



# KWOOP

Keeping Women Out of Prison  
COALITION

The Hon Adam Searle MLC  
Chair Inquiry into the High Level of First Nations People in Custody  
NSW Legislative Council  
Parliament House  
Macquarie Street, SYDNEY NSW 2000

By email: [First.Nations@parliament.nsw.gov.au](mailto:First.Nations@parliament.nsw.gov.au)

KWOOP would like to thank the Select Committee for the opportunity to respond to supplementary questions on notice further to the hearing on December 3 2020.

Yours sincerely

Rosalind Strong AM  
Convenor

## Keeping Women Out of Prison Coalition (KWOOP)

The Sydney Community Foundation through its KWOOP Fund, By My Side Fund and Sydney Women's Fund

SHINE for Kids

Community Restorative Centre (CRC) through The Miranda Project

Women's Justice Network

Zonta Club of Sydney

Australian Centre for Public and Population Health Research UTS

Corrective Services NSW

Dress for Success Sydney

UNSW School of Social Sciences.

Kathleen York House

Soroptimists NSW

National Council of Women

Country Women's Association NSW

Tax deductible donations to support KWOOP can be made to the KWOOP Sub- Fund within the Sydney Community Foundation



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**1 Correction to Transcript - Page 19 -Insert **not** as highlighted below:**

**Ms STRONG:** I am **not** able to give you that advice, but I know that Kelly-Anne Stewart, who is the Principal Women's Advisor within Corrections NSW, and who is a member of the KWOOP Coalition, would be able to provide that. She has given KWOOP the figure of 20 per cent at our most recent meeting.

**2 Supplementary Question 1**

Women's incarceration has risen faster than men's incarceration. This is especially pronounced for First Nations women. Misidentification of offenders in DV situations has been one driver of this.

- a. To what degree is this responsible for that outcome?
- b. What are the other key drivers?
- c. What are five key things that could be done to address this?

1 a Dr Nancarrow from ANROWS will have answered this more comprehensively than KWOOP could as we would be drawing on ANROWS several recently published Reports.

- 1 b Other key drivers have been identified<sup>1</sup> as
- i. Increases in levels of female poverty and consequential housing instability,
  - ii. Changes to the show cause provision regarding Bail
  - iii. Increase in Substance abuse,
  - iv. Overall lack of post release support
  - v. The Summary Offences Act provides opportunities for over-policing in several the state's most disadvantaged communities and First Nations people are disproportionately affected.

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<sup>1</sup> Lorana Bartels, Patricia Easteal & Robyn Westgate (2020) Understanding Women's Imprisonment in Australia, *Women & Criminal Justice*, 30:3, 204-219, DOI: 10.1080/08974454.2019.1657550



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1c Five key things to address this

1. Adopt key strategies from the UK Female Offender Strategy (UKFOS)<sup>2</sup> particularly noting:

*9 There is persuasive evidence that short custodial sentences are less effective in reducing reoffending than community orders. Short sentences generate churn which is a major driver of instability in our prisons and they do not provide sufficient time for rehabilitative activity.*

*7 There is a clear opportunity to take an entirely different approach to this cohort – one that addresses vulnerability, acknowledges the role of gender, treats female offenders as individuals with the potential to make a positive contribution to wider society, and ultimately breaks the cycle of reoffending with all the benefits that brings for families and society as a whole*

UKFOS strategies which should be adopted in NSW as a matter of urgency include:

- i. To ensure fewer women go into custody, .... improve the range and robustness of the options for managing women in the community successfully. This will give courts greater flexibility to respond to the specific factors that can contribute to their offending behaviour.*
- ii. Ensuring that courts have better and more comprehensive information about female offenders to inform sentencing decisions. Pre-sentence reports (PSRs) that capture the complexity of an offender's circumstances and demonstrate how offenders can be supported to comply with a community order, can support courts to keep offenders in the community rather than send them to custody.*
- iii. have prison practice models that support reintegration, facilitate personal development, and reduce recidivism rates*

2. **Greatly expand the provision of affordable, accessible housing particularly for vulnerable First Nations women**

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<sup>2</sup> UK Female Offender Strategy Presented to Parliament by the Lord Chancellor and Secretary of State for Justice by Command of Her Majesty June 2018



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3. Review the Bail Amendment Act 2014 with specific reference to the impact of the strengthened 'show cause' provisions on women who commit minor and/or non-violent crimes; and to strengthen the presumption of innocence, a fundamental principle in the criminal justice system; and to firmly state a provision in favour of bail when a woman has the care of children.
4. Provide sustained and long-term funding of culturally appropriate community led and based programs to address the underlying factors that contribute to risk of First Nations Women's contact with the justice system including intergenerational trauma, racism, discrimination, and social and economic disadvantage.
5. Provide targeted long-term funding for programs to provide diversionary pathways for Aboriginal women away from sentencing to community-based support, including opportunities for training, mentored parenting, employment, healing, and other culturally responsive strategies.

## Supplementary Question 2

From the evidence we heard, lack of access to health services, housing, and skills to gain paid work are key issues in women re-offending and are key to women leaving prison having agency to regain control of their lives. How can this be best addressed?

The best way to address this is not to send women to prison in the first place. The greatest predictor of a woman's imprisonment is having been in prison before.

Women convicted of minor or non-violent crimes attracting sentences of less than 12 months should be able to serve those sentences in the community, as in the UK Women Offender Strategy of June 2018.

There should be promotion of diversion from prison using existing legislated sentencing options through expansion of associated specialised services in the community, particularly in regional locations.

All Pre-Sentence Reports, whether oral or written, to include details of women's family circumstances, such as any dependants and any mental health or domestic abuse issues. They should also set out locally available gender-informed community sentencing options, so that courts are aware of the full range of options for sentencing and for diverting women from custody. Expansion of existing diversionary options in NSW such as the Drug Court, to enable more women to have access to them, particularly in regional locations.



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Reintegration of ex-prisoners into society and reducing recidivism must be recognised as whole of government issues, and requiring of community support

All women who are to be released from prison should be provided with the following to enhance their chances of permanent reintegration into the community:

- sustained, suitable accommodation to provide a stable base from which to rebuild their lives in the community
- appropriate tailored support to provide continuity of care from experienced professionals for issues related to parole, Centrelink, tenancy maintenance, child custody, mental illness, and employment.