

28 April 2022

The Secretary
Legislative Council, Legal and Social Issues Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Dear Committee Chair and Members,

Re: Submission to the Inquiry into Children Affected by Parental Incarceration

Somebody's Daughter Theatre Company (SDTC) welcomes this opportunity to make a submission to the *Inquiry into Children Affected by Parental Incarceration*.

Who is SDTC?

SDTC is a unique Community Arts Company with forty years of experience working with some of the most vulnerable, disregarded and powerless in our society – including women who are/have been incarcerated and severely disadvantaged young people.

We run two major long-term and ongoing core programs:

1. Women in Victorian prisons and post release – Delivered in partnership with the Department of Justice and Community Safety Victoria, Dame Phyllis Frost Centre and HM Prison Tarrengower. SDTC's internationally recognised program for women in prison has positively influenced the lives and directions of many hundreds of women over the years.
2. Disengaged and disadvantaged youth who 'can't do' mainstream education – delivered in partnership with the Victorian Department of Education. This is SDTC's fulltime, arts-led education program, which we first introduced with HighWater Theatre in Wodonga (2000-2015) and are now delivering with Nobody's Fool Theatre (NFT), Geelong (2016 to present) This caters for school non-attenders aged 12 to 19 years.

Each year, these programs generate live theatre performances, art exhibitions, digital resources, workshops and conference presentations.

We are in the unique position of having worked with the children whose parents/relatives have been incarcerated AND mothers who are/have been incarcerated.

We know the stories from the 'inside' and from the outside.

We know that the adults *and* the children share the same stories of complex disadvantage.

Our experience is relevant to **all** the Inquiry's Terms of Reference.

In particular, we would like to highlight our **effective** early intervention young peoples' programs. For decades we have been successfully working to break intergenerational cycles of disadvantage and offending.

Most of the young participants have had family members caught up in the criminal justice system and some have their own juvenile offending history. The majority have experienced trauma and abuse and lived in homes of intergenerational poverty where mental illness, substance abuse and family violence are commonplace.

The following extracts from interviews with participants gives an insight into 'their normal' life.

CASSIE'S 'normal' when 14 years of age

"I grew up far too quick in a home without love. Instead, my twenty childhood homes, (we moved a lot), were full of all kinds of abuse – drug abuse, drug dealing, domestic violence, neglect, fear, confusion and heartache.

All things I grew up assuming were **normal** behaviours.

When I left home at 14. I was already addicted to drugs. I stayed wherever people would let me and when I couldn't find somewhere to stay, I'd sleep in empty housing commission houses, which were only ever empty for about 2 days. I started to deal drugs, so I had money. It made it easier to couch hop as I'd run out of favours. I only ever thought about getting through the day – I never thought of the next day, let alone my future. I didn't see one."

TRENT'S 'normal' when 14 years of age

"The stuff going on at home messes with your head. I mean you look at the other kids and they're talking about a holiday they went on or what present their Mum and Dad bought them and I've been awake all night in case he bashes her or I'm hiding in a cupboard with my little sister in case he comes after us."

KYLIE'S 'normal' when 14 years of age

"I was first taken into foster care when I was two. I have no idea why. I was too young. I have no idea for how long either. My Dad was in jail when I was young but I haven't got a clue what for. When I was real young, Mum and Dad started doing drugs heaps – like stupid stuff – like speed and pot and dealing and stuff – and taking needles and shooting up stuff. Then Mum stopped and Dad stopped – together. They stopped because Mum was pregnant with me – but then Dad couldn't – he still had the habit. He worked hard – he worked big hours. He was trying to get money but then he'd keep buying alcohol and drugs and didn't get anywhere.

In Year 7 when I lost Dad, I sort of had to grow up heaps more than what I already had because I had to take on Dad's role – like I had to be there for everyone – I had to be there for Mum and my little sister and my older sister because she had been there for me.

Mum was bad before Dad passed away. She has smoked pot since she was 12 years old ... so that's 20 something years. But it calms her down. So, when she's screaming I just say – go away and have something, but it's bad for her because she's got emphysema. We fight every day – every single day. Screaming and yelling is normal".

