sit there and wait to have an outcome. They will have four or five different duty criminal lawyers in that process. They will not have a clue what is going on. They often will not know what they are charged with. They really do not know what is happening, so it is very hard for us to even get information from them to assess how we could best be of assistance.

Sometimes we have them beg us to provide an update to their criminal lawyer, about materially relevant facts that they have not been able to tell anyone, because they have had a series of young male lawyers who they have not felt comfortable to speak to. It is a really complex space. I think a lot of it is around how we provide, from our perspective, a gendered criminal law practice, because I think that that would address some of these issues. There would be an effort, right at the beginning, to be making submissions, both about misidentification in relation to who is the primary aggressor, or the predominant aggressor, and children: what is happening in terms of the needs of children who might be attached to that particular woman?

The Hon. PETER POULOS: Thank you very much for your representations and advocacy. I am interested in your experiences and observations around the benefits of the continuous exposure to culture for your clients. How do you reshape programs to satisfy that?

Ms LINK-GORDON: What I would like to share is that in regards to us, the First Nations Women's Legal Program, we do not get access to the prison. That is just the type of work we do. We are not the actual legal arm of our organisation but we are the First Nations women's community access. Our outreach means that we go and engage with various organisations around western Sydney and, at times, within the inner city that are doing stuff for women. There may be a parenting group; there may be a mums and bubs group. But we never get access to go and give a bit of that community awareness information to women in prison.

A lot of the time with women who are imprisoned—Aboriginal and Torres Strait Islander women have gone into jail straight off drugs, straight off a pretty rough lifestyle. They do have children and, unfortunately, the children have come on that journey with them—and then, of course, the children are the ones who suffer. Once they are in there and they sober up, they do not get to have a yarn about who you can talk to out in the community and who you can trust, or where you can go to get a bit of relevant support.

Many years ago—and I am going back a long time; I am talking about 1994—we ran this great program at Mulawa called Community Awareness. It was for a previous organisation I worked for. It was only for a couple of months, but it brought all the Aboriginal women together to talk about what was out there in their areas and their regions, and where you could go and meet up with organisations and services that would help benefit your lifestyle, to be healthier and safer with your children.

We do not get to have those conversations, which is really unfortunate. A lot of our clientele will come through Ms Jones on our LEAP line, or if Ms Jones sees them in prison, then she will come down to our little neck of the woods in the office, have a chat about the client, and we will interact like that. I personally believe there has to be a lot of face-to-face conversation. You sit down, and you tell a sister what is going on outside. This is a great organisation you can go and visit.

There is a big break there, but we do have the Tribal Warrior Association. I am an inner-city person. I have lived in inner-city Sydney for 40 years, so I know some of the stuff that goes there. We have Tribal Warrior, who are doing the tiniest little bit of work with women coming out of prison. We have Nelly's Healing Centre, which is reasonably new on the landscape of support agencies, for women who are coming out and maybe a bit of prevention work going in. We have the Baabayn women's organisation out at Mount Druitt, who do a really fine job. It is run by a group of aunts. Women are allowed to come in, they are heard, and they are networked up with the various services and government services—whether it is mental health or housing.

Stuff like that is really important, but how they are welcomed into that organisation is really culturally sound, and it is very welcoming. People are not judged. They come in, they sit down, they have a chat and talk to the workers, and they say, "Come back on Wednesday and we might have a housing officer here. Come back on Tuesday and we're going to have lunch, and you can talk to someone about what's happening with your children, or you can talk to the lovely people from Women's Legal Service and they will help you out." There are a couple of pathways, but I think it is important that, as First Nations community access, we actually get to access women that are in prison. We are aware of what is going out there and happening for families.

Mr DAVID SHOEBRIDGE: Thanks for the work you do. I suppose what gets me is that LEAP is not actually funded. It is somehow scraped together from the inadequate funding that those three women-focused legal centres already have. What kind of struggle does that mean for providing the service? Roughly how much is it costing?

Ms JONES: It has been a journey. It started back in about 2008. There were discussions. The centres were seeing lots of women in the community who had lived experience of custody, and had obviously—they were probably the most complex clients we were seeing in the community, so we thought we need to access them sooner than this. It took a couple of years of negotiations, really, to get Corrective Services on board to go in. At no stage was there any interest or appetite to fund the program. There was quite a lot of resistance. There was a significant concern that coming into the prisons would mean that, if we are opening all of those wounds, particularly the trauma, those women would be unmanageable—a massive security risk. What in fact happened was the opposite. We have a whole group of women who actually have had acknowledgement and validation for the first time ever.

Unfortunately, there is a big barrier at the moment, in terms of accessing counselling in custody. There was a program through Victims Services where there was regular counselling provided in correctional centres. It has been challenging for a number of systemic reasons, and they are in the process of trying to put it back in. I think once that is back in, that will be good. The cost I do not know. We sort of all just cobble it together around what we do. At Women's Legal Service, we have a number of lawyers that will pick up the work. We just sort of tack it onto what we are doing. I know that Wirringa Baiya Aboriginal Women's Legal Centre, one of our other partners, have a dedicated position. They have put some of their funding, specifically, to put one person on. I know that lawyer does the bulk of the work with the Aboriginal staff at that centre. Western Sydney Community Legal Centre share the work across their civil and family law teams.

We have not really costed it; we have not evaluated it. We keep some stats, but it is quite hard. I think we worked out that, just at Women's Legal Service, in 2020, we would have spoken to at least one in five women in New South Wales prisons. The referrals are quite high for the centre. I think we had 170 referrals last year, out of a population of about 870, so that is quite significant, from our perspective. A lot of them are self-referrals. They come through the free phone call in the prison, word of mouth from their cellmate or someone else, or a services and programs officer [SAPO]. The SAPOs are big referrers to us as well. They are generally very appropriate, consistent referrals. We are then working with other agencies like Legal Aid and the Aboriginal Legal Service, where it is areas of practice outside what we do, to have a holistic approach. Yes, we probably need to do a costing and wave that around at people. That would be sensible.

Mr DAVID SHOEBRIDGE: Did you want to take it on notice and respond back?

Ms JONES: Sure.

Mr DAVID SHOEBRIDGE: The State Government spent \$3.8 billion building new prisons, and the lack of funding to provide services for the people that are going in them, particularly women, is striking.

Ms JONES: Absolutely, and they are our biggest referrers. For example, we are pleased about this, but we are in the women's handbook that is given to all inmates as one of the programs that you can access while you are in custody. It is promoted to people as a service that is available to them, which we want.

Mr DAVID SHOEBRIDGE: Are you on that phone—

Ms JONES: Yes, we are on the free phones. Wirringa Baiya and Women's Legal Service both have separate numbers on that, in all women's correctional centres.

The Hon. GREG DONNELLY: Thank you both for coming along. Thank you for the submission and, now, the opportunity to ask you some questions. Ms Link-Gordon, in your opening statement you said—it is quite stark, and I will just ask you to elucidate it—that DCJ treats Indigenous mothers as failures. They are very stark and strong words. Will you elucidate on that and perhaps explain how? Sorry, I know I am only giving you a short period of time to do so. But will you help us understand?

Ms LINK-GORDON: I think, for a start, that the majority of DCJ workers with Aboriginal women, who may have a whole lot of issues coming out of prison, or may be on the brink of going into prison, are very young workers and fresh out of social work. There is a whole bunch of stuff, and cultural points, that they have to pick up when they are dealing with mums. They can go in pretty raw, really. I would say this from my own full-on experience of sitting in family conferencing and seeing this unravel in front of me. There is a whole bunch of conversations that have to be had. It is a bit of an education, to the DCJ worker, before you get to the point where, "Okay, I fully understand what's happening". Basically you have a—I will not say mature age, but you have someone who has children and has a whole bunch of trauma attached to their own personal journey, and they are put smack bang in front of a young, fresh social worker. That social worker has a lot of power to make a lot of decisions and write down a lot of things that have not been fully thought out or spoken to, or at the very least culturally advised, on the decisions they are making about a family.

For me, that is why I say the mums are up against it. You need people to be able to work through that. Our children—we do not want them taken away from us anymore. We need to be able to work with grandmothers, work with aunts. Mum may not be the right person, and I get that. I am not saying give every child back to their mother, but I am saying, work with the people who do care and are there, and give them the appropriate support. Do not just write off the whole family, because maybe the daughter, or the niece, or the granddaughter has responded quite differently to how the grandma or auntie has responded to things that they both may have experienced.

The Hon. GREG DONNELLY: I suppose what I am trying to probe at is: are we talking about actual, genuine ill will towards the mothers we are talking about, versus—and I have heard this evidence before—quite young graduates who, perhaps, may be literally fresh out of university or other training they may have received, and are quite unprepared and certainly untrained, in terms of being able to deal with the range of matters that you have identified as very legitimate matters? I am trying to establish if we have the ill will, or the lack of training, or a combination of both.

Ms JONES: I would just comment, as a non-Aboriginal person, that my observation is that it is not necessarily a failing of an individual case worker to engage appropriately. The system itself is structurally racist, so the whole process, in which we approach assessing whether children are safe in the care of their family and community, is founded on some premises that are historically based in our colonial past. That is evident in everything that we see in child protection, and then, in the criminal legal system, it is compounded. The state violence is really what a lot of these people are facing.

The Hon. GREG DONNELLY: We recently visited Long Bay jail and had a presentation. I think it is fair to say, and other members can speak for themselves, that it positively presented and endorsed the video visits that are made available, which—obviously—is conditional, in terms of access and ongoing participation for the males incarcerated at Long Bay. I am not asking you to, in any way, agree with a proposition that it is the same as face-to-face, because it cannot be as satisfactory as face-to-face, but I am wondering whether, in the context of the women that you deal with, that video contact technology is available? How extensively is it available? And, given that technology goes one way, which is forwards and not backwards, can what is likely to be developed from this be improved and enhanced, to make it better? I am happy for you to take those questions on notice if you wish, but preliminary reflections might be helpful.

Ms JONES: I would say that the technology is certainly not across all the centres. Clarence Correctional Centre has a model where it is available. That is how they started, with a tablet-based model. Then Dillwynia is one of the pilot sites for tablets. I think it is only piloted in two centres, at the moment. So, some of our clients are reporting tablet use. One of the barriers that people, perhaps, do not appreciate, is it is pay per use, so the inmates have to pay for it. That is a significant barrier for a lot of our clients. It is a lot more common for women in custody to have no supports in the community. Men in prison might often still have a partner, or a former partner, or mums or sisters, who will make efforts to provide them with support or to bring children to visit them, whereas women in prison are doing the time on their own, pretty much, so they do not have access to money or other supports.

In terms of the practicality of the video visits, we are running mini lessons for older caregivers in the community, on how to use the technology—how to book visits if they are coming through the AVL process, for example. It is not super straightforward; it is not on the website in a step-by-step guide, using language that is accessible to everybody. I think there is a lot that could be done. It is a great supplement. We hear some really positive things from people, who perhaps have not had contact with their children for some time, getting in contact through video visits, but there is still a lot of work to be done in this space.

The Hon. GREG DONNELLY: I am not suggesting in any way, shape or form that they could possibly be a substitute.

Ms JONES: Absolutely.

The Hon. GREG DONNELLY: But the complementarity and the supplementarity is important. On notice, with a bit of time, would you be able to provide us with some information about how it might be—could you expand a bit more on those matters you have raised? I probably should not be surprised, but I do feel a bit surprised that—particularly with respect to Indigenous women incarcerated, and particularly those who are mothers—there would be some significant reason why there should be some, almost, accelerated progress of the thinking behind how technology can be used to provide enablement in circumstances. Your suggestion is first of all a trial, and there are concerns about that. There are inadequacies in terms of it, in terms of availability, including cost matters and related issues.

Ms JONES: And there would be literacy with devices as well.

The Hon. GREG DONNELLY: Yes.

Ms JONES: I am happy to take that on notice, and have a little think about some of the issues that would be relevant to our clients.

The Hon. GREG DONNELLY: Thank you.

Ms ROBYN PRESTON: Thank you for coming. You might want to take this on notice, but I heard you talk earlier about the support that would be needed when an inmate is released. Are you saying it should be around 12 months' support?

Ms JONES: Up to, I think, for some of our clients; absolutely. We have seen some really positive outcomes for clients who can access a minimum six-month rehabilitation program. If their program supports them with children, particularly small children, up to 12 months is an extraordinary opportunity to obviously work on your own wellbeing and recovery, but also to feel supported and develop confidence in being a parent or a caregiver. There is an assumption that this is all just a one-off thing, but we will have clients who might have five or six children, and they may have managed to keep one or two in their care, they have lost a couple, they do not know where one is because they were taken by the father—and it is very complex—and then they suddenly have a new baby, and they have lots of experience.

Ms Link-Gordon pointed out before that they are quite experienced caregivers in their communities, but they are not confident because there have been so many intervening factors. Having intensive, longer-term programs is absolutely the answer. Then they can also get the primary and mental health services as well. There is so much that is required, at that time, that has not been able to be dealt with in the community. Often our clients have not been safe in the community. They are struggling to be safe in relation to violence, so they have not prioritised their health and wellbeing.

Ms ROBYN PRESTON: Do you see the structure of that as a case manager, plugging them into all sorts of support systems over that 12-month period? How do you see that working?

Ms JONES: There has been a lot of talk, certainly amongst the women's services, about whether that should be similar to what is happening in the UK, with the women's centres, which are one-stop shops that have a residential component as well. So all the services visit them at that location. I know some Aboriginal-controlled organisations, like Waminda, do these things quite well. They wrap a holistic program around the woman, rather

than expecting her to engage in lots of different ways with people. I know that is the crux of it: people need to be centred, and the services have to be coming to them and around them. It sounds easy to say, "Go to this appointment, and then make sure you speak to that caseworker, and then you have to go to your doctor, and then you have to have a urine test," but our clients cannot manage that, particularly if they are dealing with complex trauma and the impact of that. A centre-based, residential approach would be great, but it needs to be gendered and it needs to be trauma informed.

Ms ROBYN PRESTON: You talked about an overarching specialist area that is managed just for Indigenous issues rather than a holistic approach for every inmate.

Ms JONES: Yes. Ms Link-Gordon may want to speak to that, but we have talked about having Aboriginal-controlled organisations working with women on country. I do not know if there is anything you want to talk about.

Ms LINK-GORDON: Yes.

The ACTING CHAIR: We will take that on notice, if that is okay.

Ms LINK-GORDON: Apologies.

The ACTING CHAIR: Thank you, Ms Jones and Ms Link-Gordon, for appearing today and for the evidence that you have given. The Committee may wish to send some additional questions—as I am sure we will—in writing, the replies to which will form part of your evidence and then be made public. Would you be happy to provide a written reply to any further questions?

Ms JONES: Yes, we will. Thank you.

The ACTING CHAIR: Thank you again for coming in.

Mr DAVID SHOEBRIDGE: I would particularly like to hear about Nelly's Place and also Jacaranda Cottage, but we will do it on those three. We have run out of time.

The Hon. GREG DONNELLY: And those UK centres that you have referred to as well.

Ms JONES: Yes, okay.

(The witnesses withdrew.)

(Short adjournment)

ZOE ROBINSON, Advocate for Children and Young People, Office of the Advocate for Children and Young People, affirmed and examined

The ACTING CHAIR: Thank you for appearing before the Committee on Children and Young People today to give evidence. Can you confirm that you have been issued with the Committee's terms of reference and information about standing orders that relate to the examination of witnesses?

Ms ROBINSON: I have.

The ACTING CHAIR: Thank you. Would you like to make a brief opening statement?

Ms ROBINSON: Yes. Thank you to the Committee for the opportunity to appear before you today. I would like to acknowledge the First Nations people on whose lands we are meeting today—the Gadigal people of the Eora nation. I acknowledge Elders past, present and the emerging future leaders as well. I know that, before me, today, you heard from the amazing people from Deadly Connections Community & Justice Services. I want to acknowledge the courage of Keenan, Trinkka, Tatea and Carly for sharing their stories, and all those who have appeared before me in this inquiry. Since the 1960s, there has been a growing recognition of the need to support children of imprisoned parents. In the late 1990s, the NSW Legislative Council's Standing Committee on Social Issues undertook a similar inquiry to this—into the adequacy of policies and services to assist the children of imprisoned parents.

That inquiry made a number of critical recommendations. In our submission, we outlined that there are still areas where reform is needed to support this highly vulnerable group. Our office works to ensure that children and young people's voices are at the centre of policy decisions that impact on their lives. As the Advocate for Children and Young People [ACYP], every day I hold the following principles firm: the safety, welfare and wellbeing of children and young people are the paramount considerations; the views of children and young people are to be given serious consideration and taken into account; and a cooperative relationship between children and young people, and their families and communities, is important for the safety, welfare and wellbeing of children and young people. Last week, I had the opportunity to visit the mothers and babies unit at Emu Plains. It was positive to see the work that Corrective Services NSW is doing to try to better support this particularly vulnerable group of children and young people.

As you are aware, there is a limited number of women and children that can access this program across the state. ACYP would welcome the opportunity to work, in partnership with other stakeholders, to undertake consultations with children and young people who have experienced parental incarceration, to ensure their views are being taken into account. Our submission, whilst focusing on the supports needed for children of currently imprisoned parents, also considers the supports and protections that should be put into place, prior to and post-imprisonment. It is critical that we are ensuring that children and young people are being provided with appropriate supports across this whole spectrum. In addition, as much as possible, the unique needs of dependent children, and effects of separation from a parent, should be taken into consideration at the time of sentencing for women. As a community, we must do all we can to ensure as few children have this experience as possible.

Ms JODIE HARRISON: Thank you, Ms Robinson, and for the work that the Advocate does. The Committee has previously heard from the Advocate—and it was probably before your time, so you might need to take this on notice—that the Advocate had undertaken consultations with people in the juvenile justice system. I was wondering whether the Advocate was able to provide any information on whether young people in the juvenile justice system had any comments about what might have turned their life around, had they been better supported as children of incarcerated parents, if, in fact, they were children of incarcerated parents?

Ms ROBINSON: You are right. In 2019, we released a report of consultations we did with young people in juvenile justice. I will have to take the detail on notice, in terms of going back to that report and seeing, because I do not know that—I could not say whether we did or did not pull out those who were. But, in terms of supports that children and young people have spoken about in that [report], it is both the ability to, I suppose, continue to be a member of society whilst their parents are incarcerated, but also being able to visit their parents and that connection that is still required. I will take the bulk of that on notice, if that is okay, just to make sure I do not mislead what was in that report in 2019.

Ms JODIE HARRISON: Have you had any feedback from any young people about whether the audiovisual links, that are currently in some of the correctional facilities in New South Wales, work for them or not?

Ms ROBINSON: We have had feedback from the young people who are in prison, about them working for them in the connection with their family. As I said in the submission, and also as we have said before, it is a piece of work in having those conversations with children of imprisoned parents—a consultation that we would

like to undertake. It is something that we would consider doing with the support of other stakeholders. But we have seen that it has been a positive, in that young people have been able to access devices whilst they are in prison, and are keeping connected with their family and community.

The ACTING CHAIR: I have a question for you. I assume you are aware of the CSNSW Mothers and Children's Program at Emu Plains Correctional Centre, yes?

Ms ROBINSON: Yes.

The ACTING CHAIR: My question then becomes: what additional supports might young mothers in juvenile justice systems need, if they were to participate in a similar program?

Ms ROBINSON: I think one of the key things is we would love to have a conversation with those young mothers. But, similarly, the ability to stay connected to your children, and the ability to have that contact and those visitations, is incredibly important, and also support for their family and community. As you would appreciate with the Emu Plains program, it does require you to have a person in the community who can work with that individual and that family. So, making sure that we are providing the right supports, both externally, to allow that visit and for the program to work very well, but then internally as well, making sure that we are supporting that young person because, as you could appreciate, the ability to see and be connected to your child, but then knowing that they might not be there on the weekends, or there might be times that they are not there, making sure that we are supporting them to stay connected as well.

Mr DAVID SHOEBRIDGE: Thank you for your submission. We have had a number of submissions say that, at the time of sentencing and also at the time of determining remand or bail, that the criminal justice system is solely focused upon the defendant or offender and the state. The kids are not part of the discussion, they are not part of the mix. Do you have any views about that? Can you think of ways of improving that?

Ms ROBINSON: As I said before, we would welcome any consideration that takes into account the dependants of a person at the time of sentencing. I think in that process, measuring the welfare and safety and wellbeing of a young person, and what it is like to appear in court, or all of that, we would need to balance that. But we would be supportive of the consideration of the dependants of that individual being taken into account, when coming to sentencing.

Mr DAVID SHOEBRIDGE: Should the children's voice be there? We often talk about victim impact statements and the like. I am not talking about putting a child in court, but should there be a way of hearing the children's voice, about their mum or their relationship?

Ms ROBINSON: Absolutely.

Mr DAVID SHOEBRIDGE: How would you do that?

Ms ROBINSON: Well, Mr Shoebidge, without promoting and spruiking our office, that is the entirety of the beauty of the work that we could do. As we are an independent statutory office, we would be able to facilitate that in a way that is both trauma informed and sensitive. But working with other stakeholders that we know—like legal services and other centres, and SHINE, as a great organisation as well—there are ways that we could do it in a very sensitive way. We absolutely see that there is an opportunity, and a potential role, for our office to provide that service.

Mr DAVID SHOEBRIDGE: I am just thinking of the sheer numbers of criminal cases involved. We are probably talking thousands of interactions a year. Have you thought about how that would fit with all of the other work that you have to do? Obviously that would have to come with some discrete funding to deal with that.

Ms ROBINSON: Absolutely. As you would appreciate, our office functions to the fullness of its capacity as it is, and we have done a lot of great work in the past couple of years in focusing on particularly vulnerable cohorts. The important thing for us, as always, is if the voice of the child or young person is absent, then our role is to make sure that it is there, and if there are other means or ways that we could do that, then we should do that. What I mean by that is if we, for example, ran a consultation with children of imprisoned parents and they had particular ideas about what that could look like, then we would work to deliver that as well—so, taking advantage of online platforms, or where there are other mechanisms where they might be already providing feedback to other services, and how do we build that as well.

Mr DAVID SHOEBRIDGE: When you talk to young people about the impact of, say, their mum going to jail, even for a short time, what are they telling you?

Ms ROBINSON: Noting that we would need to do further consultations around this, but—in terms of the work that we have done with young people who have been in juvenile justice or talked about that—as we know, mothers are the primary caregivers, so even in that moment it is a disruption to a family and to a household.

One of the things that we did hear at Emu Plains, as an example—I am sure you might have heard this as well—is that when they are young, visiting is okay, but as they hit those teen years, there can be the feeling of shame and so they do not visit as much, or it shifts quite drastically. I think we have to be able to address that concern for those young people, so that they can still have that connection, even if the mother is only gone for a brief period of time. But the shame can start, and so we need to be able to balance that. But as I said—and I am sorry to keep repeating it—we would be very keen to do further work around this, because we can see that there is a need to make sure that with the Emu Plains services that exist, are there things that are missing or not missing and what do the children and young people who have experienced that say? But also the children and young people who have not experienced that, what are they saying?

Mr DAVID SHOEBRIDGE: I suppose, given how recently the tablets have been rolled out and that connection, you probably have not had a huge amount of feedback, or the ability to get feedback, on how that is working, in terms of the connections after school and the like.

Ms ROBINSON: No, we have not had that opportunity.

Mr DAVID SHOEBRIDGE: But that would be useful.

Ms ROBINSON: That would be part of it, absolutely.

The Hon. GREG DONNELLY: In your submission, you have got 13 recommendations. Can you just help the Committee understand how the recommendations were prepared? Who did you consult with? How was that done and over what time period? Some of them are quite detailed. There is some degree of specificity in particular. How did you come up with the recommendations?

Ms ROBINSON: I might take that on notice, just to make sure that I give you the fullness of the answer.

The Hon. GREG DONNELLY: Can you give me a general answer then?

Ms ROBINSON: Sure. With our submissions, this one, as we have flagged, we did not consult with children and young people for this particular submission. It would have been from previous reports we had done, i.e. the 2019 juvenile justice report potentially—

The Hon. GREG DONNELLY: If I could impose, why would you have not consulted with children and young people in regard to this important inquiry?

Ms ROBINSON: I will have to take that on notice. I do not, off the top of my head, have that answer for you.

The Hon. GREG DONNELLY: As the Advocate for Children and Young People, you do not know why you did not consult with children and young people, in regards to the preparation of this report and the recommendations. Is that what you are saying?

Ms ROBINSON: In my first part of the answer, that I could not finish, I talked about the fact that we would have relied on previous reports where we had consulted with children and young people, like the 2019 Youth Justice report. But, because I have taken that question on notice, I would not want to misrepresent anything, in terms of what we did and did not do. If I could be given the opportunity to reflect on the drafting of this and the process around it, I can provide you with a fuller answer. But we would have taken into account previous reports, and I do not have an answer, in terms of whether we did or did not consult children for this specific submission.

