



**Legal and Social Issues Committee
Legislative Council**

Inquiry: Inquiry into Children Affected by Parental Incarceration

Hearing Date: 30 March 2022

Question taken on notice

Directed to: Professor Thalia Anthony, Professor of Law
University of Technology Sydney

The CHAIR (Page 17)

An offline question we might follow up on is that we have heard that there are also some programs in New Zealand that are doing quite well in this, so we might follow up with you to see if you can make some recommendations to us about other examples.

Response:

We need to first acknowledge that Maori are over-represented in Aotearoa/New Zealand prisons, with Maori woman comprising 63% of the prison population and men 50%. See: He Waka Roimata: Transforming Our Criminal Justice System, the first report from Te Uepū Hāpai i te Ora—The Safe and Effective Justice Advisory Group (2019)

<https://www.justice.govt.nz/assets/Documents/Publications/he-waka-roimata.pdf> at 23.

The carceral experiences of Maori parents continues to have negative impacts on children. This is extensively researched by Professor Tracey McIntosh, a proud Ngāi Tūhoe woman. See, for example: <https://www.abuseincare.org.nz/assets/Uploads/Documents/Public-Hearings/Contextual/23.-Tracey-McIntosh.pdf>

Accounts of incarcerated parents are documented in a number of articles, including by Maori mothers, in the special edition of the *Journal of Prisoners on Prisons* (published 3/4/22)

<https://uottawa.scholarsportal.info/ottawa/index.php/jpp/issue/view/601>

Programs tend to be more successful for Maori children and parents alike when they are based on *Whanau Ora* – which is based on the self-determination of whanau and families in the provision of programs. See <https://www.tpk.govt.nz/documents/download/115/tpk-childrenofprisonersdata-2011.pdf> at 35. Professor McIntosh works with Maori women in prisons to strengthen their connections to family. She runs a poetry writing course in prison that enables Maori women to reflect on their whanau in prison. See <https://www.rnz.co.nz/news/national/321773/poetry-brings-peace-behind-bars>

More specifically, programs (at least pre-COVID), such as The Mothers Project <https://www.mothersproject.org/> run in women's prisons in Aotearoa/NZ, facilitates volunteer lawyers to work with incarcerated mothers to inform them of their parental rights and to locate children to rebuild family connections. This has provided positive support for Maori children and mothers. See <https://www.nzherald.co.nz/nz/the-mothers-project-connecting-women-in-prison-with-their-kids/L6PDIQTN5Y424JO74PORVM4E6A/> This would be a valuable addition to Australian prisons where ties between parents and children, especially mothers and children, can become severed during a term of imprisonment. A feature of research in NSW is that parents find it difficult to maintain contact or know the whereabouts of their children, which may be assisted by such a program.