SIMON'S 'normal' when 13 years of age

"My childhood was pretty rough. A lot of violence and criminal activity and drugs. There was one point – I was sitting on the couch and one of Dad's mates hit his girlfriend and Dad walked out the front with two knives and they had a knife fight out the front of my house. That was all pretty normal. The first day of primary school we had the SWAT Team (Special Weapons and Tactics) kicking down my door to get my Dad – my very first day of primary school. I don't remember if I got to school. Don't think I did."

CHLOE'S 'normal' when 14 years of age

"I got kicked out of grade four primary school, because of what was going on at home. I had heaps of things going through my head – voices in my mind. I couldn't concentrate when the teacher said something, so I got pissed off and started swearing, letting everything out. If I let

anything slip about being hit at home, I don't think anyone believed me or if they did, and got DHS to go home, I'd get a flogging. At school I got picked on and teased. The others were big and smart and rich with nice clothes. I had a second-hand uniform. I couldn't trust anyone, or tell anyone about my problems, or it would get around. I wasn't very popular because I was a 'low life'. So I messed up."

KEESHA'S 'normal' when 16 years of age

"I'm a 16-year-old indigenous girl. I live in social housing in a low SES neighbourhood in Geelong. I have two younger brothers.

Since I was 12, my parents have disappeared for weeks at a time leaving me to look after myself and my brothers. I dropped out of mainstream school in Year 7. Even going near the school gate made me anxious. I knew I was different. Both mum and dad have drug issues. Mum was always stressed, off her face or sleeping a lot. Taking 'ice' can make dad violent. There were many times when I thought dad would end up killing your mum and I'd get in the middle and take it for mum. When dad first got on drugs I used to get really scared and thought "why is he like this? Why is he always hurting mum? Why is he always disappearing and then coming back and treating us like shit?"

And then after a year I was used to it.

This was **normal**.

I just had to be tough and strong for my brothers.

I kept all this a secret because I'd been brought up to never say anything about what was going on at home. But then came a time when it was too much.

My parents had been gone for more than the usual 2 weeks or so – more like 2 months. The rent and the bills haven't been paid. There is no money. There is no power. There is no food. There is no front door. (Your dad kicked it in last time he was here.)

I hated or feared being judged. Like if I said 'my parents are on drugs and they have disappeared well people might judge me for that. And mum and dad told me scary stories of when DHHS would come and we'd be sent to foster homes. That had happened to them. So I didn't want to risk going into a foster home... Mum had multiple foster homes and Dad had a few also. Both had been taken away. And I didn't want that."

HEIDI'S 'normal' when 17 years of age

"Where I used to live in Geelong, honestly sometimes you would be up at night listening to gun shots. I'd commonly watch a brawl happening in my court, you know like the neighbours punching on and then one person will go inside and get a bat. We used to live right in the centre of the court so we could see everything going on in the whole court. But that was normal. You didn't need to watch TV you could just watch out your door. There was shit going on all day and night.

So it was never quiet that I remember. There was always something – whether you hear someone like screaming, yelling or fighting or whether it's something even more intense. It's dangerous to get involved in other people's stuff so you just keep out of it.

We used to just shut our doors, cover our windows and say you can kill each other out there but we're not a part of it. Snitching is also a bad thing. You just keep your head down, keep the curtains closed and stay out of it. That's normal life. What you don't see – it's not your problem.

So, I was 15 when I left home and I just stayed out. I hadn't been going to school for years. There were a lot of things going on. Lots of violence and things with drugs and stuff. I was on

ice for nearly a full year and you just get stuck in that world and you don't realise. When I was on drugs the thought of going to school – I thought that was just ridiculous.

I thought I didn't need an education I'm fine. I didn't need support or anything – I didn't need people to look up to. I didn't need it.

Getting drugs is so easy. SO easy – in my world anyway It's easier than finding an alternative school like Nobody's Fool with Somebody's Daughter.”