The Hon. GREG DONNELLY: I will move on, but all I can say is that I just find it utterly surprising that you, as the Advocate, can come here today and not be able to answer those questions about knowledge on the preparation of this report and, particularly, its recommendations. But anyway, moving on.

Mr DAVID SHOEBRIDGE: Sorry, I do not think you can just leave a statement like that without allowing the Advocate to respond—

The Hon. GREG DONNELLY: She can if she wants to.

Mr DAVID SHOEBRIDGE: —because the process of structured consultation with young people often does not fit within the time frame of a parliamentary committee, which gives you six weeks or four weeks or five weeks to put in a submission. It is actually hard. But why don't we hear from the Advocate about this?

The Hon. GREG DONNELLY: I think the Advocate can speak for herself. She does not need you to run protection.

Mr DAVID SHOEBRIDGE: I am not trying to run protection.

The ACTING CHAIR: Order!

Mr DAVID SHOEBRIDGE: I am not trying to run protection. I am just saying, your just dropping of negative comments, without allowing a witness to respond, is unfair to the witness.

The ACTING CHAIR: Order! Members will be quiet, please.

The Hon. GREG DONNELLY: The witness should be able to justify and explain.

The ACTING CHAIR: The Hon. Greg Donnelly will be quiet.

Mr DAVID SHOEBRIDGE: Exactly, and you have got to give them a chance.

The ACTING CHAIR: We will give the Advocate the chance to respond and if she is unable to, then it will be taken on notice.

The Hon. GREG DONNELLY: Okay, can I check a question—

Mr DAVID SHOEBRIDGE: Now.

The ACTING CHAIR: Sorry, Mr Donnelly. Ms Robinson, would you like to respond?

Ms ROBINSON: Just to emphasise that we would have taken into account previous reports, where we consulted children and young people, and the bulk of the question I will take on notice.

The Hon. GREG DONNELLY: Okay. With respect to recommendation 1, about the New South Wales police, do you have any information about the background for the preparation of that?

Ms ROBINSON: I will take that on notice.

The Hon. GREG DONNELLY: Okay. With respect to recommendation 2, about the Department of Communities and Justice, what was the background and input into the preparation of that?

Ms ROBINSON: You will see in that recommendation it states:

This research should include consultations directly with appropriate children and young people to ensure their voices are captured in any research undertaken.

That would be a recommendation of our office, broadly, in terms of any research that was done that affected children and young people.

The Hon. GREG DONNELLY: Recommendation 3 proposes amendments to the Bail Act and the Crimes (Sentencing Procedure) Act, which are very specific matters to deal with criminal law and the state. What was the background for the preparation of that recommendation?

Ms ROBINSON: I refer you to the part of the recommendation that talks about the best interests of children and young people, and that is a core part of a principle of our office. We would always suggest that work is done in the best interests of children and young people.

Mr DAVID SHOEBRIDGE: You do not want the best interests of young people included in the Bail Act, Mr Donnelly? You are against the best interests of children being part of statutory criteria. What is your point here?

The Hon. GREG DONNELLY: Mr Shoebridge, you are—

Mr DAVID SHOEBRIDGE: What is your point?

Ms ROBYN PRESTON: With respect, you are putting words in Mr Donnelly's mouth.

The Hon. GREG DONNELLY: I do not have to tell you what my point is. I am entitled to ask the questions as I see fit—

The ACTING CHAIR: Correct.

The Hon. GREG DONNELLY: —and not deal with Mr Shoebridge. With respect to recommendation 3, if I understand, you are tying the proposed amendments to the Bail Act and the Crimes (Sentencing Procedure) Act to what is, effectively, the primary role of the Advocate, and that is the matter of the advocacy of the interests of children and young people. Is that essentially the essence of that recommendation?

Ms ROBINSON: Sorry, can you repeat what you said just—

The Hon. GREG DONNELLY: Yes. I am just trying to understand the basis of the specifics of recommendation 3. What you are saying is that that ties back to your general remit, and that is to deal with the

interests, and advocate on behalf of the interests of children and young people in the state. That is where you get that—

Ms ROBINSON: Just for clarification, just because I want to make sure that—

The Hon. GREG DONNELLY: Yes.

Ms ROBINSON: Our role is to ensure the safety, welfare and wellbeing of children and young people is considered. In relation to amendments of law, or submissions that we put before Parliament, the core part and the core principle of our office is to ensure the safety, welfare and wellbeing of children and young people is considered.

The Hon. GREG DONNELLY: I have got more, but I may have to share time with others.

The ACTING CHAIR: That is okay. If you have further questions about the recommendations, they can all be taken on notice.

Ms ROBYN PRESTON: I just wanted to further pursue the line of questioning that you had. Recommendation 3, to amend the Bail Act 2013, the specifics of that are not before me. Are you able to expand on that on notice, if you would like?

Ms ROBINSON: We can provide that to you on notice.

Ms ROBYN PRESTON: It is a sweeping statement without giving the detail.

Ms ROBINSON: We can provide that to you on notice.

Mr DAVID SHOEBRIDGE: When it comes to having connections between parents and children once parents are in jail, is this an area where Corrective Services NSW reaches out to your office and asks for your expertise at all? Is there any kind of formal dialogue between Corrective Services NSW and your office to help with that connection?

Ms ROBINSON: We have met with—her name is going to escape me, but we have met with them. We work very closely with Youth Justice NSW, as you can imagine. I would not say that there is any formal consistent contact around that. It is not saying that they are not trying or we are not trying. I think it is just that it has not happened to date. Since I have been appointed permanently for five years, obviously, we are now doing a lot of work to make sure that we have got those lines of contacts more consistently with a number of agencies and people. But no, we do not have—

Mr DAVID SHOEBRIDGE: Do you think that having a structured ongoing dialogue and feedback between Corrective Services and your office might be a useful goal to have, so that Corrective Services are getting a young person's voice and perspective, and so you are more informed about what is happening at a Corrective Services level?

Ms ROBINSON: Absolutely. We would welcome that, and I am certain that for us to undertake the consultation, it would be one of the key stakeholders that we would want to work with and provide that information to.

Mr DAVID SHOEBRIDGE: If we were to come up with a recommendation to suggest that there be that kind of structured engagement, do you think that would be achievable?

Ms ROBINSON: From our office? Absolutely.

The ACTING CHAIR: Any further questions?

Ms JODIE HARRISON: You spoke about wanting to do further consultation with children of incarcerated parents. How is what you work on determined?

Ms ROBINSON: The Act talks about, specifically, us needing to focus on vulnerable children and young people, noting that children and young people themselves do not like to be called "vulnerable"—they are socially excluded. So, we do have a specific part of our Act that says we need to focus on that. One of the reasons, obviously, since we did the 2019 report in youth justice and juvenile justice—and it has kind of been a core priority of the office—the strategic plan, obviously, is one thing that can guide where our work is, and we are in the process of doing our next strategic plan as well. But often it will be that an agency might come to us and say, "We would like you to do a specific piece of work around something." And the reason I talk about Youth Justice NSW is because Youth Justice has led in a number of ways, in terms of having a youth voice on their committees and a wonderful relationship has developed, in terms of the ease of that. So that is why youth justice has become a focus, in terms of a vulnerable cohort.

But, more importantly, if there is something that consistently appears as an issue that children and young people have said, we would start to go, "Okay, we actually should do consultations around this." As Mr Shoebridge pointed out, the consultations do take time, in terms of planning and making sure we are reaching the areas that we need to reach, and in this particular cohort—because we are talking about a particularly vulnerable cohort—there would be a number of stakeholders that we would need to work with to ensure that it is about trauma-informed safety, and that there is a proper purpose, in terms of what is achieved in the consultation as well.

The ACTING CHAIR: Thank you very much for appearing before the Committee today, and for the evidence you have given. The Committee may wish—and I am sure it will—to provide you with some additional questions in writing, the replies to which will form part of your evidence, as you are aware. Would you be happy to provide written responses to those questions?

Ms ROBINSON: Of course.

The ACTING CHAIR: Thank you very much.

Ms ROBINSON: I just want to say, welcome to the new Committee member.

(The witness withdrew.)

KATH McFARLANE, Adjunct Associate Professor, School of Population Health, University of New South Wales; Kath McFarlane Consulting, affirmed and examined

The ACTING CHAIR: I now welcome our next witness. Thank you for appearing before the Committee on Children and Young People to give evidence today. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Dr McFARLANE: I have.

The ACTING CHAIR: Would you like to make an opening statement?

Dr McFARLANE: Just very briefly. I am conscious of the Committee's limited time and I would like to get more to the questions that I am sure you may have. Just to draw your attention to the fact that my submission focuses specifically on a particular cohort of children of prisoners, which is young people who are in the care of the State or in what is known as out-of-home care. The reason I focused on that in my career and in research is because for over 25 years I have been working in the area of the criminal justice system and child welfare, both as an Official Visitor appointed by Corrective Services into prisons, where I visited on a weekly basis some 20, 25 years ago, and also as a lawyer practising in the area, where I provided a service to women in prison, which focused very heavily on the over-representation of those women who had come from a care background, and also their concerns that they had about the wellbeing of their children who were currently in the care system.

It also comes from my experience as a member through various organisations, many of whom you have heard from today either via submissions or in just the everyday conduct of the Committee, looking at that over-representation of people in the criminal justice system. I have been a member of the Women's Advisory Council and I have been a former executive officer of the New South Wales Children's Court and the NSW Sentencing Council, which influence government policy by providing research on issues of interest to government or self-referred. As well as being an academic now, I am doing my research in relation to, specifically, 'care-criminalisation', which is the over-representation in the criminal justice system's processes by which children in care, who we are meant to provide the most care and protection to, they are the children we remove from their parents, usually because of abuse and neglect issues and those for whom the State has a legal and moral responsibility.

My research has focused on the way in which the systems set up by government and agencies actually propel those young people into the criminal justice system and into lives of deprivation and inadequacy compared to other children and the standard which we expect for our own children. So I find it quite ironic that the children for whom we have special responsibility are the ones who have the worst outcomes. I also think I am in a slightly unique position because I have worked with policymakers, politicians and bureaucrats from a range of perspectives, initially as an activist and through that then as an advocate, but also as a chief of staff for five years in the O'Farrell and Baird governments across the portfolios of Corrections, Juvenile Justice, Attorneys General and Community Services. I just wanted to put that on the record so that you know that my perspectives can vary depending on the question and the time at which I was involved.

Other than that, I would point to my submission, which, in a nutshell, basically makes the point that there has been an abrogation of responsibility for many years by agencies who are funded to incredible amounts of money to provide services to children and young people or to regulate the services and the monitoring of the provision of services to children and young people. This is not a political position; it is regardless of the party that is in government and, unfortunately, there appear to be some constants in the level of apathy or blatant disregard of the recommendations made by committees such as yourselves. The parliamentary committee in particular I point to is the one 20-odd years ago, the children of imprisoned parents inquiry, led by Labor MP Ann Symonds, which was a brilliant inquiry that made unanimous recommendations across a range of issues, but which we are struggling with again—and which you will be no doubt asking for information on—with the same issues that we gave evidence on back then. On behalf of myself, I guess, and the colleagues with whom I have worked in different fields over this time, it is nothing short of bureaucratic and political apathy and indifference to the issues that mean that we are here again.

The ACTING CHAIR: Thank you. On that very last point I was going to mention that, given you have been on one side of the matter and now you are on the other side of the matter, can I ask you: What is your experience today in your role in dealing with different agencies, government departments and non-government organisations? How do you find that today versus when you were in your previous role?

Dr McFARLANE: Today my relationship is different again. As an academic and independent researcher, I have been contracted by both government and non-government agencies or provided pro bono, free

advice and assistance on a number of issues. So it changes the relationship whether you are working for someone or overseeing them or whether it is thought that you speak with the authority of government. So with those provisos, the commonalities are that there is a lot of profession of goodwill and a lot of interest expressed in issues affecting children of prisoners. So nobody, when confronted, will ever say that they are the lowest priority group of children and young people that we have. Nobody will say that the sins of the parent are visited on the child, in a sense, in terms of that they are often regarded as the next generation of criminal. Nobody will talk about these things and yet those are the realities for very many children of prisoners.

The differences are when I was working in government or in positions where people reported to me, the agencies' excuses for inaction were different. It was always, "We are under-resourced", "It is not a government key strategic priority at this time", "It is a government key strategic priority but unfortunately we don't have any research or data", "Now there is research or data but it's international", "Oh, now you have provided us with national or New South Wales specific data. Right, well, unfortunately now there is a change of portfolio" or "now there is a new Minister" or "now there is a new Director-General" so we start again. So the issues are the same, but I guess that is the most frustrating thing is that the point of bureaucracy is to enable you to have a short cut so that you do not have to constantly reinvent the wheel.

You do not have to be the one to remember there was a Cabinet minute on this 25 years ago that directed an agency to do something, and you are not the one that then has to go and discover that it has not been done, and you are not the one that then has to explain the history to the secretary or to a director-general or to whoever is in charge of that new unit. What I find is, in all of the various versions of roles that I have had, it has been myself or colleagues or particularly committed individual advocates—and I mention SHINE for Kids as an example there—who have been playing that role. It has been us who have conducted the research and the Government then relies upon it. So the reason that you know something about the number of children in prison is because of measures that advocates and activists have put in place to extract the information and to collect it, because the agencies responsible have not.

The ACTING CHAIR: I have one very short question to follow that up. So all of those agencies and departments and non-government organisations that have data and have evidence, how do you find information sharing on that? How is that going?

Dr McFARLANE: Again, I guess it depends on where you sit and what you are going to use the data for. One of the biggest impediments is the misunderstanding of privacy and ethics. So a lot of agencies who provide on-the-ground services to children of prisoners or to prisoners, which are in possession of case studies and who would be able to tell you a real life example of any point that you wanted to raise or any issue you wanted to identify, often feel compelled to withhold that information on the grounds that privacy does not allow it or because they do not have ethical approval to conduct research. However, it is often based on a misunderstanding of what research is. If an agency holds information it is actually beholden upon them to use case studies in order to illustrate potential legislative changes that are needed or unintended policy consequences.

But agencies hold their information closely and, as I said, particularly with non-government agencies, they also are often quite shy of advocacy. If there are unpalatable truths being served, it is often a target and they are told "You are only funded for service provision." So that makes the relationship and exchange of information difficult. In terms of official data collection, it is incredibly difficult to get access to and speak to, for example, children and young people in juvenile detention or in Department of Communities and Justice. There are incredibly and unnecessarily extensive ethics issues around that which unfortunately I believe have suppressed information rather than allowed for its free and frank exchange.

The ACTING CHAIR: Very quickly, I have one final question—it will be a yes or no, if that is okay, given the time. Can that data not be depersonalised?

Dr McFARLANE: Yes. There is a limitation with depersonalised data, if I could give one brief example?

The ACTING CHAIR: Yes.

Dr McFARLANE: There was a report released yesterday, which is a very good report by the Bureau of Crime Statistics and Research, which was presented as a good news story around the fact that Indigenous young people's involvement in the justice system has decreased—a rare good news story in that area. However, the way that the Bureau of Crime Statistics collects research means that you have only big-picture trends and issues. What we know about research in that area, is that young people who have been in the out-of-home care system are over-represented before the courts and are over-represented at every point at which they can be diverted, so they do not get the benefits. What that means is - the Bureau of Crime Statistics does not collect out-of-home care status or children-of-prisoner status.

So although, on one hand, we know that the Stolen Generations and their descendants are over-represented in the justice system, we do not know whether this drop in juvenile justice representation could also be because of policies that the Government introduced to reduce the unnecessary criminalisation of children in care. We do not know whether they are working, because you cannot find the circumstances around things like property damage. So protocols which were designed to reduce agency criminalisation of children cannot be tested as to their effectiveness because of the way the agencies collect the data, and the big data. You cannot get the personalised story, which would say that child reacted to a residential care worker throwing a cup of water over them to wake them up in time to get to school and they went crazy and broke something in the placement. The placement then punishes them. It calls the police and prosecutes them and that child is up on bail. Because they have a history of this, they are then bail refused and then end up in custody for their own protection under section 22.

I know that is a long answer, but basically you need personalised stories. You need the circumstances of the children to inform the data so you actually know what is happening, otherwise all you have are numbers and figures, the same every year.

The ACTING CHAIR: I understand.

Ms ROBYN PRESTON: Thank you for joining us today at the inquiry. I just wanted to draw your attention to pages 4 and 5 of your submission, in particular the "exceptional circumstances" requirement that applies when sentencers consider the impact of custodial sentences on a person's dependants. You made reference to the work of Oxford University's Dr Shona Minson on maternal sentencing and children's rights. I do not expect you to totally discuss that, but are there key points that you wanted to elaborate on in relation to what you put in your submission?

Dr McFARLANE: Thank you for the question and I would direct the Committee to go directly to her work, which is readily available, including the videos that are now required to be played at sentencing decisions at particular levels in the United Kingdom. The point about exceptional circumstances is that it is not exceptional, for particularly a woman, to lose a child when she goes to custody, so you can never get over the hurdle that a child is going to be impacted by their parent's custody, unless there is something absolutely unique. There are only a handful of cases where that has been the situation, and I know because I have advocated and represented clients arguing that and had a judge hold up the United Nations conventions and say, "This has no bearing" and "This child's history is of no relevance to how I'm going to sentence her mother"—that kind of thing. What Shona Minson and others in the UK have done is to change the mindset of the judicial system and to make it understood that the impact on the child is a relevant consideration in sentencing.

So as well as having judicial education—hence the videos, and they also talk to prosecutors about what you have to look at and what it means for a child when a parent is imprisoned—you have also got things like the Sentencing Guidelines in 2011 that specifically mention the primary caring responsibilities of defendants as a matter that can be taken into account at sentencing. In 2017 there was the Imposition of Community and Custodial Sentences Definitive Guideline, and again it gave very, very clear and specific instructions to sentencing bodies about what you should consider and why it matters when you are trying to determine whether to send someone to custody or not.

Finally, the last one that I refer to in my submission is the Sentencing General Guideline, which clearly states that where there is somebody "on the cusp" of going to jail or not—obviously not where it is a clear-cut case for community protection but where the court is trying to determine it—"imprisonment should not be imposed where there would be an impact on dependants which would make a custodial sentence disproportionate to achieving the aims". In other words, if the impact on the child outweighs the risk to the community et cetera, you should not sentence that person [to custody]. So Dr Minson's work is incredibly important because it has led to those changes, and I direct you directly to her work specifically on why and all the arguments about why you should bother with caring about what happens to children of prisoners in that sense.

Ms ROBYN PRESTON: Just following up on that from a different perspective, how then does the community view a sentence that does not incarcerate the person that has offended and how do they come to terms with that, particularly if you are the victim of the impact?

Dr McFARLANE: Yes, and that is the eternal dilemma. I think that we have done a very poor job at taking into account the views of victims as well as the views of offenders. But what we have particularly done is do an incredibly bad job at indicating that most of the people who go through the criminal justice system have themselves been victims at some point in their lives. We tend to see or present victims as being worthy of our kindness and concern and do everything we can for them, but if they are also offenders then any goodwill towards victims is instantly dropped. That is pointless because it ignores the reality of the conditions of many offenders. But it also means, most importantly, that it denies the opportunity for ongoing community safety because, if you

understand the background and the motivation and what might have forced or led somebody to offend, you stand a chance of doing something about it while they are in custody or while they are on a community diversion program.

If you see them only as offenders or as victims, you are not addressing one of the factors that may lead to them offending again. That places the whole community at risk. Until the sentencing process explains that to victims, how can we expect an ordinary person who may have been hurt or afraid or harmed or had property lost to understand? I think that is the first concern. But it is also a balancing act, which sentencers are very used to doing, and capable of doing. Of course, when somebody is a risk to the physical safety of the community, then this is not the type of level we are talking about. We are talking about the more minor offending, particularly in the Local Court, where exceptional circumstances are never raised.

Mr DAVID SHOEBRIDGE: Talking about data, the State Government spent \$190-plus million on Their Futures Matter in the out-of-home care thing. It was reviewed by the Auditor-General and found largely to be—misallocated would be a polite description. But the one element that came out of that and that appeared to have some ongoing utility was the Their Futures Matter matched dataset, that big data pool. Can you speak about whether or not that might be of some use in this space?

Dr McFARLANE: Yes, thanks for the question. I am working on a project at the moment that uses that data. It is the POCLS project—the Pathways of Care Longitudinal Study—that is done through the Department of Communities and Justice. I have been contracted to have a look at the over-representation or the pathways between the care system and the justice system for the cohort. The problem always with big data, as I said before, is that you need to understand the personal circumstances of the young people. You need access to things that that sort of dataset does not give you. Opening it up and having that available is great, but it is not qualitative research. By that I mean, for example, the [police] fact sheets. If you have a young person that is accused of property damage, for example, my research has looked at the circumstances that gave rise to the charge by looking at the court records—so over 100 documents per case, for example. What that does, is that shows the circumstances immediately around that, can lead to things like provocation against the young person.

For example, there was a case of a young girl who had been most likely a victim of abuse and neglect, who had depression. It is all in the psychological reports. One of the symptoms of depression is you sleep a lot, you are apathetic and you do not want to do anything. She was in bed and she refused to get up. The residential caseworkers who were caring for her tried to wake her up to go to school. She did not want to go. So they pulled the covers off her. She did not get up. They threw water on her. She did not get up. They then took down all the posters in her room and ripped them up in front of her. Now, she responded and attacked one and assaulted them so she got done for assault.

On the level of it, if I get Their Futures Matter and the connecting data, it will be, "young person in residential out-of-home care, assault"—which is a very serious charge—"spent time in custody, bail refused", because it is a very serious charge, and, "may or may not end up with a custodial sentence". But the reality behind that young girl's life was that the workers reacted and acted inappropriately to a young person who was highly traumatised. They in effect, led to her offending. They then reacted in a way in which you would not react if it was a situation in your own family. The police were involved and because of her trauma and history, she has a long record. So she is seen as an offender. That is the problem with that kind of dataset. The nuances or the reality of the children's lives—you cannot pick it up. You need to look at data that allows for personalised access to information.

Mr DAVID SHOEBRIDGE: But I suppose that data is useful in, for example, identifying that there may be a 1,000 per cent misrepresentation of kids who have been in out-of-home care in the criminal justice system. It does not give you the solutions to it.

Dr McFARLANE: Yes. That is correct. It is very useful, but it also depends upon the information being collected by agencies. The New South Wales police do not collect out-of-home care status when they are arresting somebody in the way that they collect Indigeneity or gender or the age of the young person. Therefore, the courts rely on the police information, so the courts do not know whether somebody is in out-of-home care or a child of a prisoner in this sense when they are going through their system. So you are not getting it picked up. The Bureau of Crime Statistics and Research reoffending database does not have out-of-home care status collected either, and neither does Corrections, other than when a person is an adult—which I can talk about later. What that means is care status, which is often a proxy for children of imprisoned parents because those things are so intertwined—if you do not have the easiest way of identifying somebody, for example, as being in care, it does not matter what data you have. Your figures are false because you cannot get to their histories.

Mr DAVID SHOEBRIDGE: I think I read in your submission that kids in out-of-home care represent 1 per cent or less of the population and about 10 per cent of the cohort of adult prisoners. Is that right?

Dr McFARLANE: It is 14 per cent on a snapshot situation, yes.

Mr DAVID SHOEBRIDGE: I said 1,000 per cent. It is actually 1,400 per cent over-representation. Given that, do you think we could consider recommending that that be one of the compulsory data points that police obtain so that we start going forward? Would that be useful data or not?

Dr McFARLANE: Yes. It is a recommendation I have made for about 20 years. Every agency that is relevant—Juvenile Justice, police, BOCSAR, Corrections, Community Services—needs to collect out-of-home care status at the crossover between the child welfare system and particularly criminal justice but also homelessness, education et cetera. Because children in out-of-home care are over-represented at whatever social issue you want to look at. We only know that because of the research done independently and not by the agencies who have got them in their care. That is a definite recommendation.

Corrections have been collecting that information since it was directed by Minister Hazzard, my former boss, when he was Attorney General in 2014. That is why the out-of-home care status is in the Inmate Survey Questionnaire. Before that, despite recommendations by committees of this Parliament—including the 2001 increase in prisoner population committee—Corrections had not moved to implement that recommendation. So, yes, it absolutely needs to be collected.

Mr DAVID SHOEBRIDGE: Surely, part of the purpose of creating the big, mega agency, DCJ, was that you had some continuity between out-of-home care, juvenile detention and the adult criminal justice system. Surely, part of the rationale for creating that large agency with a single secretary was to have that flow through.

Dr McFARLANE: That was precisely the publicly stated and privately expressed position—not the sole reason, but a primary reason for the creation of that super department. Yes, I refer you to press releases at the time announcing it.