All these young people were in our program for 3 to 5 years.

Some have stayed connected to us for more than a decade, taking on roles to mentor other young people.

Many completed Year 12. Some went to university. Several are parents with happy healthy children in secure housing with jobs.

Heidi and Keesha are two NFT participants. They graduated with their Year 12 VCE last year and are now trainees with the Company.

A close look at the profile of Victorian prisoners, reveals that the snapshots of 'normal' from the young people in our programs, is mirrored in the characteristics of disadvantage in the incarcerated adults. The cycle perpetuates.

Characteristics of those incarcerated

- **Poverty** – communities with highest rates of disadvantage (6% low SES postcodes account for more than 50% of Victorian prison population).¹
- **History of childhood/adolescent trauma** – numerous studies have enunciated links between trauma and subsequent substance abuse (to dull pain), mental illness and criminal behaviour.
- **Mental illness** – 2 in 3 women in prison entrants received a mental health diagnosis ² 42 percent of male prisoners, and 33 percent of females, were diagnosed with Acquired Brain Injury.³
- **Poor education** – (only 12% attained Year 12) 1 in 3 prison entrants had an education attainment level under Year 10.⁴
- **Repeat 'offenders'**. Almost three in four, 73%, prison entrants had previously been in prison, and more than three in ten (32%) had previously been in prison at least 5 times.⁵
- **Insecure housing** – More than half (54%) of prison discharges expected to be homeless, or didn't know where they would stay, once released.⁶
- **History of family and/or sexual violence** – An overwhelming number of women in prison have experienced abuse. Studies consistently report that a high proportion (around 70–90%) of women in custody have a history of emotional, sexual and/or physical abuse.⁷

1 Vic Ombudsmen 2015: Investigation into the rehabilitation and reintegration of prisoners in Victoria

2 Australian Institute Health & Welfare, 2020, Health & Welfare Australian Prisoners

3 Vic Prison Audit 2011

4 Australian Institute Health & Welfare, 2020, Health & Welfare Australian Prisoners

5 RoGS Report on Government Services 2020. Part C: Justice. Canberra: Productivity Commission

6 AIHW 2018 Health of Australia's Prison Population

7 Women's Imprisonment And Domestic, Family And Sexual Violence: ANROWS Australian National Research Organisation for Women's Safety 2020

Furthermore

- Children are more likely to become involved with the criminal justice system if their parents have been involved in the system.⁸
- Parental imprisonment can exacerbate, or lead to, financial, social, and psychological challenges and disadvantages that may perpetuate a cycle of criminal justice system involvement within a family.⁹
- International and Australian literature shows that having a parent involved in antisocial behaviour or offending increases a child's likelihood of social problems.¹⁰

Incarceration is usually an outcome of **some, or all** the factors listed above – factors of poverty, trauma, abuse, substance addiction, mental illness, unstable housing and poor education.

The children are impacted not only by the fact that their parents are incarcerated but because some or all the above factors are part of **their** 'normal' childhood development.

The children have been living in the same context as their parents.

It is intergenerational.

Characteristics of young people in our Nobody's Fool Theatre Program 2021

- **86%** had been school refusers for more than 12 months upon entry to program.
- **30%** students identified as Aboriginal.
- **96%** students were from low socioeconomic status household.
- **28%** reported being homeless at some stage in their life.
- **18%** have been in out-of-home or kinship care.
- **80%** of students had dropped out/disengaged with mainstream school in Year 7.
- **65%** experienced or witnessed physical/sexual abuse.
- **100%** reported feeling **unsafe** at mainstream school.
- **100%** have mental health issues. 90% suffer from extreme anxiety and a third of those have diagnosed PTSD.

In the past 3 years – **90%** of our NFT program participants successfully completed appropriate Year Levels including ten students who completed VCE or other Year 12 equivalent. One student has completed a Bachelor of Arts, Melbourne University and another is in their first year at RMIT.

These are extraordinary outcomes given their circumstances.