Ms JODIE HARRISON: Your evidence today is pretty damning on a series of governments, really. Have you done any work, or are you aware of anyone having done any work outside of government, auditing the implementation of the 1997 recommendations?

Dr McFARLANE: Officially, I do not think so. But every agency involved in service provision, of course, knows what has been recommended and fulfilled. So SHINE, CRC, a number of people that have given evidence to you today and previously, in this Committee, can tell you about that. But I do not think—it is not standard to revisit the implementation of recommendations made by parliamentary inquiries.

Ms JODIE HARRISON: One of the things we are hearing from a lot of witnesses and reading in submissions is that the implementation of the 1997 recommendations has largely not been undertaken.

Dr McFARLANE: Yes.

Ms JODIE HARRISON: I would not necessarily be surprised if departments' answers might be different to outside bodies. I was just wondering whether there was any kind of outside review that had occurred.

Dr McFARLANE: Not to my awareness, other than the Megan Davis report entitled *Family is Culture*, which looked at the out-of-home care situation of Indigenous children. That reported over 18 months or so ago, and has been the subject of discussion in this and other committees. It made fairly damning commentary about a range of non-implementation of inquiry recommendations, or non-adherence to legislative and other mandated agency responsibilities. That would be part of it as well.

Mr DAVID SHOEBRIDGE: You have seen, on multiple sides, the way this whole system works or does not work. One of the options that the Committee could consider would be delivering a report sometime maybe in the middle of the year, or the end of the year. The Government then has six months to respond to it, but then the Committee could actually schedule, if you like, one or two days of hearings 12 months after we deliver the report to actually check on the implementation, and where that is going, and have some kind of accountability itself. Given you have worked both sides of the record, do you think there might be some utility in that?

Dr McFARLANE: There is precedent for that at the Federal level, with the series of inquiries into "Forgotten Australians"—people who experienced institutional abuse as children. There was a series of inquiries from about 2003-04 through to 2015. The original committee that looked at the abuse of children in institutional care revisited the recommendations some five years later and reported, again, how little had been done; that was in, I think, 2009. That led to the second National Apology to the Forgotten Australians. You had the Stolen Generations apology, the Forgotten Australians apology, victims of forced adoption—that series of apologies was, in part, very much shaped by the deliberations and recommendations of the Federal committee process. It did precisely that: it called them back and said, "Why haven't you done this?"

Mr DAVID SHOEBRIDGE: What would be a time frame for that? Would it be 12 months after the delivery of the report, 18 months after the delivery of the report? I suppose I am conscious about the end of the parliamentary term happening at some point. Would it be in the life of this parliamentary term?

Dr McFARLANE: I would not presume to give you political advice.

Mr DAVID SHOEBRIDGE: I am thinking in terms of being able to actually expect some partial implementation, or something along the way.

The Hon. GREG DONNELLY: You can give political advice.

Mr DAVID SHOEBRIDGE: We probably need it.

Dr McFARLANE: But you do not need to take it! I think there needs to be—I will take it on notice and get back to you. But, regardless of the time frames, what is important is that agencies are held to account, but also that the type of submission—with respect to the secretary, the submission that was provided to this inquiry by the department is one of the worst I have ever read. It is full of weasel words, and it is full of outs, and everything is "as appropriate", "as resourced", "as relevant", "as resources dictate", "as needed". If you just get that again, it is not particularly helpful to you.

The process is that agencies say, "Quick, tell us everything that we've got that could be relevant to this inquiry, and tell us all the programs, and we will put it up." It does not mean they understand why they are doing it, how they are doing it and what the consequences are. You need to have follow-up, implementation and oversight of the recommendations in order to have any chance of having them fulfilled. Otherwise, it is just another simple tick-a-box. "It is another committee, grin and bear it," until the next time. I am sorry if I sound cynical.

The ACTING CHAIR: Dr McFarlane, thank you very much for attending today and for the evidence that you have provided. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and will be made public. Would you be happy to provide a written reply to any further questions?

Dr McFARLANE: Yes, I would.

The ACTING CHAIR: Thank you for that, and thank you very much for your time today.

Dr McFARLANE: Thank you for the opportunity to speak to the Committee.

(The witness withdrew.)

PETER ABOOD, State Manager NSW/ACT, Prison Fellowship Australia, sworn and examined

The ACTING CHAIR: Thank you for appearing before the Committee on Children and Young People today to give evidence. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Mr ABOOD: Yes, I have.

The ACTING CHAIR: Would you like to make a brief opening statement before we commence with questions?

Mr ABOOD: I thank the Committee for allowing me to come in today, and also to put a submission forth for the children of inmates. We see the great need of children involved in what we do. I do believe that this is a great initiative, because the children do need a lot more support. I appreciate that the New South Wales Parliament is looking at helping the children and improving their situations.

The Hon. GREG DONNELLY: Mr Abood, thank you very much for coming along, and thank you for the submission, and our opportunity to ask you some questions. This is a broad, scene-setting question. Can you outline Prison Fellowship Australia's role, within Corrective Services and the Children and Families of Offenders Steering Committee, to this Committee?

Mr ABOOD: I am involved with the Corrective Services NSW Children and Families of Offenders Steering Committee. We get together, probably once every two months, just to discuss issues to do with the family and their children, to see how we can help improve their home situations and their visiting situations. Primarily, we discuss just the way that we can aid them in improving, particularly, situations to do with the parents being in prison. A lot of the times it comes down to visiting, but we also look at the way that we deal with the families on the outside, as well.

The Hon. GREG DONNELLY: I will just probe you a little bit further, if I can. In terms of the work of the steering committee, does it get to look at individual matters specifically, reflect on those and make recommendations, or is it more policy driven in terms of the work that it does?

Mr ABOOD: No, it looks at individual situations. We often have topics that we are discussing to deal with the way that families have difficulties in dealing with certain situations. We look at a lot of the statistics involved with issues that the inmates are facing, that children are facing, and even that carers are facing. We are looking at different ways to improve those situations that they see arise. A lot of it comes through from Corrective Services. Personally, I do not have a lot to do with the topics or the matters that they—

The Hon. GREG DONNELLY: Place on the agenda.

Mr ABOOD: Sorry?

The Hon. GREG DONNELLY: You do not have much to do with the creation of the agenda or the topics—

Mr ABOOD: No, I do not have anything to do with the agenda. That really comes from Corrective Services.

The Hon. GREG DONNELLY: With respect to the work of the steering committee, is there an annual or biannual reportage—be it a report or a document that summarises your activities? Just give us a bit more detail about what it produces as a committee, in terms of recommendations back to the minister, if it does, from time to time, and other matters.

Mr ABOOD: I am not aware of an annual report, but I know that they do take minutes of every meeting. But I am not aware of any reporting.

The Hon. GREG DONNELLY: Who takes those minutes? Not their name necessarily, but are they from—

Mr ABOOD: They are from Corrective Services. All of the meetings are held at their office in the Henry Deane Building in the city. That is all handled by Corrective Services.

The Hon. GREG DONNELLY: At the subsequent meeting, you receive a copy of the minutes from the previous meeting?

Mr ABOOD: Yes. We receive an agenda before the meeting, plus we receive the minutes from the previous meeting, and they are discussed at every meeting.

The Hon. GREG DONNELLY: With respect to your presence on the committee, along with others doing the good work, is there any opportunity for you to push matters onto the agenda that you wish to raise?

Mr ABOOD: Yes, there are opportunities to submit matters on the agenda, plus opportunities, if I want to discuss a topic. They will allow me to do research on that, and then speak on that, but in the couple of years that I have been on the committee I have not done that yet.

The Hon. GREG DONNELLY: That is okay. Does Prison Fellowship do any collaborative work with other faith-based organisations, whether interfaith or interdenominational?

Mr ABOOD: Yes, we do.

The Hon. GREG DONNELLY: If you do, will you elucidate?

Mr ABOOD: Yes, we work with a lot of different organisations, whether they be faith-based or non-faith organisations. We work with two other prison ministry organisations on a regular basis, plus we work with people like Salvation Army, sometimes Mission Australia and other different Christian organisations. If need be, we will reach out into the community. If we feel that there is need for accommodation, health needs or psychological needs, then we reach out to some other organisations to help us in those areas, because we do not specialise in those areas and we are not qualified to deal with those situations.

The Hon. GREG DONNELLY: With respect to the contact you have, with at least those couple you have mentioned and maybe others as well—it does not matter whether they are faith based or not—is that something that you yourself initiate with those organisations, and keep up on an ongoing basis, or is that organised elsewhere by the state through its department, or whatever the case may be?

Mr ABOOD: Sorry, I am not really sure—

The Hon. GREG DONNELLY: In terms of the ongoing activity of meeting and discussing matters, either with those faith-based organisations or other ones that are not faith based doing work in prisons, is that something that you initiate yourself and the organisations work to keep going on an ongoing basis or is that organised by the department or someone else?

Mr ABOOD: Generally, if we are involved with it, we will organise it ourselves. I have two other staff, so it could be either myself, one of my volunteers, or one of our staff members. We would often initiate that contact ourselves.

Ms ROBYN PRESTON: I have a couple of questions; one is probably pretty simple. How are children identified for the Angel Tree program or for Camp for Kids?

Mr ABOOD: The Angel Tree comes through directly from the inmates in prison. We send out our applications, and all the information about the Angel Tree applications, directly to the chaplains—mostly to the chaplains, sometimes to the governors or general managers of the prisons, or program managers inside correctional centres. They then distribute that information, advertise it and promote it within the prison system. Sometimes they put up posters, or they speak directly to the inmates. The inmates then fill out that application, give that back to whoever is in charge of that at the correctional centre, and they send that directly to us. With the camp, a lot of the children coming back to the camp were there previously, so we have a core base there. With the children that we do have each year, from Angel Tree, we send a mail-out, email or SMS to all the children involved in the Angel Tree program, to invite them to come along to be part of the annual camp.

Ms ROBYN PRESTON: You have been running Camp for Kids for 20 years now. Have you been able to look at the experience of children as they have grown, after they have participated in Camp for Kids? Do you have any evidence on what has happened to those kids as they have grown up?

Mr ABOOD: We have actually been running the camp now for 21 years. I was just at the camp only a few weeks ago. Just after Easter I spent the whole week there. The evidence we have is—I think we had 15 children this year at the camp. There were 60 people on camp with our leaders. Fifteen of them were returning children who have come through the camp from when they were quite young. Some of them have been there for around eight to 10 years, coming back each year. Those older children have come back because they have seen the impact that the camp has on their lives, and they come back to give back to, especially, the younger children, to help them get through. They encourage them; they spend time with them.

It is just great to see, particularly for the children who have been coming back for so many years, how the camp has impacted them enough that they would give up a week of their time. No-one gets paid; they give up a week of their time. Some of them are now working, so they take a week's holiday, and they really see the value in coming back and putting their energy into the camp to give to those young children. That, in itself, is just a very powerful testimony of how the camp impacts those young children.

The ACTING CHAIR: What do you think are core difficulties or barriers in providing better support for children with imprisoned parents?

Mr ABOOD: I think one of the main reasons better support is needed—we see a lot of those children face-to-face. We have direct contact with the children, particularly around Christmas time, and just see all the challenges that they face. I believe the reason that there should be more done to help the children is that a lot of them face mental battles, with their parents being in prison. Some of them even suffer very strong financial issues. We recently had to provide clothing, food and accommodation. For one of the kids at the camp, we had to pay for her dental, because she needed a tooth removed. With their parents being in prison, they do suffer great financial loss and, some of them, difficult home situations or difficulty finding accommodation. With all the challenge that they are facing, to do with that, that end result can affect them physically.

Given that they are struggling with mental and physical issues, and financial issues, I believe that a lot can be done to assist in those three areas—particularly, when a male or breadwinner of the family gets taken into prison without any notice, and the family are left stranded. Sometimes they get kicked out of their homes, and I do believe that a lot could be done to assist the younger families, in helping them in all those three areas—particularly to do with the financial area, because it can be very challenging for a young family, especially if a family has four children, like one of the families recently. The mother cannot really provide for herself and that family got kicked out of their home, and now all the four children are struggling with mental depression, and they are not eating well. They are physically unwell. It can be very daunting and challenging for those younger families.

Mr DAVID SHOEBRIDGE: Has there been any independent review of Camp for Kids? Do you have any data about its effectiveness?

Mr ABOOD: We do not. We do have a gentleman that was coming along every year, just to do a feedback evaluation with everyone involved—with the leaders and the children. He did a report for us; he is an independent. The camp leader actually organised it. Funnily enough, I have actually never seen the report. We do not have any specific data that I am aware of.

The ACTING CHAIR: Will you follow up on notice, to see whether or not you could access the report and share that with the Committee?

Mr ABOOD: Yes, I will.

The ACTING CHAIR: And share that with the Committee, if that is okay?

Mr ABOOD: Yes, I will let you know.

The ACTING CHAIR: Thank you.

Ms ROBYN PRESTON: Thank you for the work you are doing, particularly in the Camp for Kids, and the benefits that can have for the children. I have a couple of things; as a result of the children coming to the camps, and the observations of the volunteers who are working with the children: do you think you have adequate feed-through opportunities to different organisations that can assist, in areas you are identifying at the camp, where a child would need help and support? Are you linked into those seamlessly? How have you structured that support going forward?

Mr ABOOD: What we have done is, because we did see a need to be more involved with the children, particularly after the camp, we launched another three programs for children. One of them is a mentoring program, and that mentoring program will enable us to be more involved with the children on a regular basis. If we need to get them involved with certain authorities or organisations, to assist them, we will now be in a better position, as we have regular contact to be able to direct them to any organisation, whether they need counselling, financial assistance, or a combination. We are trying to connect with a few organisations. We have linked with another organisation called COACH. They are assisting us with this mentoring program. We are going to connect with other churches to see how we can help these children on a more regular basis. Plus, we are in contact with the leaders and some of the children on an unofficial basis, but now it is a situation where we are making it official, and we have a proper mentoring program, and we are able to keep in regular contact with these children to make sure that they have help, right throughout the year.

Ms ROBYN PRESTON: How often would that mentoring program occur? How often are the children connected with a mentor?

Mr ABOOD: At this stage, it is going to be, probably, monthly. Some mentors may choose to meet every fortnight, whether it be via video link or face-to-face. But, at this stage, we are planning that that should be at least once a month. We are also planning on having groups meeting in regions, whether it be the south, the north, or around Sydney, where we may even have a two-day or three-day get-together in a small camp, whether

it be 10 or 20 children. We are looking at also incorporating a small get-together, maybe once or twice a year, apart from the larger camp.

Ms ROBYN PRESTON: Do you rely on sponsorship or philanthropic donations to keep this going?

Mr ABOOD: Absolutely. All our funding comes from donors. We have some fairly generous donors who fully support the work of the camp. All the leaders who come on the camp pay their own way, but we get the funding from our supporter base and philanthropists who provide for the cost of the camp, the transportation and, also, the accommodation and all the activities. It is quite an expensive activity. It costs us in excess of \$30,000 for the week. That is not including our overheads for the office and the staff. But it is a very worthwhile project. Not only do they have a lot of fun, but it is great team building. As you read from the report, these children are often caught in a situation, and the stigma, of them being involved in having parents in prison—the camp is a very free environment where they are with other children from similar situations. They have a really good time, as well.

Ms ROBYN PRESTON: Do you find that the children maintain those connections after the camp, with the young people who they have had the camp experience with?

Mr ABOOD: Yes, they do. A lot of the ones at the camp keep in contact through social media, from what I have been told. Some of them, if they are living in the same area, I believe meet up with each other. We have probably well over 15 people who have been coming back on a fairly regular basis, but they do bond and keep in contact. When you are spending that close time with someone for four days, you tend to get very close to them, and they really establish some very good, long-lasting relationships.

Ms ROBYN PRESTON: I picked up on the fact that you said camps cost around \$30,000. On notice, could you let us know the cost per child of those camps?

Mr ABOOD: Yes. It is quite high. The reason it costs us so much is we book the whole camp out for security reasons. The cost per head is around \$500 per child.

Ms ROBYN PRESTON: Thank you.

Mr ABOOD: However, that is at the camp. Because we book the whole camp out for security reasons—there was an incident many years ago, where there were some younger teenage boys on part of the camp. They were running around late at night, and we decided for the security and safety of all the children, which is our primary concern at the camp, to pay for the whole camp. I would be happy to give you a breakdown of the costs.

Ms ROBYN PRESTON: Thank you.

The ACTING CHAIR: I have a very quick follow-up. You mentioned that you provide the service around Sydney. Do you extend into the regions?

Mr ABOOD: Sorry?

The ACTING CHAIR: You mentioned previously that you hold these group—I would not call them meetings. Do you extend those to the regions, or are they just Sydney-based?

Mr ABOOD: I am sorry, I cannot hear you.

The ACTING CHAIR: Okay, I apologise. Do you extend what you provide to the regions, or is it just locally based in Sydney?

Mr ABOOD: Did you say, "Are we locally based?"

The ACTING CHAIR: No, not locally based. Are the services that you provide just locally based, in Sydney, or do you extend them out to the regions as well?

Mr ABOOD: No, that is right across New South Wales. Sorry.

The ACTING CHAIR: Great, thank you.

Mr ABOOD: Sorry, I am a little bit hard of hearing.

The ACTING CHAIR: No, I apologise.

Ms JODIE HARRISON: What are the ages of the children who attend Camp for Kids? You also talked about the challenges that children experience that come to light during Camp for Kids. In your experience, are those challenges different depending on whether that child is still with a parent, or whether they are in and out of a home care situation? So, what are the ages and the challenges, and the difference in the nature of the challenges?

Mr ABOOD: The children start from eight. We allow children who come from year 7 or year 8, but they have to be from year 7 or year 8. They are generally around 11 years of age as a minimum. The children are

allowed to come up to the camp, until they are 18, and once they are 18, they are allowed to come back as a junior leader. The ages range from year 7 right up to year 12, as far as school years are concerned. We find that every family and every child situation can be extremely different. We have some children who attend who have both parents incarcerated. Some of them are Indigenous or are of Aboriginal background, and they themselves face their own challenges, as you are probably well aware.

We find that every situation can be extremely different, based on what the crime is, sometimes. We find that generally children of parents who have been involved in paedophilia, interference particularly with direct family members or within their own family, are very troubled. We have one particular young girl, who has been attending the camp for the last few years, who has both parents incarcerated. She is facing a lot of very personal issues and behavioural problems. She is living with two of her grandmothers from time to time. She is shoved back and forth, from house to house. They keep moving location. She is having to rebuild relationships at schools and make new friends. She is now struggling with her gender identity, which we openly accept. We do not interfere with anything like that. She is only 13. She ended up in a lot of situations at the camp, where she was arguing with boys, and people were calling her a girl, and she was saying, "I'm not a girl, I'm a boy." For us at the camp, there are a lot of things like that that we have to deal with.

We find some children struggle to interact with other children, sometimes, and they will get into silly little arguments over nothing. We find that, particularly the children who live alone or who do not live directly with their parents or a foster parent, generally have more behavioural issues at the camp. We have to do a lot of work to, one, keep an eye on them and, two, settle the situation down, and get them to deal with how to interact properly with people—not to be violent, not to touch anyone. To calm that whole situation down, at times, can be very challenging for our leaders, particularly. But, again, it really does depend. Every situation and circumstance can be very different depending on where they are living and who they are living with. So, it is very challenging.

The Hon. PETER POULOS: Thank you for attending, Mr Abood. Taking into account constraints and your own experience, what is the ideal number—if you could—of children that at any given point in time over the course of the five days could attend your camp?

Mr ABOOD: We would like to have around 70 children attend. We have the capacity at that camp that we have been using to host up to 120. Ideally, we would like to have double the number of junior leaders and senior leaders to the number of children. In essence, if we had 40 children and 30 junior leaders, then we could have an additional 40 to 50 senior leaders—adults. We can accommodate up to about 120 at that camp. This year we really struggled with the numbers. We only had 60, primarily because people were very concerned about COVID, and a lot of parents or carers would not allow their children to come this year, because they were very concerned about COVID. This is probably the lowest number of campers we have had in many years. Last year, we did not even have the camp, by the way, because we could not even hold it because of COVID.

Ms ROBYN PRESTON: I am just thinking about how challenging it would be with 60 young people at a camp, at the best of times, so my hat off to you.

Mr ABOOD: The lady that has been running the camp, she is an amazing woman. She has been involved with the camp for over 19 years now. She is our camp leader. She does a great job, and the team are amazing.

Mr DAVID SHOEBRIDGE: These are a complex bunch of kids that are at the camp. What work have you done on child protection to ensure that the kids are interacting safely with each other, and that you have the appropriate staffing in place, to ensure child protection is a core part of how you run the camp? What have you done?

Mr ABOOD: Child protection is actually first and foremost at the camp. All the camp leaders are very well aware of the issues with child safety. We do extensive training prior to the camp and, on the first day of camp, the leaders gather together. Every leader on the camp has a Working With Children Check. We also run a course, that we do online, through ChildSafe. All the leaders have to do that course online, and pass that before they are involved. Plus, on the first day of camp when the leaders meet, we get together, we go over all of those notes, and we have very strict guidelines as to what can happen at the camp when it comes to children safety.

The first rule is that we make it very evident, to everyone involved in the camp, that no-one is allowed to touch anybody, whether it be children touching children or adults touching children. We must always have two adults to be with any one child. No-one is allowed to go outside of the camp area, or be alone with a child. There always must be two adults with any child, at any given time. The sleeping arrangements are very strictly organised, where we have girls sleeping in their own cabins and boys sleeping in their own cabins, and where we have two male leaders with the boys and two female leaders with the girls. And if someone needs to go out to the toilet or to go anywhere, we have other leaders who must take that child somewhere. We never let one-on-one situations eventuate at any given time at the camp, and it is very strictly followed.

Mr DAVID SHOEBRIDGE: Where do you get your training from, to have a level of comfort that you understand the complexity of having large groups of quite troubled kids together, and ensure that their interactions are safe? Where is that training sourced from?

Mr ABOOD: That is done through ChildSafe. It is an online training that we do. I have actually four levels of study with that. It is a recognised child protection study, and we all have to—

Mr DAVID SHOEBRIDGE: I am aware of that. There is the standard online training that you do, as part of going beyond the Working With Children Check and doing the leadership thing, but that does not deal with the complexities you would face with that group of young people. Have you got any specialised or expert assistance for dealing with that?

Mr ABOOD: I would not say it is specialised, no. But the lady who runs the camp has been involved with it for 18 years. She is quite experienced, obviously, in dealing with children. But there is no professional training or qualifications involved in actually running it—no, there is not. It is not as if someone has done a course or has professional training, no.

Mr DAVID SHOEBRIDGE: But the woman who has been running it has been there for 18 years.

Mr ABOOD: Eighteen years.

Mr DAVID SHOEBRIDGE: You rely upon her.

Mr ABOOD: Yes. And many other leaders. We have schoolteachers, who are obviously very well experienced with children. My wife, who also attends the camp, she has been involved with children's ministry, now, for 25 years. A lot of the senior leaders have been involved in working with children now for many years, so there is a wealth of experience. I suppose the teachers themselves who are involved in the camp—I know there was a couple, there—they all have experience and knowledge in dealing with children. I do not believe there are any formal qualifications that I am aware of.

The ACTING CHAIR: Thank you very much for attending today before the Committee, and for the evidence that you have provided, Mr Abood. The Committee may wish to send you some additional questions in writing, the replies to which will form part of the evidence that you have given today. Would you be happy to provide written replies if there are any further questions?

Mr ABOOD: Yes, that is fine.

The ACTING CHAIR: Thank you very much.

(The witness withdrew.)

(Luncheon adjournment)

ELIZABETH EVATT, Member, Corrective Services NSW Women's Advisory Council, affirmed and examined
GLORIA LARMAN, Member and CEO, Women's Justice Network, Corrective Services NSW Women's Advisory Council, affirmed and examined

The ACTING CHAIR: Thank you for joining us today and appearing before the Committee on Children and Young People today to give evidence. Could each of you confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Ms EVATT: Yes.

The ACTING CHAIR: Would either of you like to make an opening statement before we proceed to questions?

Ms EVATT: Yes, I will make a very brief statement. First, the Women's Advisory Council is concerned with the situation of women involved in the criminal justice system. We know, from research and from our own work, that children are far more affected by the incarceration of their mothers, than is the case with fathers. So, incarceration of mothers has a profound, negative effect on children. Page 5, on my copy of our submission, shows that quite clearly. We are also very firmly of the view that the responsibility for the care of children should be a factor considered in sentencing women. We also believe very strongly that, in the case of all women involved in the criminal justice system, there should be effective measures for diversion from prison to community programs as an alternative to incarceration. We also believe there should be better facilities to ensure that children maintain contact with their mothers during any term of incarceration, and that assistance should be provided to that end. Those are our principal ideas. Ms Larman, you may like to add to that.