SDTC CEO Maud Clark: "The one common thing all of the young people in our programs share, is not only that school didn't work, but all shared stories of abuse, neglect and a lack of the most basic support structures that are often presumed to be in place for every child. How do you know something is possible if you have never experienced it, or if you're crippled by embarrassment or inadequacy because that world is for 'nice people'. **One thing we know is**

⁸ Troy V, McPherson KE, Emslie C & Gilchrist E 2018. The feasibility, appropriateness, meaningfulness, and effectiveness of parenting and family support programs delivered in the criminal justice system: a systematic review. *Journal of Child and Family Studies*, 27:1732–47.

⁹ Ibid

¹⁰ Australian Institute of Criminology Parental offending and children's conduct problems, 2019, Raudino et al. 2013; Rhule et al. 2004; Smith & Farrington 2004

that no-one would choose these lives. With the kids we are working with there is no fear of punishment or pain – because they have had all that all their lives.

Punishment means very little – care does.”

If the government is going to provide effective services for these children – then the multiple, complex features of disadvantage need to be addressed.

“The overwhelming majority of those we incarcerate around the world have led disadvantaged lives” – former UK Prisons Chief, Sir Martin Narey, in a speech in Buenos Aires to the Annual Conference of the International Corrections and Prison Association, October 2019.

The services **need to be long term** – not just for the duration of the incarceration of parent/s.

We have witnessed time and time again the impact the arts have on the marginalised. For a high proportion, it has been life changing and even lifesaving. Intergenerational cycles of disadvantage and offending have been broken. (See attached Letters).

We would welcome the opportunity to address the Inquiry to give further information on what makes our programs effective.

We are attaching our most recent Program Evaluation Report. (We have many more such documents from the past two decades which support the success of our work.)

“Australia’s criminal justice systems are intertwined with broader cycles of disadvantage. When people experience persistent disadvantage and have complex needs they “don’t just fall through the cracks, they are directed into the criminal justice conveyor belt”, a cycle which is easier to enter than to leave. These systems are trapping more individuals, families and communities in cycles of disadvantage.

The criminal justice “conveyor belt” compounds existing disadvantage, creates new disadvantage, and traps people, families and communities in cycles of disadvantage. Any contact with the criminal justice systems, even short periods in remand, or contact via a parent, is associated with poorer outcomes for families and communities.

More people are trapped in these cycles than ever before. Australia now imprisons more people than at any time since 1900, in both total number and per capita. Our incarceration rate is above the global average in every Australian state and territory except for the ACT.” (CPD, 2020) ¹¹

As evidenced by this and many other research reports, our current systems are not effectively improving the lives of children and young people caught up in these endless cycles.

11 Centre for Policy Development, December 2020 Partners in Crime: The relationship between disadvantage and Australia’s criminal justice systems

RECOMMENDATIONS

For more than 40 years, Somebody's Daughter Theatre Company has successfully used Community Arts as a powerful medium to effect remarkable and lasting transformations in the lives of Victorian children impacted by parental incarceration, and also in those of women in prison and post release – many of whom are mothers themselves – breaking negative intergenerational cycles of poverty, abuse, addiction, disengagement and incarceration.

We recommend that the Victorian Government takes action to provide recognition of the significant contribution Community Arts can and does make to Victoria's social wellbeing, community cohesion and economic landscape. Immediate steps should also be taken to increase investment in the arts sector – particularly noting the important role that Community Arts can and does play in reaching those who are the most marginalised, excluded and invisible.

With high and increasing incarceration rates, it is critical that we look beyond short term 'fixes' and invest in proven, long-term programs and services.

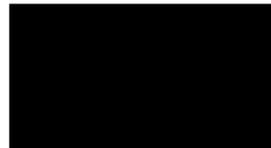
We would add that, because of recent Federal Government funding policy changes, the future of SDTC has been placed at risk. Without financial support, it is likely that we will be unable to sustain delivery of our programs beyond the end of 2022.

We call upon the Victorian Government to help fund our programs and those of other small community organisations who have a strong evidence base of breaking negative cycles for children impacted by parental incarceration.

Yours faithfully,



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