Ms LARMAN: That is the advisory panel's stance, I think. I have had many years' experience working in the area of children of prisoners, this being the third parliamentary inquiry into children of imprisoned parents. What we would really like to see is some action from this, as well, because the last inquiry, I think, was done in 1989; the first one being in 1982. In 1982 SHINE for Kids was born as the children of imprisoned parents organisation. I, actually, was then the CEO of SHINE for Kids, so I am very aware of this particular issue. I think it would be really good if there was an opportunity, hopefully, from the inquiry to have some really solid recommendations to really improve the situation for children and, in particular, mothers. Separation of children from their mothers is sort of inexcusable in a lot of cases.

Ms JODIE HARRISON: We have read through all of the submissions, and heard from some of the witnesses—and your recommendations reiterate this too—about consideration of the needs of children in sentencing. How far off are we from achieving and complying with Bangkok Rule 64, and what do we need to do to comply with it?

Ms EVATT: As long as 20 years ago, and probably longer, the Women's Advisory Council recommended to the NSW Law Reform Commission that the Crimes (Sentencing Procedure) Act should be amended to require this consideration, to be responsible for children, to be taken into account in sentencing, but it still has not been done. It would be up to an individual judge whether or not they thought it relevant. It is not a requirement, which is a shame.

Ms LARMAN: We see, all the time, with the women that we deal with, that they are separated at the point of sentencing. However, at the moment we have got an excellent judge who refuses to sentence a woman to prison, because he knows that it is going to force separation. What he has been trying to do is to work with Corrective Services to ensure that when the mother goes to prison, she is not separated, but goes straight to the Jacaranda Cottages into the CSNSW Mothers and Children's Program. But Corrective Services do not seem to be able to assure him that that is going to happen, without some sort of separation.

Some really good things are starting to happen, but the system does not align itself to allow that to happen. If a woman really does—it should be the last resort—end up going to prison, then she should not be separated from her young children. That seems to be happening—well, it does happen—over and over again. They either have to be separated, because they are on remand, and remand women do not get access to have their children live with them—there are not enough places. It is really difficult for Aboriginal women to have their children with them, because the system and the obstacles that they have to jump through become too great.

Ms EVATT: Could I add that there are many judges and magistrates who would prefer to use a non-custodial option for women, and others maybe too, but there are not the options available for the magistrates. There are very few diversionary options available. There is one project in western Sydney, which is under the auspices of the Women's Advisory Council, The Miranda Project, which is a diversion project—a non-custodial

option. But, unfortunately, this can only be available to a very few. 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.

Ms JODIE HARRISON: Could you tell us a bit about The Miranda Project and how it works?

Ms EVATT: Yes. The Miranda Project, which was developed under the auspices of the council, operates out of the Penrith Women's Health Centre. There is a manager and there are two caseworkers, and their clients are women who have been on remand, or who are facing court procedures. They take these women under their wing, as it were—the caseworkers—and help them to deal with their issues. Their issues may be mental health issues, may be drug or drink issues, may be issues of violence in the family, lack of housing—all these kinds of issues. They hold them by the hand, and take them through programs which deal with all those issues. Over time, many of these women are well integrated into the community, and very few of them—very few indeed, a tiny proportion—ever go back behind bars again. If it was more available, it would reduce recidivism considerably, we believe.

Ms JODIE HARRISON: Is that a live-in program? Where are the children of women when they undertake the program?

Ms EVATT: When they are in the program, of course, they are living in the community, so that is not an issue. Of course, that will be the best solution for many women, who are perhaps held on remand for months and months before they are even sentenced, and then sentenced to a very short term. Meanwhile, the children have had to go into care, and they have lost their housing and everything, and have to start all over again. It does not make any sense.

Mr DAVID SHOEBRIDGE: Thank you both for coming in. Could you tell us about the Bangkok Rules? How did they come into effect, and what do they mean? I think you reference Bangkok Rule 64, in particular.

Ms EVATT: Yes. I have got some of the rules here. I have got section 3, which is about non-custodial measures. The Bangkok Rules were developed under the auspices of the United Nations program on crime and criminal justice, and were adopted, I think, by the General Assembly in 2011—10 years ago.

Ms LARMAN: Ten years this year.

Ms EVATT: They were adopted by the General Assembly, and they are put out there as the principles which should be the aspiration of every country that is a member of the UN. They should be what they are aspiring to do. It is like, if you want to know what you should be doing with women prisoners, this is the bible.

Mr DAVID SHOEBRIDGE: This is like a women-specific set of Mandela principles. Is that right?

Ms LARMAN: Yes.

Ms EVATT: Exactly. Yes.

Mr DAVID SHOEBRIDGE: Rule 64 seems to be sort of directly relevant. Could you speak to that?

Ms EVATT: Yes. Rule 64 gives preference to non-custodial sentences for pregnant women and women with dependent children. It is highly relevant to this inquiry.

Mr DAVID SHOEBRIDGE: I think it expressly talks about ensuring the best interests of the children are part of the sentencing structure.

Ms EVATT: Yes. Do you want me to read it?

Mr DAVID SHOEBRIDGE: No. The only reason I raise that specifically is a number of submissions have said that the best interests of children needs to be part of sentencing.

Ms EVATT: It connects directly to the Convention on the Rights of the Child, by asking for the best interests of children to be given consideration.

Mr DAVID SHOEBRIDGE: Ms Evatt, you know a little bit about the law, in relation to children in Australia.

Ms EVATT: I wish I knew more, at this minute.

Mr DAVID SHOEBRIDGE: In your role as the first Chief Justice of the Family Court – I think you did a bit of work there.

Ms EVATT: A long time ago.

The ACTING CHAIR: I have a question for you both, and I will precede it by saying that this question will be with the greatest respect for the work that both of you do and the Women's Advisory Council does. I am going to ask you to self-evaluate. Do you think that the advisory council is the best mechanism that we can have to ensure that Corrective Services prioritises mothers and children affected by families in, basically, sentencing and imprisonment?

Ms EVATT: I am sorry, but I cannot really hear.

The ACTING CHAIR: Sorry. Starting off again: I say this question with the greatest respect for the work that both of you do and the Women's Advisory Council does, and I am going to ask you to self-evaluate. My question is: is an advisory council the most effective mechanism for ensuring that Corrective Services prioritises mothers and children affected by family incarceration?

Ms EVATT: Is the advisory council the best means—

The ACTING CHAIR: Mechanism or means, yes.

Ms EVATT: The way it works is the council talks with Corrective Services and we discuss issues, and we hope that the views that we express are taken note of. But, as you know, it is an advisory council; it is not a determinant body. It consists of people who are experts in many different fields that are relevant to the subject. I do not know if you have a list, but it has Legal Aid and Aboriginal Legal Aid and housing.

Ms LARMAN: I think it is certainly one mechanism; I do not know whether it is the only mechanism. But it does bring together, as Ms Evatt said, a range of specialist organisations dealing with women, that can collectively come together and work out what the issues are. I think there is probably some work in, potentially, getting women with lived experience of prison involved in the council, and I think that is a really important part, and also hearing from people in prison themselves. So, I think there are ways, and I know the council has been looking at integrating women with a lived experience of prison onto the committee as well.

Ms EVATT: Yes.

Ms LARMAN: But the council is limited, because everybody who is part of the council are the leaders of organisations, so they are very busy people, and it is not very well-resourced. So I think it would even be much more effective if the council had some additional secretarial support, to enable it to be more active. I think having some additional support.

Mr DAVID SHOEBRIDGE: You have one executive support position, and it is a woman who has got an otherwise busy job.

Ms LARMAN: Absolutely. We have one person in charge of women across—the women's adviser is too busy.

Ms EVATT: She is too busy to be here today.

Ms LARMAN: She has an extensive day job as well.

Ms EVATT: But if we want something more effective—in England, they set up a commission, the Corston commission on women prisoners, more than 10 years ago, and it came down with recommendations that women should not be sentenced to short terms of imprisonment of less than a year, but should be sent to community women's centres, to have their issues dealt with there. That Corston report has led to the UK, in the last couple of years, adopting a policy, a government policy, that women should not be sentenced to short terms but should preferably be dealt with in the community with community services which are also supported by government. The government has not given enough support to those services, so it is not available to everyone, but it is widely available to women in the UK and we would love it if the New South Wales Government set up a committee to look at that very issue, about setting up alternative means of dealing with women in the community, and not in prison, when they are likely to serve only a short term in prison. That would be something that this Committee could do.

The ACTING CHAIR: Thank you for suggesting that. Just a quick question relating to that, almost going back from what you have recommended: do you have evidence that what the advisory council puts forward is ever implemented?

Mr DAVID SHOEBRIDGE: That is a bit of a hide, coming from a parliamentary committee.

The ACTING CHAIR: That is my question.

Ms EVATT: Yes.

Ms LARMAN: I think there has been, yes.

Ms EVATT: The Miranda Project was devised by the Women's Advisory Council under Ann Symonds, who was a member of the Legislative Council here. It languished for a while, but eventually it did get started, and has been funded through the Government for the past three or four years and, we hope, will continue to be funded. So that did get implemented. But it is not always quite the case that things get, "Yes, we recommend this" and then it happens. Things happen slowly and over time. The committee has been very interested in reducing strip searching, and we keep asking about it, and they are gradually implementing new programs with other devices, but we keep pressing on it, and I think that pressure helps them to get moving on it.

Ms LARMAN: Change is slow.

Ms EVATT: And we are talking about mothers and babies units. All these things, it is more of a dialogue in which our pressure probably helps them to get resources to do something better for women. It is a sort of process.

The ACTING CHAIR: Thank you very much for that. A question from Robyn.

Ms ROBYN PRESTON: Thank you for joining us this afternoon. I have a couple of questions about short-term sentencing. Firstly, can you give me some examples of what that would fit into—what sorts of offences would be looked at, as not needing to be incarcerated?

Ms EVATT: We are talking about non-violent offences.

Ms ROBYN PRESTON: Sure, but if you can paint the picture for me here.

Ms EVATT: They might be minor issues of fraud, theft or perhaps minor drug issues—those would be the main things. I have not got a list of any offences, I am sorry.

Ms LARMAN: It is certainly drug-related offences. Sending a woman to custody while she has clearly got an addiction is not the place to heal that woman.

Ms ROBYN PRESTON: Because the issue at heart is not being dealt with, is it?

Ms LARMAN: It is not.

Ms ROBYN PRESTON: It is the punishment that is being dealt with, but not the reason why they committed the crime.

Ms EVATT: Yes.

Ms LARMAN: That is right. They need a therapeutic environment. Another huge issue is there are not a lot of placements, either. Even a lot of women can actually go from the courts to a rehabilitation centre—there are some good ones there—but there are not enough places.

Ms ROBYN PRESTON: That is what I was thinking. If we did not go down the path of incarceration and we said no, a community service reprimand, are we confident that we have the system in place to deal with the issue at heart that caused the person to commit the crime in the first place?

Ms LARMAN: No.

Ms EVATT: There are services, but not enough.

Ms ROBYN PRESTON: So that would have to be addressed, before we even looked at changing the penalties, so that those systems would be in place to capture those issues.

Ms EVATT: You do not really need to change the legal system at all, because magistrates are willing to make diversionary orders if there is a diversionary option available. There is a section 11, I think it is, that allows them to deal with that.

Ms ROBYN PRESTON: In that vein, places like the Jacaranda Cottages have a limited number of places.

Ms EVATT: Yes.

Ms ROBYN PRESTON: So are you looking, then, at establishing more of those, around different communities, for offenders to be placed in there with their children? Because that is a lot of expense.

Ms LARMAN: It is, but if you look at—

Ms ROBYN PRESTON: The community is paying for this expense and putting all this in. You have got a person who has committed a crime, and you have got the victim out there that is saying, "How is that

punishment?" They see it as they are not being held accountable; they are actually being rehabilitated with their child, in a house. They have got a room, training, counselling and all at the taxpayer's expense. How do we pull back on that attitude that I know is out there as well?

Ms EVATT: Well, we do not say that people should not be held to account when they have offended. That is not at all the point. But there are different ways of holding people to account. Being assigned to a community or rehabilitation program is something that has to be undertaken, and undertaken with a good will and intent, because if it is not pursued, the case will be back before the court again, and the matter may be dealt with in a different way. So it is something that you are required to do, but not behind bars.

Ms LARMAN: I think also it is changing the narrative for the community, as well. I think we have an obligation for the community to understand that if you actually do not rehabilitate people they are going to come out—

Ms ROBYN PRESTON: And go back in again.

Ms LARMAN: —and they are going to do exactly the same thing again, and go back in again.

Ms ROBYN PRESTON: And reoffend.

Ms LARMAN: So if we actually provide society with a different option, to say, "Well, yes, we are going to start sending women to rehabilitation programs, because we know that that is a better outcome, long term, otherwise they are just going to go in a circle." When you actually present things, in that way, to the community, I think the community will accept that. Because most people in the community believe that prison is rehabilitation, and it is not. I think that is the crux of it. We need to change the way that we express punishment and the long-term outcomes of that punishment.

In terms of the Mothers and Children's Program and not having enough placements, over 20 years ago we used to have a system where women, with their young children, could serve their sentence not in custody. Before they had built Jacaranda Cottages, they were sending women to be in their own homes, almost like a home detention. This is nearly 20 or 30 years ago. Then they built Jacaranda Cottages, and then they put children into custody. I know that I was at SHINE for Kids then, and that is not the best outcome. It is better to keep women in the community with their children, and provide the support in that structure. That is much cheaper and has many more options, and can accommodate many more children and their mothers.

Ms ROBYN PRESTON: I can appreciate that too. But, something that struck me when I went on the visits to the cottages was, if I was a mum there with my child, and if going back out into the community would put me at some fear or risk of a partner, or someone who has a history of domestic violence, it is a safe haven within those four walls, so to speak. That is something that probably would strike at the heart of a person that is going through this.

Ms LARMAN: Yes. But a lot of mothers actually do not want to have their children in a custodial environment, as well, so they do not even apply. I think there needs to be both options. It worked. Nobody absconded and there was not—

Ms ROBYN PRESTON: So why did we stop?

Ms LARMAN: I think because the government at the time decided that it wanted to build a purpose-built centre. I remember the commissioner at the time, and we had debates with him around it because he was adamant that they needed to build a centre. I disagree. I think there are other ways of managing children to be with their mothers, in the community, that are safe and supportive.

Mr DAVID SHOEBRIDGE: We do not have to go back into deepest darkest history to find out when we did this better. The number of women in New South Wales jails has close to doubled in the past decade. So we only have to go back 10 years ago, and we obviously had more diversion programs in place. There has not been a sudden crime spree from women in the past decade. Something has changed in the criminal justice system for the worse, has it not?

Ms EVATT: I think one of the changes is the changes to the bail laws, and 40 per cent of women behind bars at this moment have not yet been sentenced. Some of them have been there for weeks and months, and some of them have seen their children go into care. They may not even be sentenced at the end.

Mr DAVID SHOEBRIDGE: Every time we review it, a significant proportion get non-custodial sentences.

Ms LARMAN: That is right, they do.

Ms EVATT: 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.

Ms LARMAN: Especially when you consider the crimes that women are being put in custody for. They are not all mass murderers. The majority of them are in for non-violent offences.

The ACTING CHAIR: We will have to stop there, but thank you both very much for the work that you do and for appearing before the Committee today, and for the evidence that you have given. The Committee may wish to send some additional questions in writing, the replies to which will form part of your evidence. Would you be happy to respond to any further written questions?

Ms EVATT: Yes, of course.

Ms LARMAN: Yes.

The ACTING CHAIR: Great. Thank you very much, and thank you again for your time today.

(The witnesses withdrew.)

GLEN SCHOLES, Clarence Correctional Centre General Manager, Serco Group plc, sworn and examined

CHERIE GOODWIN, Clarence Correctional Centre Inmate Services Manager, Serco Group plc, sworn and examined

The ACTING CHAIR: I now welcome representatives from Serco. Thank you very much for appearing before the Committee today to give evidence. Could each of you please confirm that you have been issued with the Committee's terms of reference and information about standing orders that relate to the examination of witnesses?

Ms GOODWIN: Yes.

Mr SCHOLES: Yes, I have.

The ACTING CHAIR: Would either, or both of you, like to make a short introductory statement before we commence with questions?

Mr SCHOLES: I might, if that is okay?

The ACTING CHAIR: Absolutely.

Mr SCHOLES: We are representing Serco here, today, but we are representing Clarence Correctional Centre, obviously, as well. I come from the government system, for a long period of time, so I have over 31 years' experience in corrections, more broadly. I have moved over to the private operator, predominantly so that we can do things as well as possible within the system, and I believe there are opportunities. I would just like to say that Cherie Goodwin, who is here with me today, has 26 years of experience as well, both in correctional centres, as well as managing community corrections. We are really happy to be here to present to the Committee and, hopefully, provide some information that is useful, given what you are looking into at the moment.

The ACTING CHAIR: Great. Thank you very much. Any questions, committee members?

Mr DAVID SHOEBRIDGE: Could we just start with you giving us a summary about the size of the women's prison, in particular, where it is up to in terms of numbers, now, and when it is likely to be full, et cetera?

Mr SCHOLES: Certainly. Clarence Correctional Centre, overall, is the largest correctional centre in the Southern Hemisphere. It is a 1,700-bed centre—brand-new, state of the art. It accommodates 1,000 male maximum inmates, 400 male minimum security inmates, and up to 300 female inmates of all categories, low security to high security. At present, we are running at around 140-odd female inmates at this time.

The ACTING CHAIR: Can you describe the visiting facilities for families and children that you provide in Clarence Correctional Centre? Are they any different from the facilities that are operated by Corrective Services NSW?

Mr SCHOLES: There are three visiting facilities at Clarence Correctional Centre, one for each of those discrete areas. Those visit facilities are modern and, in fact, the whole centre is built almost on a university-style campus. It is very much around a learning environment, and it is very much around providing an environment that is conducive to people having positive visits and positive family interactions. COVID has played an enormous part, at this point in time, in terms of visits. It is only recently that we have gone back to full, normal visits. The biggest thing that I have seen, in recent times, more so than at any other time in Corrections, is the introduction of tablet visits and AVL visits, which has been monumentally successful amongst the inmate cohort.

The ACTING CHAIR: Just a quick follow-up question: how do the inmates find that, as being either a supplement to physical visits—I would not suggest necessarily a replacement of them? I am assuming, particularly if their family is from Sydney, for example, that they find that of great benefit.

Mr SCHOLES: Huge benefit, and quite surprising—I never actually expected they would take to it. Video visits for them, if I can paint a picture for the Committee, in terms of a visual picture—if you can imagine, you have an inmate who is sitting in the visiting area, and is able to see their children at home. They walk the tablet around and the children will show, "Look at the drawing I have done, Mum or Dad. Look at the dog. Look at my bedroom." It provides almost a normalised arrangement, as far as the inmate goes, without having them in a more sterile environment. No matter how soft you make a prison visit area, it is never going to be the same as home. Very much so, the families are very responsive to it.

We are right up in the north of Grafton. For people who are travelling, from south-west Sydney or down in Nowra, to try and come up for a visit, AVL visits and tablet visits are a godsend, both from a financial perspective, as well as a personal impact perspective. It works very well. It is not for everyone, though, and I am

in no way saying that it should replace contact visits, but, going forward, there should be a combination of both, because there is a place for both.

Mr DAVID SHOEBRIDGE: Your centre is, I think, about 21 kilometres by road from Grafton train station.

Mr SCHOLES: Fifteen.

Mr DAVID SHOEBRIDGE: Fifteen. If you wanted to visit family, and you were relying on public transport, how would you do it?

Mr SCHOLES: At this point in time, Transport for NSW has not put a run on, and it has been because of COVID. We have had preliminary discussions with Transport for NSW, who have said they would certainly explore that with us, as soon as full visits and the numbers are there to be able to support the bus route.

Mr DAVID SHOEBRIDGE: So there is no public transport—no way of getting there?

Mr SCHOLES: No, there is certainly no public transport.

Mr DAVID SHOEBRIDGE: So if an aunty with their little niece or nephew wanted to take them up for a family visit to see Mum, how would it work?

Mr SCHOLES: The experience is that most people in town, particularly in South Grafton, will have family members bring them up out of the local community. There is a very strong Aboriginal network and tied community there, where they support each other to attend the centre.

Mr DAVID SHOEBRIDGE: This is going to be a 300-bed women's prison. It is not only going to have inmates who come from South Grafton, and families who come from South Grafton. Are you telling me there is no structured solution to get families from Grafton, at least, to the prison?

Mr SCHOLES: No.

Mr DAVID SHOEBRIDGE: You have to have a family connection, or find some other means?

Mr SCHOLES: Obviously, there are taxi means or there are personal arrangements with other people, but there is no New South Wales public transport to the centre, no.

Mr DAVID SHOEBRIDGE: And Serco has not arranged some regular shuttles on visiting days?

Mr SCHOLES: No. Serco is not contracted to provide transport from town.

Mr DAVID SHOEBRIDGE: You are not looking to work with Corrective Services to ensure that there is some way that families can get there on family visit days? You are not trying to solve this?

Mr SCHOLES: We have certainly spoken to Corrective Services about it; hence, we have been in contact with Transport for NSW. The discussions have been around—as soon as there is sufficient demand, then they will look at putting on a public transport run.

Mr DAVID SHOEBRIDGE: I cannot conceive of how a project that has been five or more years in the planning, and has an overall contract cost north of \$1 billion—closer to \$2 billion, I think—did not have a solution, at the outset, to allow for family contact visits. How did that happen?

Mr SCHOLES: I came on board with Serco in July 2019. You would have to ask someone who was around at that time—back in 2016 when the project concept first came up.

Mr DAVID SHOEBRIDGE: Ms Goodwin, do you have any answers for how on earth a contract for, I think over its lifetime, about \$2 billion, did not work out how family visits could happen to, as I think you said, the largest single jail in the Southern Hemisphere?

Ms GOODWIN: I guess the short answer to that is: no. I think it is conceivably a very big issue, in terms of the 15 kilometres to get to Grafton. It is a challenge of how we are going to get people from town to the jail.

Mr DAVID SHOEBRIDGE: We are here having an inquiry about how to maintain connections, particularly between women and kids, and there is a 15-kilometre unpassable barrier between the largest prison built in the Southern Hemisphere and the nearest train station. Isn't that a fundamental problem?

Mr SCHOLES: Hence, why we have had discussions with New South Wales corrections, and we have already been in contact with Transport for NSW, who has indicated a willingness to have a look at that as a commercial operation, as soon as we have enough visitors to the centre. That has not been the case so far; the

visits to the centre have been in limited numbers, and I have not received one request or complaint from anyone in relation to access to the centre.

Mr DAVID SHOEBRIDGE: Of course you have not had any visitors; there are 15 unbridgeable kilometres between the train station and the prison. If ever there was a chicken-and-egg problem, it is that, isn't it?

Mr SCHOLES: I disagree. We have not had any issues with it, and people are travelling to the centre. There are visits happening, but not to the scale, given COVID, as what there might otherwise be when the prison is full, for example. I have no indication from Corrective Services NSW, at this time, when I am going to get the rest of the inmates to fill the centre. It could happen next month, next year, or it may not happen. It is totally in their purview, in terms of how many they send to us and where we are at. At this point in time, we have certainly canvassed the women. We have canvassed the men, as well, through our tablet survey. We have a capability there; it is wi-fi tablets to every inmate. Essentially, nothing has come up in terms of access to visits. I meet regularly with the inmate development committees and we minute those.

There is nothing in there about the access. In fact, Clarence Correctional Centre stands apart from all other centres, insofar as the wi-fi tablets they have access to. For example, they have family contact from 6.00 a.m. in the morning, on the phone—1,700 tablets, 1,700 phones—through to 10.00 p.m. at night. Their contact is better than probably anywhere else.

Mr DAVID SHOEBRIDGE: Mr Scholes, I will quote back to you your own evidence, that media access is not a substitute for in-person access.

Mr SCHOLES: Absolutely.

Mr DAVID SHOEBRIDGE: That is your own evidence from just a little while ago.

Mr SCHOLES: Yes.

Mr DAVID SHOEBRIDGE: If there is no public transport and if people have to rely on either a hugely expensive taxi there and back, or having family connections in South Grafton, you have to accept that there is a major barrier there.

Mr SCHOLES: I have not actually seen a taxi pull up out the front of the visits; I said that is an option. Most people come in cars, and they do share, in terms of coming out of not only Grafton, but people coming up from the South Coast—people coming, from all over the place out west, to be able to visit at the centre. At this stage, I am not aware of any barriers to anyone getting there.

Mr DAVID SHOEBRIDGE: I will go for a 15-kilometre walk with you one day.

Ms ROBYN PRESTON: Chair, I think Mr Shoebridge is hoping to get a different response, and I think our witness has already responded three times to the question. I do not think it needs to be laboured. I think you have made your point, but I am not hearing that there is a—certainly—

Mr DAVID SHOEBRIDGE: Is this a point of order, that I did not have a question? Is this a point of order?

Ms ROBYN PRESTON: It is a point of order, in that I think the question has been asked three times and responded to three times.

Mr DAVID SHOEBRIDGE: I think it is a—

The ACTING CHAIR: I would like to rule on it, if that is okay.

Mr DAVID SHOEBRIDGE: I was not asking a question, so what does the point of order regard?

The ACTING CHAIR: Well, sorry, I think—

Mr DAVID SHOEBRIDGE: I was not asking a question.

The ACTING CHAIR: —the point of order is with regards to—all I am asking is that those questions, in my view, have been answered to the best of the witnesses' ability.

Mr DAVID SHOEBRIDGE: But I was not asking another one.

The ACTING CHAIR: No, that is okay. But I think some of the other questions—or even the same questions—could be directed towards Corrective Services NSW, who will be joining us shortly.

Mr DAVID SHOEBRIDGE: But I was not asking a question.

The ACTING CHAIR: Point taken. Any further questions?

Ms JODIE HARRISON: Obviously, the Committee has not been able to visit Clarence. We have seen the facilities at, for example, Jacaranda Cottages, and we have heard of some of the programs that other correctional facilities have in relation to supporting children, particularly the relationships between children and their parents. Is there any capacity for children to stay with their parents at Clarence?

Mr SCHOLES: No, there is not. As part of the contract arrangement, there was not a mothers and children program. I know that CSNSW were making changes at Emu Plains to expand that operation for mothers and children. We do run quite a number of programs. I am sorry, I erred in my opening statement; I have actually got a copy of a document for the Committee that I would like to share, that articulates some of those programs and what we are actually doing, which I think is hugely positive. There is a whole range of other activities we have got on scope at the moment. We have only been open for 10 months, and we are at 1,100 inmates at the moment. We are doing some fantastic stuff that is not done in the rest of the system, and I think we are leading the way—and we have more to do.

I think it is important to remember—and I am sure the Committee is quite conversant with this—that corrections is the downstream agency where this stuff starts with kids. Not all home environments are good environments, hence not all inmate contacts are always positive. It is really important to us, in terms of providing best outcomes for the children, to run these programs so that we can actually increase empathy and awareness from the parents, and help them to deal with the way they react and deal with their children, and not create trauma in them. Hence, all staff at Clarence Correctional Centre do a two-day mental health trauma-informed care program before they work with inmates. All inmates do a full-day trauma-informed care program. The reason we do this is—this is groundbreaking. It does not happen anywhere else across the country. The idea is to make sure that they are able to recognise their triggers, so when staff are dealing with inmates and when they are undertaking programs to help them to be better parents—which is what is in the document—they have the best possible chance.

Some 97 per cent of those people are going back into exactly the same environment they came out of: the domestic violence, and the other actions that cause the trauma for the kids. It does not matter when they turn up for a visit, whether it is over a tablet or whether it is in person; they feel it. If it is a good experience for the kids, then, emotionally and psychologically, they are not going to be as damaged. There are a couple of ways to look at this. One is how good the visit is, for the kids—how engaging and how positive. But what else can we do, in terms of the inmates to make sure that, when they get out, they are not just dealing trauma to the children? It is a husband-and-wife thing; it is a partner thing. It is something that needs a full focus. There is a lot of work happening in that arrangement, and I think the integration between government departments up and down—including us, as part of that process—is critical, because there are a lot of crossovers and there is an opportunity for efficiencies and improved outcomes, if those vertical integrations are cleaner.

The ACTING CHAIR: Mr Scholes, do you have a copy of that document you are referring to here today?

Mr SCHOLES: Certainly.

The ACTING CHAIR: Could I ask you to request that that report be tabled?

Mr SCHOLES: Yes, Mr Acting Chair: I request that the report be tabled. Thank you.

The ACTING CHAIR: Acknowledged. Thank you.

The Hon. PETER POULOS: Thank you, Mr Scholes. There are specific, innovative initiatives through your centre that are unique to your centre. Could you expand on some of those, directly?

Mr SCHOLES: Yes, certainly. I guess one of the ones that has had the most impact would be the storytelling time activity with inmates. We have got a couple of levels of this. Inmates actually go through and record a storytelling time to their children, on a CD. We then send that CD out, so that they can actually hear it at night. But, because we are innovative at Clarence, inmates actually have the capacity in their cell with their tablet—it is their phone as well; this jail has 1,700 phones—what they do is they read that story time, directly, to their children. The interaction side of it, the engagement side of it—still being involved in their lives—is very, very apparent through this process. There is a lot of evidence based on—

The Hon. PETER POULOS: There is a level of continuous engagement.

Mr SCHOLES: Continuous engagement. I have got comments from various inmates where they are sort of saying, "This is unbelievable. When I am in jail elsewhere," for example, "and I am on a yard phone, there is noise behind me everywhere, and it is hard to engage with the kids and pretend"—as many of them do—"I am not in jail." You can imagine the power of getting up in the morning before you go to work—as we send them all

to work—where they can ring the partner and the kids and go, "Hello, good morning. Have a good day at school," and then, at the back end of the day, after dinner, "Hello, how'd your day go? What's going on? Good night. I hope you have a good night's sleep." That is something that people lose when they go to jail. That is something they do not lose at Clarence. This is phenomenally important, in terms of the ongoing interaction. I have got inmates who come to me and tell me that they absolutely will do anything they have to do, personally, not to leave the centre, because they have access to these innovations.

Part of the contract is for us to provide innovations, and CSNSW can then look at what we are doing. Potentially, those that they want to pick up can be translated across the rest of the system. The rapid builds at Macquarie and Hunter were the first stage. They were dormitory style, and started giving greater access. Both of those used to fall into my backyard, when I was the director in the north. This is whole next level. This is something else again. The components we are doing at this location are something that will just get better and better, over the next 12 months to two years. We are very passionate, and we are very committed about this stuff. It is not about incarcerating, locking people up. It is actually about making sure they do not come back. The contract supports us in that.

Mr DAVID SHOEBRIDGE: Are those tablets different to the 4,000-odd tablets that Corrective Services have rolled out? Are they the same platform or different?

Mr SCHOLES: Different, totally different. They are all wi-fi. Their tablet is in fact their buy-up platform. They go on like an eBay shopping cart for buy-ups. It is their television. It has games. It has calculators. It has translators. It has Moodle and it has courses. It is a game changer.

Mr DAVID SHOEBRIDGE: It sounds not totally dissimilar to what we saw at Corrective Services, although I do not know what Moodle is. But maybe you could give us some answers on notice about what is on that, because they were wi-fi, they were accessing buy-ups—they had many of those features on the Corrective Services tablet. I think there are more than 4,000 of those rolled out in Corrective Services. If you could just give us some detail, on notice?

Mr SCHOLES: Sure.

Mr DAVID SHOEBRIDGE: And I did check on Google Maps: it says it is 22 kilometres from South Grafton—

Mr SCHOLES: Were you going via Ulmarra?

Mr DAVID SHOEBRIDGE: I was. It was the shortest route, hence 22 kilometres.

The Hon. GREG DONNELLY: I thank the witnesses for coming along. I note that there was no submission from yourselves in regard to the inquiry. Why would you decide not to make a submission to an important inquiry like this, that obviously very much deals with your backyard?

Mr SCHOLES: We were a late invite. I did not get the invite until very late; it was last week.

The Hon. GREG DONNELLY: Right. So you were not invited until last week to appear today, is that right?

Mr SCHOLES: That is correct.

The Hon. GREG DONNELLY: That is your evidence?

Mr SCHOLES: Yes.

The Hon. GREG DONNELLY: In a comment you made, I think, in response to one of Mr Shoebridge's questions towards the end there, about enhancing or improving support for children with imprisoned parents, I heard you say—and I wrote it down—that your contract supports that, being the contract you have with the New South Wales state government. Can you elucidate what is in the contract that actually supports Serco, as a business, to provide better support for children with imprisoned parents in your facility?

Mr SCHOLES: It is more about supporting us being able to operate innovatively and outside of what are the Custodial Operations Policy and Procedures, as long as we get the imprimatur of CSNSW through their contract management. We are doing things there, from an activity perspective, that support inmates far more than what they get in the general system. But to do that means that we have to provide submissions to the state, where we say we want to do A, B or C, which is innovative and will provide added value. I guess that is the benefit of the private leverage with the public: to be able to try to identify those innovations that can then be transposed into the public system. That is the benefit to us from Serco, because we are a global company and we run correctional centres across, predominantly, the UK, Australia and New Zealand.

The Hon. GREG DONNELLY: So the matter of improving and enhancing this support is not embedded in the contract, per se, with the state government. That is what I thought you implied, but that is not the case.

Mr SCHOLES: No, the innovation piece is embedded in the contract, and it is about them requiring us to be able to provide reducing reoffending activities. The State Government has a strong target. We are actually aiming higher than that, if at all possible.

The Hon. GREG DONNELLY: In terms of the setting of those goals, objectives and targets that you have just alluded to, how is that done?

Mr SCHOLES: I have a whole range of key performance indicators [KPIs] and performance indicators associated with the contract. I have to report monthly on how we are going with that.

The Hon. GREG DONNELLY: Are they available in the public domain?

Mr SCHOLES: I do not believe so. That is something you would have to ask CSNSW; I am not sure. Certainly, it is not something I can release.

The Hon. GREG DONNELLY: Is that something that is provided for in the contract—the meeting of the KPIs?

Mr SCHOLES: Yes, within the contract.

The Hon. GREG DONNELLY: In terms of releasing information with respect to the matters we are canvassing today and beyond, if one is looking to try to get some specificity around it, is there a website that we can go to of Serco's—or a part of a website or a documentation or a report—that helps us understand what is being achieved?

Mr SCHOLES: I think that would be a matter you probably need to talk to CSNSW about, because, obviously, our contract is with them.

The Hon. GREG DONNELLY: No, you misunderstand my question. My question was what you understand you can do, notwithstanding the fact there is a contract, in terms of publishing information about the facility there and what you are doing. Is there somewhere one goes to elucidate, and understand in more detail, what you are doing and how you are going about it?

Mr SCHOLES: No, CSNSW, for this contract, would be the single source of truth. Serco has a website that generally talks about what we do and managing inmates and people. It does not have specifics on each of the contracts.

The Hon. GREG DONNELLY: So, there is no annual report, per se, that Serco produces for the facility, that would give anyone—a member of the public, for example—any eyes into what is going on there.

Mr SCHOLES: Yes, Serco will produce an annual report that will be for CSNSW; that is part of the contract. Again, the data out of that, I would imagine, would form part of the broader data for the Report of Government Services [RoGS], in terms of all of the prison reporting from right across the state. Actually, it is across the country.

The Hon. GREG DONNELLY: If the starting point is that, through this inquiry, we are examining ways and means of how we can better support children with imprisoned parents—that is the starting point, and a clear objective—what does Serco say exist as the core difficulties in doing that? If that is the objective, what is Serco's view about the core difficulties, or hurdles or inhibitors, in regard to achieving that?

Mr SCHOLES: I guess you would have to say, right at the outset, the core inhibitor for the contact is incarceration of itself. You get someone inside jail; they get put there. Essentially, we try to provide as best a service as we can, in what I call—and, certainly, it is a philosophy for Clarence—the principle of normality, which is a Nelson Mandela principle around trying not to create an environment too dissimilar to what people might have in the community. That then reduces the impact of trauma, when kids come into somewhere like a jail. The more we can do, in terms of things like: our play areas inside the correctional centres; technology for kids, that they are used to outside, when they come in; and we currently have some days planned, particularly, for the women, for the mothers, and children 12 and below, as family days to come in—those sorts of things, with face painting and other activities, normalise their interaction. My fear with this is that when many of these people get released, and many of them are doing short- to medium-term sentences, it is around—

The Hon. GREG DONNELLY: Sorry to interrupt, but just give us a sense of what short- to medium-term approximately means.

Mr SCHOLES: I would consider, and I think, generally speaking, most corrections do consider, short-term is about three months. Medium-term I would consider two years, and long-term is five and over, really. It is about identifying—and the inmates will tell you. Some of the programs that you have on the document in front of you, when the inmates go through it, they give us comments back where they say, "This was fantastic. We didn't know the damage we were doing"—how they talk to their kids, how they interact. It is equally important to have a nice, pretty place for them to visit, as it is to make sure that you are providing the insight for those people, many of whom have had their own childhood traumas, and are actually just replicating things that they have seen. The visits are great, but it actually needs that front-end stuff if we are going to protect the kids, and not just have them re-exposed. That is really our goal at the centre: to make sure that we are giving as much insight as possible to those people, so they do not go out there and commit more harm. The number of people I have seen, over the years, as intergenerational crime—where it is the granddad, the dad and the son one after the other—is just phenomenal. That is what needs to stop, in order to stop the cycle of kids coming to visit in jails.

Drug addiction, at the moment, is just unbelievable in terms of ice and other components. When you look at women, by the time women come into jail, they are usually in far worse condition than what men are. Often, that is because the courts appear to be more lenient by the time they send women to jail, and particularly women with kids. But most—not most, let me clarify that. A lot of those women I speak to—and I speak to them all the time. I am walking in amongst them; I am talking to them. We are on a first-name basis up there, can I just say. None of this is a formalised, hierarchical system. It is about making sure that they tell us what is going on, and we know what is going on. They want to be rehabilitated. Most of them want to stop using drugs. They want other options, and they want the best for their kids. But when you are in a drug haze, that does not happen.

The Hon. GREG DONNELLY: Ms Goodwin, in your role as the centre's inmate services manager, do you have any thoughts about core difficulties that the state faces, in regards to improving this support?

Ms GOODWIN: I think, for myself, it is a case of—we have a number of parenting programs that we run in conjunction with SHINE for Kids. We have SHINE for Kids, who are an embedded part of our model at Clarence. For me, anyway, it is about starting from the very beginning with the individual. Yes, they are a parent; yes, that is important. But a lot of those people do not know how to be a parent, and have their own trauma that they have to deal with. For me, I think the philosophy that exists behind Clarence, which is one of the reasons that I chose to leave the government sector and come and work at Clarence, is the philosophy around humanising these people.

Sometimes incarceration can dehumanise people. I think humanising these people and making them recognise that they are worthwhile, valuable individuals who have an important role to play in their children's lives, and teaching them or working with them, in terms of improving that, is probably one of the really important things to start with. That is a really complex situation, because it deals with a whole range of drug abuse, domestic violence and a whole range of things. I think it is about starting from the bottom and working up, with the ultimate goal being to maintain the contact with the child. For us, we were part of the embedded DCJ workers in the correctional centres. So we have that, on the female side, which has been fantastic. The work that person does one day a week, we could have them far more than that, and we have only got the 140-odd females, at this point in time. But the work that they do in maintaining that contact, and even initiating that contact when it has not been there for some time, as well as working with us in identifying programs that individuals may benefit from, in order to maintain, or retain or gain, the custody of their children when they are getting out of custody, I think is a program that has been really beneficial, and would benefit from expansion at some point in time.

Ms JODIE HARRISON: Mr Scholes, you stated that when women arrive, they are in a far worse state than men. What did you mean by that?

Mr SCHOLES: Women seem to get as many options as possible, before they are sent to jail, which is not a bad thing. But by the time they get in, the average research statistic indicates about 90-plus per cent of women are drug affected when they come to jail. Men sit at around about 75 per cent. We invariably find we get women going through a lot of detox issues. Most of that is their own trauma related, and the reason why they are using drugs to escape that trauma. It takes us a good week, two weeks, three weeks to get them to a stage where they are then undertaking programs, and they are doing activities, and they are going, "I'm doing alright here, I'm developing here, I'm benefiting here."

Programs such as art and music, left-right brain stuff, is really important, particularly with people who have been drug affected. There is no good putting them into a literacy and numeracy class. Many of these people have not been able to sit in a classroom. You need to engage something with them that they find pleasurable, and something where they get some self-value and self-worth from, which builds their self-esteem and allows you then to move them into the other programs, both criminogenic as well as social, to help them for when they get released. So it is a process for them.

Ms JODIE HARRISON: What kinds of offences would they be in for, in comparison to the men, considering the fact they are drug affected?

Mr SCHOLES: I heard a little bit of evidence from the previous couple of people here as we were sitting in the back. I actually have quite a range of women with quite a range of serious offences, up to and including murder. Women, in terms of short-term, even if they have committed a more serious crime, the outcomes for them tend to be almost better than what they are for the males, as far as final sentencing, in my experience. If I get a woman in who is drug affected—I recently had one who ran into two police cars, and assaulted police, and took off and whatever. She only spent a very short period with us. She was able to undertake some detoxing, and some work that we could do with that particular person. By the time she had finished, and then they said, "Okay, you're right to go," she was thanking staff for their input and their empathy, and for helping her through that time. That is what we do up there.

There are different women with different issues. Canvassing women—I actually had my deputy general manager canvass some of the women, a couple of days ago, just in terms of this particular Committee and what they would like conveyed. Their view was the rehabilitation side around the drugs, the integration side with what Justice is doing, as far as FACS, is critical. We had one woman up there who, I think, for eight years had not had contact with her children and recently has had contact, because of the integration with that FACS person and being able to re-link in. That relates to the vertical integration components I am talking about, between the government departments.

Ms JODIE HARRISON: Did they talk to you about what could have happened before they got in?

Mr SCHOLES: A lot of them find they have had contact with other government agencies for years. You can have someone who has had contact, with whether it be juvenile justice, whether it be Community Corrections. They have been out and they have been in the community. Ms Goodwin has managed people like that many times before they have been put into jail. Or it can be even Centrelink and other components. Often a lot of agencies will provide supports, and it might be drug and alcohol, but it will be the same supports across multiple agencies. That then becomes a frustration for them. They say, "I've already told my story here, and now I'm telling my story again, and I can do that up to 10 times with different government agencies, why can't I just tell my story once and why can't those supports flow through?" I think there is some common sense in that. I know we all talk about shared corporate services. We should be talking about shared services, more broadly, and how we make sure we try to pull these things up, before they get to the criminal justice system, and then worry about how good the visit is. This process, this issue, is far before that and it is intergenerational.

Mr DAVID SHOEBRIDGE: Mr Scholes, I heard what you said about women's offences, but the most comprehensive recent analysis of women's offending is the 2018 BOCSAR study. I will read from it and see if you disagree with it.

Mr SCHOLES: Yes.

Mr DAVID SHOEBRIDGE: It states:

In fact, offences more likely to attract a longer prison sentence, such as 'Homicide and Related Offences', 'Sexual assault and Related Offences', and 'Dangerous or Negligent Acts Endangering Persons' offences have remained stable or fallen, since 2011.

This is just for women, by the way. It goes on:

The offence types with the largest increases are 'Offences against Government Procedures, Government Security, and Government Operations', 'Illicit Drug Offences', and 'Theft and Related Offences'.

Then, if you look at the top five offences, they have remained stable over time. They are traffic and vehicle regulatory offences, act intending to cause injury, illicit drug offences, offences against government procedures, government security and government operations, theft and related offences. Women's offences, by and large, are nonviolent and less serious than men's. That trend has meant that, over the past 10 years, women are going to jail for less serious offences. That is what BOCSAR says. Do you have any reason to say it is wrong?

Mr SCHOLES: I am not arguing at all with BOCSAR. I am saying that a large proportion of the women I have at my centre—and I have maximum- through to minimum-security women, category five to category one—have serious offences up there. That is what CSNSW has given me to manage. In terms of—

Mr DAVID SHOEBRIDGE: Sorry, that is what you are getting. The 140 women—

Mr SCHOLES: Absolutely.

Mr DAVID SHOEBRIDGE: —are more category one than any other?

Mr SCHOLES: No, more category four and three.

Mr DAVID SHOEBRIDGE: Sorry, more category four and three than category one.

Mr SCHOLES: Absolutely.

Mr DAVID SHOEBRIDGE: But that reflects what you are receiving, as opposed to the women's prison population across the system.

Mr SCHOLES: I am not privy to what is currently coming into the rest of the women's population, particularly between Dillwynia and Silverwater Women's. That is something that may well be reflected as far as what BOCSAR is saying.

Mr DAVID SHOEBRIDGE: Referring to how women are housed at Clarence, do you have distinct forms of accommodation between category four and category one? How does it vary?

Mr SCHOLES: We have distinct forms of accommodation. I have two secure blocks of 60 beds a block for women. One of them is special management area placement [SMAP], or protection, and they are predominantly people like child killers, sex offenders, that sort of thing. I have another 60 secure mainstream unit block. That particular block is predominantly housing fresh custodies, and people coming in to me from the street, until we know where they are at. That is only 120 of the 300. The rest of the accommodation is residential accommodation, or cottage accommodation, and that is for every security. I am not putting people in residential cottages based on their security classification; I am doing that based on their behaviour.

So good behaviour gets them into residential. What that means is they have their own room and they are able to lock their own room when they are going in there. They associate with up to seven other women. They cook their own food. They can sit out at night and watch TV. This is about self-agency, where they can regulate themselves and operate as if they were in the community. I encourage people to come and have a look at that. It is a groundbreaker. I have maximum-security women operating in open accommodation residential units, cottages even more so. The out-of-cell hours for these women are 11 hours a day.

Mr DAVID SHOEBRIDGE: And that is based on behaviour, and your assessment of behaviour, as opposed to categorisation?

Mr SCHOLES: Yes.

Mr DAVID SHOEBRIDGE: And that is a big change from the Corrective Services environment?

Mr SCHOLES: Huge.

Mr DAVID SHOEBRIDGE: Obviously, you are describing it as positive, but how positive is it?

Mr SCHOLES: Exceptionally successful, is where I would put it, because I have limited numbers of people in the secure units, and everyone waiting to go into the residential. And why would you not? Because if you have something to go to, and you can operate in a normalised environment, people want to be there and that drives good behaviour, it drives self-agency. What is different at Clarence is the correctional officers there. I have got 95 per cent new staff—not seasoned correctional officers, new staff that have come from the community. We have embedded a customer service model. Yes, we have got our rules and, yes, we have got to make sure that we have got security, safety, in good order. But how far we go is totally dependent on them and their behaviour, and the inmates, as a group, know that is what it is about.

Ms ROBYN PRESTON: Just picking up on your comments from questions, you said that 90 per cent of the women that come into your centre, there, are drug affected. Are they coming in for small offences with short terms?

Mr SCHOLES: We get all sorts. It is up and down the spectrum, yes.

Ms ROBYN PRESTON: Looking at that, and picking up on some of the suggestions from other witnesses, if a woman committed an offence that was not more than, say, six months in incarceration—I just want your opinion on, knowing the system and what is out there, if they were to go into a community environment, rather than being incarcerated, and they have a drug addiction problem, how do you see that being treated and effective and successful, if they were not to be incarcerated?

Mr SCHOLES: Unless it is a residential program with security arrangements around it—for a lot of these women, particularly given the head spaces they are in, you put them in the community and often having orders, community orders, bonds, et cetera, does not stop them. Many of them that come in—and I am in no way advocating jail as an answer or panacea to everything. But there are women that come in that tell us, at the end of their period of time, be it short or long, it is these sort of programs and going cold turkey, or being dry, that actually helps them get back on track. If you are living in a permanent drug haze, it is impossible for you to plan and develop and end up with a life that is going to be really worthwhile, or end up where you want to be. Because,

most of the time, they do not know where they want to be. Social disadvantage, and no-one giving them an opportunity, trust or a go, means they stay stuck in the same rut.

Ms ROBYN PRESTON: If a person was to go in for a three- to six-month sentence for something—they had committed fraud, perhaps—and they had a drug addiction, if they were in your centre, they go into a program that removes them from that drug addicted stage and into rehabilitation. You are telling me that that is a way of successfully rehabilitating the person. The problem is the child is not connected with the mother, and there are some serious issues—I would have thought—by being separated, for both child and mother.

Mr SCHOLES: What women will tell you, when they are incarcerated and they have come out of a DV [domestic violence] arrangement, is often the kids will get left with the father. Kids get to raise the father. They are in jail; they have committed a crime. They come back out, FACS will then grab the kids and they will have to be placed somewhere else because of the DV. What it does is that then disenfranchises the children from both parents. My suggestion, if I was able to make one—I am not speaking on behalf of government or even Serco; I will just provide a private opinion here. If the sentencing arrangement of someone doing six months was such that you said, "You are going to do six months, unless, at month three, you have completed a drug and alcohol program and you have got a plan in place to survive in the community, in which case we will let you go"—we need to incentivise the process, rather than disincentivise the process. It is about the sentencing structure and how you then manage it.

Mr DAVID SHOEBRIDGE: Or what about, "We are going to find a non-custodial residential drug treatment, and if you do not complete that as part of an intensive correction order we will bring you back for further sentencing"?

Mr SCHOLES: They have been doing that. They have done it at places like The Glen, and they have done it at places like Tabulam. What happens is, if someone is so badly drug affected, they are not at that stage where they can sit there, and they can get out and they can go across the road and walk away. That is what happens. Some of them stay, some of them do not. For the ones that are repeat offenders, you need to get them into a state of mind where they understand, "Here is the benefit."

Mr DAVID SHOEBRIDGE: Some mums who permanently lose their kids will never recover from a jail sentence.

Mr SCHOLES: I am not arguing that at all.

Ms ROBYN PRESTON: It is a bit of a catch 22, isn't it?

Mr SCHOLES: Yes.

Ms ROBYN PRESTON: I just wanted to flesh that out, to see if we can all—

Mr SCHOLES: Just trying to provide another option—this is not resolved. These people are individuals, and not one size fits all. If there is a suite of options available, there is a better chance of success.

Ms ROBYN PRESTON: Looking at all the programs that you have got happening, and SHINE is heavily involved in that, one of the systems in place, so that organisations that can assist—what is the trigger so that, when someone checks in as an inmate, an organisation is told that there are children and we need to plug into the principals of the schools, to let them know that there may be some issues with the child integrating? There is that issue of shame and not wanting to talk about their parent's issue and situation. How do organisations that assist find out where the inmate is, and plug into those connections?

Mr SCHOLES: It is very difficult. This is the vertical integration piece. For example, Corrective Services NSW has got the child protection unit. You have then got the courts providing us with AVO orders and all sorts of things. So, there is a heap of processing work that goes on, in behind, to make sure that inappropriate connections are not happening. So, I guess the focus, from a legal detainer perspective, is on that. When an inmate comes into jail, they go through what is known as an ISQ, which Cherie Goodwin can talk more fully about in terms of inmates screening questionnaires. It covers off on all of the matters that are important when they come in—you know, "Was the car on the side of the road when police picked you up? What are we going to do about that? Where are your kids at the moment? Who is looking after them? Have you got drug addictions? What is going to happen with the house you are living in?" We try to collate their life, in a very quick hour and a half, and pick those issues up. Then, if there are linkages we need to do into other organisations, at that time, that are known and dealing with the kids, we do so.

Ms ROBYN PRESTON: Is there someone who is responsible for actually doing that, and carrying that forward, so that does not fall through the cracks?

Mr SCHOLES: Yes.

Ms ROBYN PRESTON: I am hearing some organisations do not hear about the situation, and they are not plugging into the external connections, like the schools, because they did not know.

Mr SCHOLES: That is quite possible. I have got people coming out of Queensland, they are picking up and they drop in. I have got people from all over New South Wales. The linkages with organisations across the State, there could be some work done in that, in terms of a single portal or something like that—for example, where everyone can feed in and out. At the moment, that does not exist. It really is down to the good people that are working in the case planning, and the reintegration officers and that sort of thing, that we have to be able to reach out, make contact and link in. But it is a big body of work, and most people in jail have very complex needs. There is certainly room for improvement right across the system on that, yes.

The ACTING CHAIR: We will end it there. I would like to thank the both of you, very much, for your contribution. Ms Goodwin, if you would like to share what other jails call that reception process with the Committee, that would be much appreciated. Again, thank you for appearing before the Committee, and for the evidence that you have given. The Committee may wish to send you some additional questions in writing, the replies to which would form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr SCHOLES: Certainly.

The ACTING CHAIR: Thank you very much, and thank you for your time today.

(The witnesses withdrew.)

(Short adjournment)

SIMONE CZECH, Deputy Secretary, Child Protection and Permanency, District Youth Services, Department of Communities and Justice, affirmed and examined

PAUL VEVERS, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice, sworn and examined

EMMA SMITH, Governor, Dillwynia and Emu Plains Correctional Centres, affirmed and examined

MATTHEW KARPIN, Director, Criminal Law Specialist, Department of Communities and Justice, affirmed and examined

JOE PARSONS, Director, Housing and Homelessness, Department of Communities and Justice, affirmed and examined

RANI YOUNG, Principal Policy Officer, Corrections Strategy and Policy, Department of Communities and Justice, affirmed and examined

LEIGH HAYSOM, Clinical Director, Adolescent Health, and Director, Medical Programs, Justice Health and Forensic Mental Health Network, NSW Health, affirmed and examined

The ACTING CHAIR: I welcome representatives from DCJ and NSW Health. Can I please confirm that each of you have received the Committee's terms of reference and information about standing orders that relate to the examination of witnesses?

Mr PARSONS: Yes.

Mr KARPIN: Yes.

Ms SMITH: Yes.

Mr VEVERS: Yes.

Ms CZECH: Yes.

Dr HAYSOM: Yes.

Ms YOUNG: Yes.

The ACTING CHAIR: Great, thank you. I invite each of you, if you wish to do so, to make a brief opening statement before we commence with the questions.

Ms CZECH: No, I do not think we are making an opening statement, unless any of my colleagues—

Mr VEVERS: No opening statement from me.

Mr KARPIN: No.

Ms SMITH: Neither.

The ACTING CHAIR: Does anybody wish to give an opening statement? Thank you, Dr Haysom.

Dr HAYSOM: Thank you. I would like to acknowledge the traditional owners, the Gadigal people, of the land on which we meet today. I thank the Committee for including Justice Health in this inquiry, for providing us with an opportunity to think more closely about the issues of parental incarceration for the young people we look after in custody. I tabled a document earlier today; I hope you have received that.

The ACTING CHAIR: I acknowledge that the report has been tabled, and it has just been distributed to members.

Dr HAYSOM: Thank you. Just to orientate the members, Adolescent Health is a smaller directorate within the Justice Health network. We provide services to young people coming into contact with the criminal justice system at court, in custody, and at release from custody into the community. Thank you.

The Hon. PETER POULOS: Thank you for your participation and attendance today. I have just a general question, and I invite any of you to provide some input. Could you identify, generally speaking, some of the challenges that you find in being able to provide better support for children with imprisoned parents, across the system?

Ms SMITH: One of the difficulties in supporting children—with prisons—is the fact that obviously the parent and the guardians are in custody. You have to put in measures to develop that relationship and strengthen that bond, which is difficult, given that the mother or the father is housed in one location, and the child is quite

often housed in another. I am lucky enough to have Jacaranda House under my operation, which does support that relationship and strengthens it, but that is a standalone centre, in the sense that no other centre is like that, so that is difficult.

The ACTING CHAIR: Would anyone else like to answer that as well? No? Any other questions?

The Hon. GREG DONNELLY: Can I just say I am rather surprised that no-one else would like to respond to what is a, pretty much, wideranging, almost, dare I say, Dorothy Dix question to invite you to—

Dr HAYSOM: Could you repeat the question, please?

The Hon. PETER POULOS: In general terms, could you identify some of the challenges that you might find, in terms of being able to provide a level of better support for children with imprisoned parents?

Dr HAYSOM: I can speak from my perspective, looking after young people in custody. I just wanted to point out, to the Committee, that the young people in custody are not younger versions of the adult custodial population. As I have outlined in the document I provided to you, of the adult population in New South Wales, around 20 per cent has experienced parental incarceration and, sadly, 36 per cent of those prisoners have dependent children. In comparison—and with data that we have from the 2015 Young People in Custody Health Survey—over half of the young people in custody have ever had a parent incarcerated, almost one in 10 of these young people currently have a parent incarcerated, and our Aboriginal young people have rates of 70 per cent of parental incarceration.

Being in Youth Justice, as an Aboriginal person, is really a proxy for parental incarceration, as many of the speakers who came this morning have pointed out. It is such a strong risk factor for parental incarceration. As I have collated for you, in that document, there are a number of significant adverse associations with parental incarceration, not just being an Aboriginal young person, but there are high rates of out-of-home care, unsettled or unfixed accommodation, a younger age of entering custody, and a higher number of custodial admissions. These are just some of the challenges that we face at the various interfaces as a young person moves through the criminal justice system.

The ACTING CHAIR: I might follow on from that and ask that—

Mr VEVERS: I was going to add, if I may.

The ACTING CHAIR: Sorry. Apologies. Yes.

Mr VEVERS: From a NSW Housing perspective, where a parent is imprisoned and the children are outside of prison, if they are in social housing, we would normally do two things. One is we would reduce the rent, which would happen by virtue of the fact that the person is no longer in their house. We would allow a reduction of rent to help support that family, and if the person who has been imprisoned is actually the leaseholder of that property, we will look at transferring the lease to the parent who is on the outside, in order to give them some continuity, so they do not become homeless, basically.

Mr DAVID SHOEBRIDGE: But what if they are a sole parent?

Mr VEVERS: Then we would look at allowing someone else to move into that property and take over the lease. There is a policy that, where children are left alone, actually, by imprisonment or by death, for example, grandparents or another carer can move into the property and take on the lease.

Mr DAVID SHOEBRIDGE: Do you have any data about how many times that has successfully happened in the last, say, two years, compared with how many times the lease has been lost or the house has been lost?

Mr VEVERS: Where the children are on their own, it would be very rare for a lease to be lost. I do not have data on how many occasions, but I can take that on notice, and produce some data on how many occasions children have been left alone and a carer has been given the lease.

Mr DAVID SHOEBRIDGE: I suppose I am more interested in how many occasions, once someone has gone into jail—and that data does not sound bad at all, Mr Vevers—to get some understanding about what actually happens to the lease when someone goes into jail: how many occasions the lease continues, how many it gets transferred, how many it is simply lost. Would you have that kind of data?

Mr VEVERS: I actually do not know how much data we can pull from our system on that, and how far we could separate the situation where someone goes into prison, as opposed to children left alone for other reasons, which may not be children going into prison; it could be death of parents.

Mr DAVID SHOEBRIDGE: Alright. I thought one of the whole purposes of having a big joined up department was so you had this kind of data, and you track people through.

Mr VEVERS: That is not really relevant to having a big department; it is Housing data. All of that information is available on individual case notes. My uncertainty is: does our system enable us to pull that off across the whole state?

Mr DAVID SHOEBRIDGE: I could take you back to a series of media releases about the creation of DCJ, and one of the rationales was to ensure that the different elements spoke to each other—Corrective Services and Housing, Housing and Justice, Justice and Corrective Services. If you do not have data that tracks through people's experiences through those different departments, it is not living up to the promise, I would suggest to you.

Mr VEVERS: We do talk a great deal to Corrective Services, pretty much on a daily basis, so there is a lot of communication taking place. This is the Housing system we are actually talking about. It is a 20-year-old system and I am just unsure of its capability to pull that data off.

Mr DAVID SHOEBRIDGE: Having an abstract discussion will get the data.

Mr VEVERS: Yes.

The ACTING CHAIR: Would anyone else like to respond to the Hon. Peter Poulos' question?

Ms SMITH: I would like to add some things as well.

The ACTING CHAIR: Sure.

Ms SMITH: You asked about some of the barriers that they could face, in regard to receiving visits; there is a number. Obviously, there is distance. If a person is in custody, for example, in Sydney, and their family resides in, say, Dubbo, that can cause issues. It can be an imposing place for children with restrictions on both the child and the mother. It could be that there are visitor restrictions, appropriately so; it could be child protection restrictions; obviously, COVID has caused an issue in regard to visits; that both parents can be in custody; the costs of travel; and time and structure of visits. However, we do have a number of things in place to help mitigate those things, and that includes SHINE for Kids; we have implemented tablets, which have been a huge asset to the system; and we, also, at Dillwynia and Emu Plains and a number of correctional centres, have visits outside of the normal general hours. Visits are predominantly on weekends; we have them mid-week as well. So, that obviously assists in creating those family bonds.

The Hon. PETER POULOS: To what extent is there a focus on culturally sensitive programs across—

Ms SMITH: Across Dillwynia? 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. Sorry, I cannot think of anymore off the top of my head.

The ACTING CHAIR: Mr Karpin, we have heard, a lot, that short sentences and remand can be particularly detrimental to children and families. Are you aware of any research that digs into this matter?

Mr KARPIN: I could not cite any specific research now. I do know part of the most recent reforms to sentencing law in New South Wales, that came into effect in 2018, put a much greater focus on supervised sentencing options in the community. 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; that is, generally speaking, not in relation to parents.

Mr DAVID SHOEBRIDGE: But those reforms have not reduced short sentences. None of the data says they have.

Mr KARPIN: I could not comment on the data, sorry. I am not familiar with it. I could see what we could obtain.

The Hon. GREG DONNELLY: Earlier this afternoon, we had representatives from Serco, the inmate services manager and the centre general manager. They did not provide submissions to the inquiry, but provided us with an opportunity to ask them some questions. If I understood their evidence correctly, there are regular meetings between them, who run the facility there in the Clarence, and you, the Department of Communities and Justice, whereby there is an exchange of information and there is a reporting back, by them, of what they are doing

in the running of their facility. There was a statement to the effect that there is a need for reportage on the meeting of KPIs. I am just wondering whether anyone at the table can give us some insights into what those meetings involve. What is discussed, what is on the agenda, what sort of KPIs are being requested to be met and reported on?

Ms YOUNG: Generally speaking, there is a monitor that works at Corrective Services. They are in charge of the contract with each of the private providers. There are certain KPIs, in terms of what the providers have to do, so each of the contracts are different for the prisons.

The Hon. GREG DONNELLY: The gentleman from Serco—I pressed him on this, because I thought that what he might have meant was that the KPIs and the reportage related specifically to provisions within the contract itself. But when I pressed him, if I understood him correctly, it was not embedded in the contract, per se, but more generally, reporting on KPIs, which I presume are requirements for all prisons. Would that be right?

Ms SMITH: That is correct. All correctional centres have KPIs. We all have targets, or aims to meet those targets, for example, on inmate assaults, assaults on staff, self-harm, attendance at programs, inmates that participate in day and weekend leave. We all have our targets for those types of events, and they are all reportable and they go to a unit called OPRB, which is Operational Performance Review Branch, which oversees both the public and the private correctional centres.

The Hon. GREG DONNELLY: Are the reports that are created with respect to the engagement with private providers done on a regular basis?

Ms SMITH: They are monthly.

The Hon. GREG DONNELLY: Okay, they are monthly reports. Are they, even in an aggregated way, consolidated and available in a published form, so one can get some eyes into how individual facilities are going?

Ms SMITH: Speaking from my perspective—

The Hon. GREG DONNELLY: Sure, just your example, yes.

Ms SMITH: I can see myself, and I can see Dillwynia and Emu Plains correctional centres, and I can see how I am performing in line with other correctional centres, but I cannot actually see how those centres by name are doing. I can just see how I rate.

The Hon. GREG DONNELLY: Sure. And, for an individual like me, who is not a governor—in other words, someone who does not have that degree of password access—is this reportable, generally, back to the Minister or the department, or made publicly available?

Ms SMITH: I am not sure if it is made publicly available; I could not answer that. I would have to take that on notice. I do know that, obviously, my managers have access to that. My assistant commissioner and my commissioner would have access to that, but I cannot answer in regard to the general public.

The Hon. GREG DONNELLY: Perhaps on notice. I would understand, clearly, that it would be in some aggregated, de-identified form, but as much detail would be valuable, if we could have a look at that. In particular, what is assessed against the KPIs associated specifically with the terms of reference of this inquiry; that is, dealing with matters to do with the issue of children and incarcerated parents. Specifically, on that matter of improving matters, broadly, between children and children of incarcerated parents, are there KPIs in a general sense that are used, or required to be met, in respect of those specifically?

Ms SMITH: No, they are not. The KPIs are generally to do with assaults and serious incidents within the correctional centre, and program participation. So, I guess, generally, it could gauge how much participation there is in a program to do with mothering, for example, but that is sort of the scope.

The Hon. GREG DONNELLY: The scope of it.

Ms SMITH: And, I guess, weekend and day leave as well, because obviously when you are on weekend leave, you could see your family a little bit more in a more natural setting, I suppose. But that is probably the only scope.

Ms JODIE HARRISON: Do we know how many children in New South Wales currently have a parent in prison?

Ms YOUNG: I can tell you how many prisoners have a child, but not the other way. There is data. For New South Wales, 4.3 per cent of all children and 20.1 per cent of Indigenous children experience parental incarceration.

Mr DAVID SHOEBRIDGE: That is over their lifetime though, is it not? That is over their childhood?

Dr HAYSOM: Yes.

Ms JODIE HARRISON: So, if this Committee is trying to work out what support there needs to be for children of incarcerated parents, it would be helpful for us to understand how many children have incarcerated parents?

Dr HAYSOM: Yes.

Ms JODIE HARRISON: Do we know that at all?

Dr HAYSOM: It is difficult. I can tell you the stats with custody. But it is a difficult statistic to collect, is it not, because it is a secret. A lot of the time it is a stigma. Where would you get that information from a community sample? Through the schools? I know there are some studies. I have a colleague, Professor Kimberlie Dean, who is chair of the School of Psychiatry at the University of New South Wales. She is doing a longitudinal study of a very large cohort of young children through the schools. She presented yesterday, at our grand rounds, about some of those outcomes, which are very startling. But getting that kind of data—recording that data—is very difficult I think.

Mr DAVID SHOEBRIDGE: Why?

Ms JODIE HARRISON: That would be based on a sample. I think it was one of the recommendations from the 1997 report.

Mr DAVID SHOEBRIDGE: I am sorry. I cannot understand why it is difficult.

Ms ROBYN PRESTON: I was thinking the same.

Mr DAVID SHOEBRIDGE: You have parents going into jail.

Ms ROBYN PRESTON: And you should know if they have children.

Mr DAVID SHOEBRIDGE: You ask them what children they have, you record what children they have, you check them against the records you have in other government departments and you get a list.

Ms SMITH: We can provide the number of—

Mr DAVID SHOEBRIDGE: No, my question is to Dr—I am sorry, I cannot read the name.

Dr HAYSOM: You are talking about a different sample. You are talking about children of people incarcerated in jail. Your question was about children across New South Wales in general, was it not?

Ms JODIE HARRISON: The number of children in New South Wales who have a parent in prison.

Dr HAYSOM: Yes, so they are different cohorts.

Ms JODIE HARRISON: We know how many prisoners there are in New South Wales.

Mr DAVID SHOEBRIDGE: I am sorry; I do not think they are different cohorts.

Ms ROBYN PRESTON: I agree.

Ms JODIE HARRISON: We should be able to work it the other way.

Mr DAVID SHOEBRIDGE: The question is simple: as we sit here now, how many children in New South Wales have a parent in jail?

The ACTING CHAIR: Can I perhaps ask—

Mr DAVID SHOEBRIDGE: Can we get an answer to that?

The ACTING CHAIR: Do you have an answer?

Dr HAYSOM: Who is going to answer that?

Ms ROBYN PRESTON: It is good to know if that data is collected.

The ACTING CHAIR: This is why I have my question.

Mr DAVID SHOEBRIDGE: Can I get an answer first?

The ACTING CHAIR: Yes, you can, but we do not seem to be getting a response.

Mr DAVID SHOEBRIDGE: Well, there was a sort of stunned silence.

Dr HAYSOM: No, I am happy to respond to it, but where would you get that information, Mr Shoebridge?

Mr DAVID SHOEBRIDGE: If there was a will, I would imagine you would get it either through the court system, or as parents are being processed at some point. You could get it through Corrective Services. As soon as inmates are being received into the system, you could have a comprehensive recording of who their children are and where their children live. I would imagine there would be multiple places. You could get a comprehensive dataset, with the will to do so, on a proper survey of inmates as they come into corrections, surely?

Ms YOUNG: When the inmates come into corrections, we do have an inmates screening questionnaire, so it is a self-reporting thing. They do ask the inmates how many children they have, but it is a self-reporting mechanism that we have.

Dr HAYSOM: It works the same way for young people in custody; self-reporting about parental incarceration. Sometimes they do not disclose that. Sometimes they also do not disclose their own children that they may have in the community.

Mr DAVID SHOEBRIDGE: But I cannot believe it is not within the capacity of the New South Wales Government, if it had a will, to get that initial survey, check it against other data sources that you would have, either in the child protection part of DCJ or in the housing part of DCJ—

Ms JODIE HARRISON: Service NSW.

Mr DAVID SHOEBRIDGE: —or even against births, deaths and marriages records—somebody's name and date of birth and their parents' names on birth certificates. It does not seem to me to be an impossible task.

Dr HAYSOM: You could do it through data linkage type searches as well, but there are often aliases involved in that that make it difficult.

Ms ROBYN PRESTON: I agree with Mr Shoebridge on the line of questioning. This pulls back into the issue that has been raised by countless organisations that are not being plugged in to parents who have children outside, because that data does not seem to be collected at the first initial interview where they give that information about their name, their address and whether they have any kids. That should trigger the information going to outside organisations who can plug in and offer support. That is not happening at the moment. I think maybe that is the question that is not being asked on intake. Perhaps I am wrong. Does that information go anywhere?

Dr HAYSOM: We collect that information through Adolescent Health. It is a direct question: "Do you have a parent in custody?"

Ms ROBYN PRESTON: No, the incarcerated person who has children. Is that collected at that time and where does that go?

Dr HAYSOM: Yes, and our young people sometimes have children. Some 14 per cent of our young people in custody have a dependent child. We collect that information. You need to understand, also, that the group of young people in custody represents a small percentage of the entire 3,800 young people who come—

Mr DAVID SHOEBRIDGE: I think we are constantly talking at cross purposes. Maybe we will pull it back. We are not talking necessarily about kids in custody. They may be in custody. We are talking about kids, whether they are in custody, or with an uncle or another parent, or in the out-of-home care system. Regardless of where they are—we are neutral about where they are—we just want to know how many kids across New South Wales have one or more parents in jail. We keep getting told that you do not have the data and that it is too hard to get. You are asking us where we would find it. You seem to me to be the people who should have those answers and you do not. Can any one of you explain why you cannot provide a basic answer like that? I will take that as a collective no.

Dr HAYSOM: No, no.

Ms SMITH: We do have it. We actually do have it.

Dr HAYSOM: Can I respond? I would quite like to respond to that. We collect information on the 211 young people who are sentenced into custody. There are many, many more who move very rapidly through the criminal justice system that we do not collect data from, because we do not connect with them.

Mr DAVID SHOEBRIDGE: Clearly, I did not explain myself well. I will stop.

The Hon. GREG DONNELLY: Through you, Chair. I suggest that Mr Shoebridge ask the question one more time, if it is not an imposition?

Mr DAVID SHOEBRIDGE: Okay, I will try again.

The Hon. GREG DONNELLY: The question seems pretty clear to me.

The ACTING CHAIR: I think we all have the same question and the same concern.

Mr DAVID SHOEBRIDGE: Collectively, we are not asking you about a subset of children in New South Wales who are in jail. We are not asking about that subset. We are asking about—

Dr HAYSOM: The parents?

Mr DAVID SHOEBRIDGE: No. Of all the children across New South Wales, how many children—I do not care whether the children are in custody, in out-of-home care or wherever—have a parent in jail tonight? It seems to me that you do not have the answer because, apart from some highly problematic self-reporting data that you get in Corrective Services, that is not verified or checked against any other database, you do not have the data. Is that right?

Ms SMITH: We can tell you how many adults in custody have children. However, they could have multiple children. I could give you a percentage of how many inmates currently in custody have children, but they may have more than one child. I cannot give you the reverse percentage. Can you understand what I am saying there?

Mr DAVID SHOEBRIDGE: And that is purely from self-reporting.

Ms SMITH: That is correct; it is from self-reporting.

Mr DAVID SHOEBRIDGE: And there is no checking if that is accurate, and there is no cross-matching with any other department or dataset. So, it is highly problematic data, is it not, Ms Smith?

Ms SMITH: I would have to take that on notice. I am not sure if it is double-checked with another organisation. I cannot answer that. I would have to take that on notice.

The ACTING CHAIR: Do you think it should be?

Ms SMITH: When we do the induction and screening questionnaire, we ask inmates, "Do you have a child? Where are they? Are they in danger at the moment?" For example, "Are they at home by themselves?" We take great measures to look into that. Is the system perfect? Look, there is always room for improvement, absolutely, but I do think that Corrective Services does a fantastic job of managing children at risk. We work very collectively with Family and Community Services. I think that is a great relationship.

The ACTING CHAIR: But data could be cross-referenced and validated somewhere else in DCJ?

Ms SMITH: Most likely, if that is not already occurring. Like I said, I would have to take that on notice to see if it is.

The ACTING CHAIR: Okay, great, thank you. Any further questions?

Ms JODIE HARRISON: Yes. That was just my starting question.

The Hon. GREG DONNELLY: Jodie was just warming up.

Ms JODIE HARRISON: That was actually one of the recommendations out of the 1997 report undertaken by the parliamentary inquiry. Are any of you aware of any review of the implementation of those recommendations that were made in that 1997 report?

Ms CZECH: I am not aware, no.

Mr VEVERS: Neither.

Mr DAVID SHOEBRIDGE: Do any of you want to ask: what 1997 report? Are you all aware of the 1997 report?

Ms SMITH: No, I would like to ask, thank you, absolutely.

Mr VEVERS: I am not aware of it.

Mr DAVID SHOEBRIDGE: I think it is a fair question.

Ms JODIE HARRISON: There was a parliamentary inquiry into children with parents in prison. It addressed a series of questions. It was chaired by an upper House MP by the name of Ann Symonds. It made a

series of recommendations. From a lot of the evidence and submissions that have been provided to the Committee, it would appear that the vast majority of recommendations of that 1997 inquiry have not been implemented, even though they were adopted, in fact or in principle, by government. That was 1997 and here we are, in 2021, looking at the same kind of thing. One of those recommendations was finding out how many children in New South Wales have parents who are incarcerated.

Ms YOUNG: Can I just speak to that for a moment? The recommendation was actually that we collect the data on the number of inmates in prison who are parents. I think that might be why we are talking at cross-purposes, because Corrective Services collects the data in terms of the inmates and then the children, whereas you are asking for the reverse.

Ms JODIE HARRISON: So you do know about the report then?

Ms YOUNG: Yes.

Ms JODIE HARRISON: Do you know of any reviews that have occurred into the implementation of the recommendations in that report?

Ms YOUNG: I would have to take that on notice. I do not know.

Ms JODIE HARRISON: If you could take that on notice, that would be good. Thank you.

The Hon. GREG DONNELLY: Just to be clear: by asking the questions, we are not trying to get a scalp from the individuals appearing today; that is not our intention at all. We are just trying to inform ourselves, to help us produce a substantive report with some, hopefully, valuable and useful recommendations that can be looked at. If I could pose this question, which is the dog chasing its tail, about the children who have a parent who is incarcerated—a mother or a father. If we are to accept that the objective is—it seems to be a reasonably good objective—to certainly maintain and, if we can, enhance and improve, over time, the relationship between the child and the parent who is incarcerated, then getting quality, accurate information with respect to the number of children who do have parents in jail on an ongoing basis is surely a base piece of information. It is almost incontrovertibly necessary to help us understand. Would you agree with that statement?

Ms CZECH: Yes.

Ms SMITH: I absolutely would, but one of the things that I think we are all forgetting is that some of the mothers do not actually name the father on the birth certificate, so that information may not be accurate. It is all well and good that the father may be in custody, but he may not, if we do not know who the father is. I think that is something that also needs to be taken into consideration.

Mr DAVID SHOEBRIDGE: If you do not even have a system to crosscheck against births, deaths and marriages data or any other data, that is a moot point, is it not? You are not sure whether there is any data checking?

Ms SMITH: Look, it is, but realistically you can only really verify with certainty if the mother is in custody, because quite often, as people would be aware, people lie about who the father is. In custody, I can assure you, that occurs. Sometimes they will say, "This person is the father and that person isn't," or they will not name them.

Mr DAVID SHOEBRIDGE: Ms Smith, you are pushing against an open door, which is why I am astounded that the only data source you have is a non-verified self-assessment and self-reporting. I agree with you 100 per cent, which is why I am astounded that the only data you have is a non-verified self-assessment. That seems to be an incredible situation, given what you just said.

The Hon. GREG DONNELLY: And with statistical analysis, even if you are starting from a very low confidence base, one builds into the assumptions that this is accurate with a confidence level of X.

Ms SMITH: Of course.

The Hon. GREG DONNELLY: Hopefully, over time, that can be refined so that confidence level will be shrunk. If we do not have it, we have got to start somewhere, with the objective over time, hopefully sooner rather than later, to get closer to the accurate information.

Dr HAYSOM: It is the sort of information that probably should be collected centrally, by the courts, to a central agency. We verify and report through to the Child Wellbeing Unit for young people in custody who have children or who are pregnant, but we are obviously a different agency reporting to a different agency. It needs to be a centralised type of collection.

Mr DAVID SHOEBRIDGE: Or we could just join up all the dots inside your Department of Communities and Justice, because pretty much all the data at some point tracks through your department, could we not?

Dr HAYSOM: My department?

Mr DAVID SHOEBRIDGE: Yes.

Dr HAYSOM: I am Health. I am not Communities and Justice.

Mr DAVID SHOEBRIDGE: Sorry, the Department of Communities and Justice. All that data tracks at one point through the Department of Communities and Justice, does it not?

Ms CZECH: It does. If I could add, for the benefit of the Committee, first of all, to the question that was posed: I could not agree more. Data, and especially knowing how many children in New South Wales have a parent who has either been incarcerated or is currently incarcerated, is particularly useful for a number of reasons, one being that it helps us make decisions about where funding goes and, in fact, whether there is enough funding in the system. That data should be used to make bids to government for any gaps in services or funding, more broadly. I do not have it with me today, but I am happy to take it on notice and provide it to the Committee. Over the past few years DCJ—and the Committee may well be aware of this piece of work—has done a large data linkage project. It was conducted under Their Futures Matter [TFM].

That particular dataset was a data-matching exercise, not just with New South Wales government entities, but some Commonwealth data as well; for example, Centrelink, Medicare records, et cetera. It is a very large dataset—from memory, 40 million participants or rows of data in that dataset—and there certainly were some findings about the likelihood of a child becoming known to the child protection system, for example, with a parent having been incarcerated, as well as a range of other factors, whether it be drug and alcohol addiction, homelessness, et cetera. The list goes on, and I do not think I need to go through that list with any of the Committee members. If it is helpful for the Committee, we are happy to take that on notice and provide some information about that dataset, but also what the plans are for future work around data linkage. I do know my colleagues inside the strategy, policy and commissioning division within DCJ have work underway in this area. I think that would be helpful for the Committee, if that is okay?

Mr DAVID SHOEBRIDGE: You might deal, if you are doing that, with the Auditor-General's deep critique of the failure of any part of the system to do anything useful with that data, or to have an actual program to do anything useful with the data.

Ms CZECH: Yes, sure. We can take that on notice. Thank you.

Ms ROBYN PRESTON: Just following up on that question—I do not want to seem as though we are micromanaging things in your system that you know, better than us how, to manage—it seems to me that the last port of call for an inmate, before they are admitted, is that questionnaire that they get, rather than having the courts provide any detail about children that they might have. Is it possible for us to look at the questionnaire and see what information we, from our end, would like captured that is not in there? Is that something that you could share with us?

Ms SMITH: It absolutely is. I do not have a copy of the intake screening questionnaire—

Ms ROBYN PRESTON: No, I will put that on notice.

Ms YOUNG: I have one.

Ms ROBYN PRESTON: You have a copy there, have you?

Ms YOUNG: Yes.

Ms ROBYN PRESTON: Alright. I just think that might be invaluable for the data that we need. At the end of the day, if we are going to make any recommendations on funding, as you said, we need the data to justify that. We do not have that information. If you are the point of call that is capturing that, and the questions are not capturing that, but we could ask you to look at that and review it, that might be really helpful for us going forward.

Mr DAVID SHOEBRIDGE: If you are doing that, could you respond to this issue? The Government accepted all of the Auditor-General's recommendations in relation to the TFM dataset, amongst other things. One of those key recommendations was 4 (d), which required the Their Futures Matter human dataset to ensure that:

... insights from its analysis continue to be shared within government and with external stakeholders including funded service providers and academics ...

What, if any, insights from the analysis have been shared, to deal with this issue of children who have parents in jail?

Ms CZECH: I am happy to provide that information to the Committee.

The CHAIR: I acknowledge that a report has been tabled by Ms Young and that we are getting copies to bring down to members. Thank you. Are there any further questions? Ms Harrison?

Ms JODIE HARRISON: My electorate is Charlestown. I have got some pretty difficult socio-economic areas in my electorate. Certainly, there is multi-generational trauma and multi-generational incarceration happening in parts of my electorate, and I have got a large amount of social housing in my electorate as well. Mr Vevers, you talked about how you keep children in their homes, when they have an incarcerated parent, and the reduced rent that they can apply for. How long does that go on for, and what happens if the main breadwinner parent is incarcerated for longer than that rent reduction—or does it go on? Does it end?

Mr VEVERS: A reassessment is done after someone has been in prison for six months. That reassessment would look at the rent going forward, and would automatically adjust the rent, based on the income of the household at that time. Obviously, if one household member is in prison that reduces the income of the household and, as you would know, therefore reduces the rent. It would depend on what tenure the household was on. It could be two years, five years, 10 years, or an historic continuous lease. Those leases would be reassessed at the end of that lease. In the vast majority of cases, we would say that a single parent with a number of children is not going to be able to rent in the private market, and we would normally renew the lease.

Ms JODIE HARRISON: What work is done, between Housing and Corrective Services NSW, to ensure that there is appropriate housing provided when an inmate is released to be reunited with their family?

Mr VEVERS: In the vast majority of cases, people would go back into the household from which they had come. 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.

This is probably more relevant to single prisoners, more than families, but we do also have a scheme that, before their release, if someone has nowhere to go, or cannot return to the family they have come from, we do not want them to be homeless on their own. We have a system called Set to Go, where they can be booked into temporary accommodation, and then link up with their local housing office to look at what sort of support can be given to them. There are about 1,000 cases of that a year where, between Corrective Services and us, we plan for where that person will be. That also helps Community Corrections, so that this person is then not lost to the system because they have nowhere to stay. It means Community Corrections also know where they are staying. That system has been running for just over a year now.

Ms CZECH: It is not specifically about housing, but housing is certainly a component of the work of the corrections co-located caseworkers, which I understand the Committee may well be familiar with. It is a program where we have placed five child protection caseworkers in women's prisons. It has been going since June 2020, so just coming on 12 months. While it is a very small cohort of caseworkers who are in the prison, 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. 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, I am sure, based on my experience, that 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.

We have been inundated with requests from women in jails. It is unusual for child protection caseworkers to have a queue of women or anyone wanting to see them, but word has spread amongst the prison community. While it is very early days, it certainly looks like it is producing some results, and we have it under evaluation. Early days, small scale, but we are hopeful that that might mean, as I said, that parents can keep their children—in the event they are pregnant—but also get them returned home, and it does have a housing component. To Mr Shoebridge's comment earlier, I think that is one of the beauties of DCJ: I can ring Mr Vevers, or our staff

in child protection can ring some of Mr Vevers' staff, and make sure that we have got housing or other support services in place upon release.

Mr DAVID SHOEBRIDGE: Again, thank you for coming. If there is a sense of frustration it is not directed at any individual.

Mr VEVERS: Understood. Completely understood.

Mr DAVID SHOEBRIDGE: It is directed at the system.

Ms CZECH: Yes, sure.

Mr DAVID SHOEBRIDGE: I want to be clear. I am sure you are all coming here to try and help. It is directed at the system, not at any individual. Do we have any data at all about children who have become homeless, or are accessing homelessness services, because their parents have been incarcerated? Do we know at least that subset of vulnerable children?

Mr VEVERS: I do not have it here, but there is data collection carried out by homelessness services. It is actually quite a comprehensive dataset. If I could take it on notice to look at how that relates to your question—I just do not know precisely what questions are asked. But specialist homelessness services gather a lot of data about the people who need their help, and we aggregate that data.

Mr DAVID SHOEBRIDGE: I suppose I would also be interested to know if families have become homeless because a breadwinner has been imprisoned, and whether or not that is also picked up in the homelessness data. If you are making the inquiry, Mr Vevers, you could do that.

Mr VEVERS: Yes.

Mr DAVID SHOEBRIDGE: This quite helpful set of numbers that Justice Health have provided, if I go to the table on page 3, could you talk me through what the "Ever placed in out-of-home care" data means?

Dr HAYSOM: Yes, certainly. For a young person in custody who has had a parent ever, or currently, in custody, 27.5 per cent of young people ever placed in out-of-home care have a parent in custody, currently or ever.

Mr DAVID SHOEBRIDGE: This is tracking young people entering—this is the juvenile justice system data, is that right?

Dr HAYSOM: Yes. This represents that small cluster of young people sentenced to custody. It is from 2015, when we did our last survey of those young people across the state.

Mr DAVID SHOEBRIDGE: Of the children who have come into juvenile detention, who have ever had a parent in custody at any point, more than one-quarter of them, at some point, were also placed in out-of-home care. Is that what that says?

Dr HAYSOM: If you are looking at the—

Mr DAVID SHOEBRIDGE: The first column.

Dr HAYSOM: —young people who are ever placed in out-of-home care, 27.5 per cent of them have a parent ever or currently in custody, compared with never having a parent in custody. It is more than a two-times risk for a young person in out-of-home care to have an experience of parental incarceration.

Mr DAVID SHOEBRIDGE: So, an experience of parental incarceration makes you more than—there are a number of ways that you can look at this, but one way is that if a young person entering juvenile detention has had a parent in custody at some point, they are more than twice as likely themselves to have gone into out-of-home care.

Dr HAYSOM: I think it is the other way around.

Mr DAVID SHOEBRIDGE: If you have had a parent in custody at any point, you are twice as likely to have at some point gone into out-of-home care.

Dr HAYSOM: The way that we represented it is we have looked at the risk factor of being in out-of-home care, the outcome being a parent ever in custody. The association there is more than 2½ times higher for having exposure to parental incarceration, if you have been in out-of-home care.

Mr DAVID SHOEBRIDGE: My guess is—I could be wrong—that the way the cause and effect is more likely to work is that if your parent goes into custody, you are more likely to go into out-of-home care, rather

than, that if your child goes into out-of-home care, you are more likely to go into custody. I could be wrong on that; there may be an impact both ways. That is why I am surprised. I cannot work out the answer.

Dr HAYSOM: Yes, we need longitudinal studies to confirm that. This is a point prevalence study, so we cannot say whether it is a chicken or egg association—what comes first. But yes, I appreciate what you are saying. I think we definitely need more research there to determine what comes first.

Mr DAVID SHOEBRIDGE: When we are talking about research, clearly a super vulnerable part of the population of children in the state are kids in out-of-home care. That is at least what this data is suggesting. Do you agree?

Dr HAYSOM: Yes, absolutely.

Mr DAVID SHOEBRIDGE: Something we heard from a witness earlier today suggested that the only place we are really tracking and requiring data to be kept about a young person's status of being in out-of-home care or not, is really when they are entering the criminal justice system. It is not a compulsory dataset, even within initial interactions with police, with courts, with homelessness services or with housing. Is that right or wrong?

Ms SMITH: Yes, that is—

Mr DAVID SHOEBRIDGE: You are the wrong person to answer that, Ms Smith, because you are the one point where there is some data being collected. But everybody else?

Ms CZECH: I can only speak in terms of out-of-home care, Mr Shoebridge. There is certainly data about parents who are incarcerated and have a child in out-of-home care; so, that is 47 per cent of children in out-of-home care who have had a parent incarcerated during the out-of-home care episode. That is where the data starts to get a bit tricky, because an episode can be a short period of time, or it can be years. Nevertheless, almost half of the out-of-home care population have a parent in prison—or have had.

Mr DAVID SHOEBRIDGE: Given we all accept that this is perhaps the most vulnerable group—or one of the most vulnerable groups—of children in the state and given that there is a significant number of kids washing in and out of the out-of-home care system, how is it that their status is not being tracked across the department? Separately to that, is it being tracked in the broader health department?

Dr HAYSOM: Yes. Where we interface with young people at court, it is certainly recorded there, and we have data that we can provide to you. In custody, it is part of our reception process to determine that status and, on release from custody, if they are being followed up by our community clinicians, it is certainly being recorded at that point.

Mr DAVID SHOEBRIDGE: What about in the homelessness sector?

Mr VEVERS: People are asked where they have been most recently, but they do not have to tell us. People do not have to declare that they have been in prison, if they approach us for any form of housing assistance. Unless they are a registered offender, they do not have to tell us.

Mr DAVID SHOEBRIDGE: What about if a child is homeless? Do you check whether or not they have a history of being in the out-of-home care system, given the obvious vulnerability of that grouping?

Mr VEVERS: If a child is homeless, they would come into the child protection system and those questions would absolutely be asked.

Mr DAVID SHOEBRIDGE: Will you give us some data about the number of homeless children who have been in care?

Mr VEVERS: I can take that on notice.

The Hon. GREG DONNELLY: Just returning to the matter of the new prison—the Clarence, operated by Serco—with respect to the initiatives or programs that they are running at that facility, across the board, do they have to have the proposals for those initiatives or programs authorised or approved before they can be implemented?

Ms YOUNG: The exact nature of the program, you mean?

The Hon. GREG DONNELLY: Yes. It is a privately run prison. Do the programs that they run, across that prison, have to be approved in a formal way before they can be implemented inside that facility?

Ms YOUNG: I am not entirely sure at what stage they—they are funded to provide programs but I am not sure about the interface between—

Ms SMITH: Are you referring to therapeutic programs, or are you referring to initiatives?

The Hon. GREG DONNELLY: I was, in a broader sense, going to start with any programs or initiatives, and then come down to, specifically, the area that we are talking about. Anything that you can provide might be helpful.

Ms SMITH: I cannot really answer, in regards to Serco, as such, but I can answer in regards to correctional centres I have worked at. A correctional centre can implement its own initiatives, as long as it is sound, and I go through my director for that. In regards to therapeutic programs, obviously there is a therapeutic component, so there would have to be a specific approval, in regards to that, to make sure that they actually meet those therapeutic guidelines.

The Hon. GREG DONNELLY: When you say your director, that is a person who you would report to who is at a more senior level and would approve, or otherwise, the proposal.

Ms SMITH: That is correct. Yes.

The Hon. GREG DONNELLY: With respect to the Serco facility, is there any work that you can point us to—take it on notice, if necessary—about how they are going, with respect to any programs associated with the matter of children and incarcerated parents, and how they are going in terms of their activities? They were obviously here this afternoon, talking about it, and you would not expect them to talk, otherwise than in generally positive terms about it. But, to help us understand the assessments that might be going on, and the rigour of the assessments to test all of this, is any of this being done that can be reported or seen into?

Ms SMITH: I would have to take that on notice. I am aware that they have the tablets and they obviously have increased phone calls and things like that, which allows increased contact.

The Hon. GREG DONNELLY: But that would be in your facility as well, would it not?

Ms SMITH: That is correct; I do have tablets. They are a different format of tablet, but yes.

The Hon. GREG DONNELLY: Can you inform us what the different format is, as far as you know?

Ms SMITH: I have not looked at the tablets at Clarence, but I can tell you how the ones at Dillwynia work. Obviously, the inmates get given the tablets in the afternoon when they get secured in their housing location, or their cells. They can make phone calls up until 10 o'clock at night, to their family, which was previously unheard of—at Dillwynia anyway—which obviously allows a massive amount of contact, and it is absolutely brilliant. Previously, parents could not talk to their child. Lock-in is usually at around 3.30 and children get home at around 3.30 or four o'clock, making it very difficult. Access to the tablets has increased that dramatically, as have the tablet visits that we now have as well, as a result of COVID. You can now see Tommy's little pet dog, as opposed to not being able to see that previously, because obviously animals could not come in to visit. They are a huge benefit, and I could not speak higher of them.

The Hon. GREG DONNELLY: Are there any costs at all associated with the use of that technology by the inmates?

Ms SMITH: The inmate pays for the phone calls, the same as what they used to, and the same as what they do on the offender telephone system—the old-fashioned standalone phone system. They do pay for the phone calls. They do have access to free calls, as well, to a number of—they are called auto assist dial numbers, so places like Housing NSW. I am just trying to think of some other ones.

Ms JODIE HARRISON: Legal Aid, Ombudsman—all those kinds of things.

Mr DAVID SHOEBRIDGE: Women's Legal Service.

Ms SMITH: Yes, Legal Aid—those types of things. They are all free calls as well. The phone calls are the same as the original OTS system, or offender telephone system.

The Hon. GREG DONNELLY: In the good old days, you could hear the coins drop in the phones, but we have moved on from there.

Ms SMITH: Yes.

The Hon. GREG DONNELLY: With respect to the live streaming back home, and watching the kids talk about their pets or whatever—

Ms SMITH: Inmates do not pay for that, no.

The Hon. GREG DONNELLY: They do not pay for that?

Ms SMITH: It is done in place of, or in addition to, visits, like contact face-to-face visits. Obviously, inmates, when we had COVID, could not have those face-to-face contact visits, so we implemented the tablet

visits, which have been absolutely wonderful. I know at Dillwynia, for example, inmates were given the opportunity when COVID was reduced obviously of having just contact visits, tablet visits or a mixture of both. The inmates at my facility chose to have a mixture of both, because it gives a greater population of inmates that capacity to have those visits. If your family lives interstate, or you have young children and they do not want to travel a long way, the tablet visits have overcome that, and it is really great.

The Hon. GREG DONNELLY: Is anyone aware of any discussions that may have taken place, between Serco and the department, over Serco introducing some of the initiatives and running those initiatives, that they have in their facilities, inside New South Wales jails?

Ms SMITH: No.

The Hon. GREG DONNELLY: You have not heard?

Ms SMITH: No, I have not. Sorry.

The Hon. GREG DONNELLY: I was just wondering.

Ms JODIE HARRISON: The written submission provided by the DCJ states:

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.

Who makes that decision? What is the process? Who is consulted in that decision? How is the decision landed on as to whether a child will have access to their parent?

Ms SMITH: We work our best to make sure that all parents have access to their children. The only exception is obviously if there are child protection restrictions, or if the inmate has—if there are security requirements. If they have, unfortunately, behaved in a negative way, then they cannot have visitors at that time, because it is a threat to someone. But, if there are none of those restrictions in place, then we work to receive those visits. We have visits, like I said, on the weekends, and we also facilitate midweek visits as well, with the assistance of FACS.

Ms YOUNG: And if there are court orders or kids in out-of-home care, then we work closely with FACS to do those kind of assessments, to work out how the child's needs can be met, as well as any risks taken into account. That would go for court-ordered visits and, also, kids that are in care.

Ms SMITH: They might have supervised visits midweek, for example, in a private interview room, as opposed to a visit that is on a weekend in a busier visits area, so that we can have that more focused approach.

Ms CZECH: In respect of children in out-of-home care, we have some guidelines or a practice mandate, as we call them, for child protection caseworkers making those decisions. I am happy to provide a copy of that to the Committee, if it is helpful. That said, we are currently reviewing that mandate, to make sure that it is fit for purpose. That will be done by the end of June this year.

Ms JODIE HARRISON: Some of the evidence that we have heard is that children get penalised when visits are withheld, when an inmate has their visits held back. You talked about when there are safety issues involved.

Ms SMITH: Yes.

Ms JODIE HARRISON: Is that the only reason why they would be withheld?

Ms SMITH: No. It could be that we have information that they are going to try to bring contraband through the visit, and things like that, so it is a risk to the security of the centre and not just the security of a person. But, like I said, taking an inmate off visits, or the privilege of visits off them, is something that is last resort. We do not tend to try to do that, because obviously we understand how important it is for a parent to see their child. Inmates behave in a more positive manner when they have that relationship in their life. That is something we encourage strongly. Most of the correctional officers are parents, and we understand that.¹

Mr DAVID SHOEBRIDGE: We know that the number of women in prison has close to doubled in the last decade. I think it had a 50 per cent growth in the first six years of the decade, and carried on until COVID. What additional services have been provided in the last decade to deal with the children who are being impacted by that?

Ms SMITH: We have SHINE for Kids, which assists with that. We also have specific programs to assist with parenting—Mothering at a Distance, for example. We have the Jacaranda House, which was visited.

1. The Committee received correspondence from Governor Smith providing clarification on these statements which is published on the Committee's [webpage](#).

Mr DAVID SHOEBRIDGE: I was asking what additional programs have been delivered in the last 10 years. There has been a doubling of the number of women going to jail. Can anybody tell me what the funding envelope has been, and what the additional programs have been, to deal with those kids?

Ms CZECH: We may need to take the funding envelope question on notice, but certainly one program that has come about, since 10 years ago, is the Beyond Barbed Wire project that is run by Barnardos, in western New South Wales. They provide support to women post-release, unlike our more recent child protection caseworker in the correctional facility program. Certainly that Beyond Barbed Wire project is producing some positive results, particularly about whether women return to prison, whether children are restored, newborns remaining in their care and in stable accommodation. There has been an evaluation Barnardos have conducted. I understand that is publicly available, but we could also provide that to the Committee, if needed.

Mr DAVID SHOEBRIDGE: That is to women, once they leave jail. It is not providing the services to the kids. The data that we have from Justice Health, the only data we have, seems to suggest that, if a parent goes into custody, children are twice as likely to go into out-of-home care. You are not even counting the number of kids who are in that situation. It is hard to see how you can target government services, or intervention programs for them, if you are not even counting them. We come back to that initial problem we have. Do we agree? If you do not know they are there, you cannot provide a service.

Ms CZECH: Certainly. As I said earlier, resolving the issue that you have raised around data is incredibly important. As I said, we will undertake to the Committee to come back on the plans associated with that.

Mr DAVID SHOEBRIDGE: It is not actually about data, really. Data is great, but there are thousands of kids whose parents are going into jail, and there is not a single program identified to help them—not one, across the billions of dollars that go through your collective departments. There is not a single program to help the kids, and which is focused on the kids. Is that right?

Ms SMITH: I believe there are a number of programs that help the kids. We have various ones that assist with the connection between parent and child. We have the Story Time program, where parents read books to children over FaceTime and things like that. We have Mothering at a Difference. That absolutely helps the child. So, I would disagree with you.

Mr DAVID SHOEBRIDGE: They are all delivered through the parent, with a focus on the parent and you do not even know which children they are going to. There is nothing designed that focuses on the child, to go to the child. I am not denying the value or utility of those programs, but they are all to the parent. There is not a single program that you can identify from the billions of dollars in your collective expenditure that says, "Let's find these children, let's help them, let's see what they need," is there?

Dr HAYSOM: I think SHINE for Kids operates a little bit in that space.

Ms SMITH: Yes, so do I.

Dr HAYSOM: They have come up a lot today, haven't they? They certainly connect with some of those children. I know they see a lot of the young people in custody, and advocate for them to have visits with their incarcerated parents and with their own children.

Mr DAVID SHOEBRIDGE: You are probably right. SHINE for Kids is there, which is in a small subset of prisons. It has been told it will not get a single additional dollar from Corrective Services and, even at the prisons it is at, it cannot in any way meet the demand. So, we have that.

Dr HAYSOM: Absolutely.

The Hon. GREG DONNELLY: With respect to the document we have got a copy of, entitled, "Intake Screening Questionnaire (ISQ-6)"—does everyone have a copy of that? Perhaps, if the witnesses, or at least the ones up the front have them, particularly the governor, because I think she can probably be most helpful. Governor, is this a document you are familiar with?

Ms SMITH: Yes, it is.

The Hon. GREG DONNELLY: Can you explain to the Committee what this document is?

Ms SMITH: It is a document that we complete when an inmate comes into custody. It is primarily completed at court locations, because obviously that is where we have the first contact with offenders.

The Hon. GREG DONNELLY: So, there is a mandatory requirement for this to be completed?

Ms SMITH: Absolutely.

The Hon. GREG DONNELLY: Is its completion supervised, or is it given to the person who you will be receiving?

Ms SMITH: No, we complete it. We ask the inmate the questions, and then we complete it. Then the inmate witnesses this and has a look at it, and then they sign off on it as well. It is done in conjunction with the inmate.

The Hon. GREG DONNELLY: It is quite a detailed document. It covers a number of subject areas and issues.

Ms SMITH: It absolutely is, yes.

The Hon. GREG DONNELLY: If we just count in the pages, and take the first page as page 1, on the bottom of page 4, section 6 has a subheading of "S6 – Immediate Concerns for Children".

Ms SMITH: That is correct.

The Hon. GREG DONNELLY: That is the commencement there. The first question is question 27, and then it runs down the next page to question 37, then over the page to page 6, and that gets us up to 39. We have got 12 questions there. This is picking up on a point you raised earlier, and the theme is being repeated. The question is asked of the individual. When it comes to this collection of 12 questions regarding children, is it your experience that there is sometimes a reluctance to provide all of the information, in regards to this particular subset of questions?

Ms SMITH: Inmates, in general, are honest about it. However, there is a reluctance, particularly when children are involved. There can be a little bit of—I guess they are suspicious of us, thinking that we are going to report them to FACS. There can be a slight hesitation to provide information. But once they realise that we are there, actually, to assist them, they usually do provide the information.

The Hon. GREG DONNELLY: Particularly if we go over to question 38, which is on page 6. Question 38 says, "Is a Risk of Harm Report to the Child Protection mandated reporters line required?" And it has got contact number, reference number, et cetera. Is your experience that individuals understand what that question is about?

Ms SMITH: They do understand, and obviously they are very hesitant to answer that, as well, because no-one wants to be reported in regards to child protection issues.

The Hon. GREG DONNELLY: Would it be your evidence that, in regard to the answers that are received to question 38, it may well be the case that, if one aggregated these documents across a number of inmates for a period of time, there might be a question mark over the accuracy of that?

Ms SMITH: That is true. We rely on the answer that they provide us, but we can also rely on what we witness as well. They might say one thing, but portray another—you know, "My child is fine," but they are home alone. Things like that. So I would still report someone for that because, obviously, a child is home alone. You do have to rely a little bit on that as well. But yes, you are correct.²

The Hon. GREG DONNELLY: And would it be true to say, with respect to question 39, which is in the same sort of domain of issue, that there be, also, trepidation in the answering of that question?

Ms SMITH: Of course. If you are asking anyone if you want to be reported to the police, the answer will always be no.

The Hon. GREG DONNELLY: With respect to these 12 questions—and I will not go to the first 10—what happens to this form once it is completed?

Ms SMITH: This gets entered onto our corrective services computer system. It also gets put on what is called the inmates case file, and it is kept whilst the inmate is in custody.

Mr DAVID SHOEBRIDGE: How is this completed? What is the process?

Ms SMITH: When I was at the courts, it used to be a paper form. But now, obviously, this is entered on what is called the Offender Integrated Management System.

Mr DAVID SHOEBRIDGE: How is it done?

Ms SMITH: What do you mean? We ask the inmate the questions.

Mr DAVID SHOEBRIDGE: If I was going to sit there in front of a screen and do it for myself I would find it bamboozling. Who is the person who sits there?

2. The Committee received correspondence from Governor Smith providing clarification on these statements which is published on the Committee's [webpage](#).

Ms SMITH: A correctional officer sits with the inmate and asks them the questions.

Mr DAVID SHOEBRIDGE: How long does it take?

Ms SMITH: Quite often, an inmate has just been sentenced to custody, so they can be quite upset. Sometimes it can be quite easy to go through. If someone has been in custody previously, they are aware of the system and it may not take as long. But, obviously, if someone is distraught and they have just come into custody, it can take a considerable length of time, because you have to answer it accurately and provide comfort at the same time.

Mr DAVID SHOEBRIDGE: The corrective officers who do that, are they trauma informed?

Ms SMITH: Trauma-informed practice is a recent course, so our new recruits are being trained in that. It is also being rolled out for other more experienced people who have been in the job a little bit longer. But I cannot guarantee that every staff member has received that training, no.

Mr DAVID SHOEBRIDGE: Do they have training about the special skills required to communicate with Aboriginal inmates who will be, I would imagine, extremely reluctant to share these details with a stranger?

Ms SMITH: Part of the correctional officer training does incorporate training in regards to Aboriginal and Torres Strait Islanders.

Mr DAVID SHOEBRIDGE: Are they aware that something in the order of 80 per cent of women entering a corrective service have a history of violent or sexual assault?

Ms SMITH: I cannot say what exactly are the specifics in the training, but I can assure you that the new recruits are trained in trauma-informed practice, and they are aware that a number of women have experienced trauma, yes.

Mr DAVID SHOEBRIDGE: I just cannot imagine getting useful answers from a woman who has just gone into jail, just been received into custody, has a history of significant trauma and is asked, "Have you ever hurt yourself when in a stressful situation? Comment required." And then, "Have you hurt others when stressed?" I cannot conceive of how you would get useful or accurate answers, or anything that would assist in 99 per cent of cases.

Ms SMITH: I have sat on numerous risk intervention teams, which is where an inmate has made threats of self-harm. I can assure you a number of inmates—actually, a majority of inmates—will tell us if they have thoughts of self-harm.

Mr DAVID SHOEBRIDGE: "Have you hurt others when stressed?"

The Hon. GREG DONNELLY: Just on question 37, "Do you have safety concerns about these child or children less than 18 years of age?" If the individual indicated that the answer to that question is yes, and the recorded tick was put in the right-hand column, where does that go? It goes with the whole form, because it is the answer to question 37. Where does it go after it has been completed?

Ms SMITH: This whole form?

The Hon. GREG DONNELLY: Yes. Because within that would be question 37. And my sub-question is that there is an answer of yes to this question about the safety concerns of the child. Where does that end up?

Ms SMITH: The form ends up on the case file, as I said. But if there was a concern, in regards to the child, it would be reported to the child reporting line. We would also do what are called incident reports, which would all form part of that package to go to the child protection line.

The Hon. GREG DONNELLY: Forgive me for being reasonably ignorant about this. Could you just please explain that movement forward of the matter you have just described? Can you explain what that means?

Ms SMITH: If I was concerned—they had said yes to question 37—I would then be going to question 38 and making that risk of harm report to the child reporting line.

The Hon. GREG DONNELLY: Who does that?

Ms SMITH: The officer would do that, but they would also report it to their supervisor as well. We would be making that phone call to them. We also have what is called—it is an incident reporting module on our Offender Integrated Management System, and a record of that would be made on that, as well. So it is documented that we have made that report. A copy of that would be placed on the inmate's case file, as well, which is where we hold all of the information in regards to that offender.

The Hon. GREG DONNELLY: We are not reflecting on you. We are not reflecting at all on the officers. As far as you know, is there any feedback from where it is reported to, to provide any response about what has happened?

Ms SMITH: I can only speak from personal experience—

The Hon. GREG DONNELLY: Please do.

Ms SMITH: —and I have made reports to that risk of harm reporting line and, yes, I have received feedback and they have said they are investigating the matter further; that is one of the reports I have actually received. Another one was, they have investigated it and there is nothing further to answer; the child is not home alone as such. That is just an example I can provide.

Ms CZECH: I can advise that mandatory reporters, when they make a report or ring the helpline or make an e-report, will get a piece of feedback and, exactly as the Governor just mentioned, it will talk about the decision that was made, it will point them to next steps and will make a reference, particularly, if the matter is being forwarded out to one of our local community services centres for investigation—a contact at that local centre—in the event that the person making the report would like to follow up.

Mr DAVID SHOEBRIDGE: But that is only if a RoSH report has gone in?

Ms CZECH: No, so it is both for RoSH—RoSH is a risk of significant harm report—and there will also be advice, to mandatory reporters, about concerns that were made to the Child Protection Helpline, but did not meet the threshold for risk of significant harm and, as Mr Shoebridge just noted, they are known as non-RoSH or non-risk of significant harm reports.

The Hon. PETER POULOS: Just for clarification, if you could deconstruct the process with potential literacy challenges and language barriers. Is it correct for me to understand that, in one go, this data is populated by a corrections officer?

Ms SMITH: That is correct. It would depend, obviously, as you are saying. We do not expect the inmate to read it. If they cannot read it, we will read it to them, obviously, and we ask them the questions. In regard to if they are from a non-English speaking background, it may take more than one attempt, because obviously we would have to organise an interpreter, so it may take a little bit. As opposed to taking maybe an hour to complete this, it may take three, because we would have to get an interpreter on the line, and we would use an interpreter service for that.

The Hon. PETER POULOS: Is it conceivable that, on a real-time basis, the harvesting of the data, perhaps, is somewhat complicated at that first point of call if there are some 87 questions? How could anyone maintain that attention to respond?

Ms SMITH: I have done numerous induction and screening questionnaires. I could not tell you. I know I have used an interpreter service, so, obviously, that took a little bit longer, but, in general, I have never had an issue with an inmate maintaining concentration for the time it took to complete it.

The Hon. PETER POULOS: I would have to say, I would struggle.

Mr DAVID SHOEBRIDGE: I did ask earlier, roughly how long it takes in your experience. Governor, do you have—

Ms SMITH: Assuming that there is no language barrier, assuming that the inmate is not really distraught at the time, about an hour; maybe a little bit longer.

Mr DAVID SHOEBRIDGE: You see, if you go to see a GP for a referral for counselling, which would be one tiny part of the information that is gathered here—

Ms SMITH: I am talking about one that there is no issues with it. Obviously, if I had to report something to FACS, that would take longer.

Mr DAVID SHOEBRIDGE: If you go to see a GP for a counselling referral, that is a minimum 40 minutes. To just look at that one small part, which would probably be about one-fifth of what is in this questionnaire—complexity and questions and answers—that is 40 minutes with a trained GP. How can you seriously get to grips with the complexity of, particularly, women inmates, who have such a history of trauma, in an hour—I mean, realistically—in any way that is reliable?

Ms SMITH: A lot of these questions are yes or no answers, so they do not take— like I said, I am giving that answer based on the fact that this inmate does not have issues that I have to report to FACS. I am talking

about an inmate that is very black and white, straight up and down, generic as such. That is probably not the right word.

The Hon. GREG DONNELLY: Forgive me for interrupting, but based on the evidence that we have received across this inquiry, from various individuals, experts, NGOs and government officials, et cetera, it strikes me that that is a pretty small subset of individuals.

Mr DAVID SHOEBRIDGE: Especially women.

The Hon. GREG DONNELLY: Especially women, yes.

Ms SMITH: Women—you are 100 per cent correct. Men—this form is a lot easier to complete for the men, and that is just a fact. It is a lot easier.

Ms ROBYN PRESTON: Forgive me, I have not got my glasses with me, so you can help me. Which question actually captures the child's name, address and date of birth?

The Hon. GREG DONNELLY: And the mobile phone number too.

Ms ROBYN PRESTON: And contact details as such. Because it looks to me on the questions, if I am looking at question 28 which says "the age of the child; tick the box if they are nought to six", it is like they are anonymous, and it is like they are not a person. It is just collecting data, and the alarm bells might ring when you think the child is at risk, but every child has a right to be mentioned as a child of a parent who is incarcerated, I would have thought. If they are in the real world of education at school, not at risk as such, this is where when we talk to SHINE and some of the others, they brought principals in from schools who had no idea they had a child whose behaviour was not regular, and then they find out later that the child has a parent who is incarcerated. If they had known that from the beginning, why could the incarcerated person not give that information to say, "I have a six-year-old. Her name is Amy Lee Brown. She lives at this address. She is going to this school," and then all the information that that carries is then plugged into the relevant groups, and organisations, and public places, out there, that there need to know that information? Is that information captured here on a question that I have not seen?

Ms SMITH: The address is, for the child, so that is in question 33—the name and contact details of the person caring for the children. So one would assume—

Ms ROBYN PRESTON: But that is the person caring; that is not where the child lives, as such, is it?

Ms SMITH: One would assume if they are caring for them at that time, I guess that—and I can see what you are saying—it could be worded better.

Ms ROBYN PRESTON: We have to humanise this whole thing.

Ms SMITH: Yes. I agree.

Ms ROBYN PRESTON: I just want to make that point.

Mr DAVID SHOEBRIDGE: Unless, of course, which is where we come back to why we are having this inquiry, children are largely invisible in this.

Ms ROBYN PRESTON: Well, they are on this form as such, and it is probably not intentional, but from an outsider looking in, you are dealing with this every day and your people are used to working through the process, and are quite efficient in dealing with the questions, and they tick a box. But young children are actually being impacted by this. So I think more data and personal information could be valuable—

Ms SMITH: It could assist.

Ms ROBYN PRESTON: —and used in the right way.

Ms SMITH: Yes, I would agree.

Mr DAVID SHOEBRIDGE: I am wondering how you can fill in a risk of serious harm report if you do not have the children's name.

Ms SMITH: Then you would require the child's name, and I guess that is what the comments section is for.

Ms ROBYN PRESTON: But it does not stipulate that.

Ms SMITH: No, it does not.

Ms ROBYN PRESTON: So the person filling it out, unless they are experienced in that, may not even capture that information.

Ms SMITH: That is true. When you do the risk of harm report, they do ask you for the name. That would prompt them to get that.

Mr DAVID SHOEBRIDGE: Then you might go back and ask for the name.

Ms SMITH: That is true.

Ms ROBYN PRESTON: Yes.

Ms SMITH: Yes, you are correct.

Ms CZECH: Sometimes, if it has the parent's name, which we—

Ms SMITH: They can link it up. It is linked.

Ms CZECH: —hope you know that.

Ms SMITH: Yes, which we would.

Ms CZECH: 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.

Ms ROBYN PRESTON: I am hearing the words "sometimes" and "hopefully". It is making me nervous.

Ms CZECH: Yes. Look, it makes me nervous as well. To your point, we have got to do better.

The Hon. GREG DONNELLY: I posed a question, earlier, about following the steps of where the information might progress from. Thank you, Governor; you indicated the example of where the matter is escalated to, with respect to those final two questions, 38 and 39. With respect, then, to this information, as a total document, whereabouts is it held? Where is the data stored?

Ms SMITH: In two places. It is held in the inmate's case file, which moves with them through every location. If an inmate moves from, for example, Dillwynia to Emu Plains, that case file goes with them. It is also stored electronically as well.

The Hon. GREG DONNELLY: Thank you for that. With respect to that storage, there are two separate places. Forgive me, I am not an IT specialist. They are discreet places, I would imagine.

Ms SMITH: Yes.

The Hon. GREG DONNELLY: What access, if any, if you are aware, to other elements is the department, broadly defined, able to access? Is this linked, or accessible for anyone else across—

Ms SMITH: Do you mean like to Family and Community Services [FACS]?

The Hon. GREG DONNELLY: Yes, just take that as an example, yes. Does FACS have access to—

Ms SMITH: I do not believe so, but I do understand that they could apply for the information, if they requested it.

The Hon. GREG DONNELLY: What about Housing?

Mr VEVERS: No, we would not have access to that, because we do not require people to tell us if they have had a criminal conviction, or if they have been in prison; it is self-reporting. That has kind of always been a privacy issue within Housing, that we do not ask any more than a private real estate agent would require people to give that information.

The Hon. GREG DONNELLY: Do you have a view about how this issue of privacy, which, in the past—can I just say, I understand the absolute need to have integrity around privacy matters. Mr Shoebridge and others have served on committees, over periods of time, and the issue of the siloing of information is a recurring theme. The information is obviously held and stored on computers, it is all there, but because there are not appropriate linkages between the silos, as one can broadly define them, there is not the sort of analysis that Mr Shoebridge referred to earlier, in his questioning this afternoon. My question is: are there any thoughts about how we maintain integrity, at an appropriate level, over privacy, but improve the linkages to ultimately enable the breaking down of silos, to produce information that may prove to be valuable in dealing with and, hopefully, maintaining and improving the health, safety and wellbeing of the children?

Mr VEVERS: I will answer that, and Simone might want to comment, too. I think there are two separate levels: one is at the service delivery and service provision level; so how many people are there in this category?

That is the very question you have been asking. We are capable of linking across datasets, and we have a whole unit that does this quite frequently, and we do it together with Health as well. So we have datasets that go right across, but they are de-identified datasets to protect privacy. But that will tell you things like, at a general level, what are some of the links between children in out-of-home care, housing. We can, at a general level, plot that journey, and we are, increasingly, getting sophisticated on that. We have a whole unit that does that, together with the Australian Institute of Health and Welfare.

But when it comes to an individual, a named individual, there are close protections, like a housing officer cannot access the child protection information—they are not allowed—in order to protect that information. In certain cases, that information is accessible. I am using this as an example: we do have information that comes to us about registered sex offenders. That information is shared between community corrections, the police and us, when we house people. So there are some exceptions but, in the main, confidentiality is highly prized, and we are legally obliged to maintain that.

Ms CZECH: If I could just add to those comments? There is some legislation that the Committee, no doubt, will be aware of in child protection. Section 16A and section 248 enable the exchange of information between prescribed bodies where a child is at risk of harm. That is used quite frequently, and it is the legal means, if you like, to exchange or provide information, and that is relied upon quite heavily in the child protection system. The other thing, and I know, again, it is very small scale, but the co-located corrections caseworkers being in the prisons does two things: it gives our child protection caseworkers access to correctional staff in the facility, but also, as I understand it, they have got access to—

Ms SMITH: To the case file.

Ms CZECH: Yes, the case file. So, probably not ideal, in terms of it is not automated, it relies on a person, but I think it is progress. There is certainly more to be done but, for the reasons Paul outlined, earlier, we are restricted by legislation and some privacy restrictions. But there are some means around that as well.

The ACTING CHAIR: I will make a comment. I am finding all this to be very retrospective, in terms of dealing with matters—the data and the connecting data between different departments with DCJ. But particularly, if somebody is at risk of harm, surely we need to have a system that can alert the appropriate other department within DCJ, as opposed to being reactionary—actually providing this information as it happens?

Mr VEVERS: I think, where children are at risk of harm, there is a central process that collects all of that information. Does that extend, then, to that information being relayed out to other people, who may be going in a home? It is not, for privacy reasons. The housing worker, if I am using this as an example, would not be privy to all of that information, but they also would know, if they saw a situation of risk, to report it in, and then all of that information is held within the child protection area of DCJ.

Ms CZECH: I also do not think, and I might be wrong, that you do not want every piece of information about a parent who is incarcerated coming into something like the Child Protection Helpline, because many children, from my experience, maybe are being looked after by family and there are no child protection concerns, aside from one of the factors in their family is they have got a parent who happens to be in prison, but they are being looked after by family. We do need to make sure those children that come into child protection are those that most need a statutory child protection response. If I have heard you correctly, you would not want all of that coming in.

The ACTING CHAIR: No. That was just one example. In terms of, even before they get to Corrective Services, which we have spoken about a lot, actually how many children—not do you have children, but how many children—and who they are. Again, they are just two examples of what I would consider to be many. So it is about if we can get a system that is more proactive rather than reactive. And, again, it was just a comment. Mr Shoebridge, do you have a question?

Mr DAVID SHOEBRIDGE: It seems to me that the cohort of kids we are talking about are not anybody's problem. They are not the court's problem, because they are not being sentenced by the court; they are not Corrective Service's problem, because they are not the inmates that Corrective Services has to deal with; they are not necessarily the out-of-home care system's problem, because they do not necessarily come into out-of-home care. They are not really anybody's problem. There does not seem to be an advocate for them, or a government department that picks them up. Maybe a good way of testing this is: is anybody, in their professional work, looking at, say, the work of Dr Shona Minson in the UK, who is kind of the leading advocate for kids whose parents go into jail? Is anybody looking at her work?

Ms CZECH: I cannot say that I am.

Mr VEVERS: I am not actually aware of any part of government that would see that cohort of children as being their cohort of children. All of us would see some of those children when they are in a crisis, for example. So, if they were homeless, we would see them in Housing. If they are reported "at risk", our caseworkers would see them. As a total cohort, I am not aware of anybody oversighting that.

Mr DAVID SHOEBRIDGE: So there would be nobody in New South Wales to do the kind of work that happens in the UK, for example, in the delivery of safeguarding children when sentencing parents, a package to the courts that gives all the courts in the UK a whole lot of information about kids, and ensuring they are looked after when sentencing. There is nobody in New South Wales who could get that into the hands of judges, is there, because it is nobody's problem?

Ms CZECH: Not that I am aware of.

Mr VEVERS: Same.

Mr KARPIN: The only way that kind of material goes before the courts, on sentencing, is if it is put forward by the offender or their lawyers, who are putting it forward for the purpose of the offender's sentencing process.

Mr DAVID SHOEBRIDGE: But there is no part of government that is saying to the Attorney General, or to any Minister, "We actually need to look at changing the sentencing laws, or changing the sentencing practices, or informing judges, in this kind of way, because what we're doing at the moment is causing an unknown amount of harm to an unknown number of kids, and it's time we fixed that." There is nobody whose job it is to do that, is there?

Dr HAYSOM: There are clinicians in the court. For our agency, we have court clinicians who would advocate on some of that. We do not have a formalised package that you have referred to, but it is an opportunity to highlight those issues for young people who may have a parent in custody, or who may have a child of their own.

Mr DAVID SHOEBRIDGE: We have been told by the lawyers that there is really no viable place to have that consideration in sentencing, because the "exceptional circumstances" criterion does not cover it.

Dr HAYSOM: No, that is exactly right. I think that is an issue.

Mr DAVID SHOEBRIDGE: You can make the case, but it is not relevant.

Dr HAYSOM: I think it adds to the weight of evidence. I agree the legislation covers specific circumstances for those young people, but, certainly, if they get diverted into Youth Justice supervision, that supervision would take that into account.

Ms YOUNG: The other way it can come before the court is Community Corrections might do a sentencing assessment report, so some of that information would filter through into the sentencing process. But, as you say, it is part of the sentencing process.

Mr DAVID SHOEBRIDGE: Yes, and there is nobody providing the kind of judicial training, the kind of guidelines, or the kind of material, that we have heard is provided in the UK. I am not criticising anyone here. It is simply not your job.

The ACTING CHAIR: Any further questions?

The Hon. GREG DONNELLY: It has been very helpful, thank you.

The ACTING CHAIR: Yes. I thank each of you for appearing before the Committee today and for the evidence you presented. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms CZECH: Yes, of course.

Ms SMITH: Yes.

Mr VEVERS: Yes.

The ACTING CHAIR: Thank you very much for your time. Much appreciated.

(The witnesses withdrew.)

The Committee adjourned at 16:52.