

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Children Affected by Parental Incarceration

Melbourne—Thursday, 31 March 2022

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Mr David Limbrick

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WITNESSES

Ms Julie Hourigan Ruse, Chief Executive Officer,

Ms April Long, National Operations Manager, and

Ms Moana Wati, Victorian State Manager, Shine for Kids.

The CHAIR: Welcome back. Thank you to everyone who is joining us. As I am sure you already know, this is a public hearing of the Legislative Council Legal and Social Issues Committee's Inquiry into Children Affected by Parental Incarceration.

We are very lucky now to be joined by the organisation Shine for Kids. With us today we have Moana Wati, who is the Victorian State Manager; April Long, who is the National Operations Manager; and Julie Hourigan Ruse, who is the CEO. Sorry to put you last, Julie.

Ms HOURIGAN RUSE: Not a problem.

The CHAIR: You are all very important to us; literally you are very important to us. As I mentioned, Professor Loucks also gave a shout-out to your organisation. So thank you very much for joining us today.

I will just let you know that all evidence taken is protected by parliamentary privilege, and that is provided by our *Constitution Act* but also by the Legislative Council's very own standing orders. Therefore the information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing. But if you were to go elsewhere and repeat the same things, those comments may not have the same protection. Any deliberately false evidence or misleading of the committee could be considered a contempt of parliament.

As you can see, we have a cast of thousands listening to every word you say. They will be transcribing that, and you will receive a transcript in the coming days. I would encourage you to have a look at that and make sure that we did not mishear you or misrepresent you in any way. Ultimately that transcript will become public via the committee's website.

We would love to hear some opening statements from you, and then we will open up for general discussion. Thank you.

Ms LONG: Fantastic. I would like to start off by acknowledging country as a proud First Nations person from New South Wales. I really would like to share an extract from the *Uluru Statement from the Heart*. It reads:

Proportionately, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. Our youth languish in detention in obscene numbers. They should be our hope for the future.

Thirty per cent of children that Shine for Kids supports across 32 prisons nationally in Australia are Aboriginal and Torres Strait Islander children. It is actually estimated that 20 per cent of all Aboriginal children will experience parental incarceration in their lifetime. I was one of those children, and I bring to this work lived experience of parental incarceration. My father was incarcerated when I was six weeks old. When we acknowledge that lived experience, it is important that we hear from the voices of people, and Julie is actually going to share a little bit later a statement from one of our clients. We also want to acknowledge the work of this Parliament in its truth-telling commission and in the path towards treaty.

Shine for Kids is very excited to see this review happen and provide a submission to the committee. We also want to specifically acknowledge the work of Rod Barton MP to really bring attention to this issue of parental incarceration in Victoria. Our submission and evidence today are going to draw on our 40 years of practice experience, research and advocacy experience across Victoria but also nationally.

In Victoria the rights and challenges of children with a parent in prison largely remain unacknowledged within the justice system. We see children of prisoners falling through the cracks all too often, and we believe these cracks are because of inadequate funding, ad hoc service provision and a real lack of clarity in law and in policy

on how best to support children with a parent in prison. These are children who have dreams, who have aspirations and who have hopes.

We look forward to working with the committee on how we can really address these challenges and providing you with solutions that do not just work here in Australia in other states but also internationally. We know that Victoria can be a leader in this space with the help of this committee. Despite their vulnerability, as we mentioned, there has not been a lot of examination of the needs of children of prisoners across various government departments, be that corrections, education, courts or police, and quite often their views are not heard and are not even mentioned in terms of policy. So right now in Victoria we know that roughly 50 per cent of people in custody are actually parents, so if you look at the prison population being 7000 prisoners, roughly, in the Victorian system, you have got about 3500 parents, and of course they all have children needing support. So we can tell you that in 2019, prior to the COVID pandemic, we were supporting 740 children in Victoria with a parent in prison. Now, sadly, we are the only ones that can give you this data, because there is a massive data issue in the state, and you will see that recommendations 17 to 20—we have provided you with a summary—specifically look at the data issue. These numbers are nowhere near reflective of the need, because Shine for Kids is only funded to deliver services in Barwon, Marngoneet and Melbourne Remand Centre.

We know there are 14 correctional centres in Victoria. We are only providing support in under 25 per cent. And as I said, if we were funded in more correctional centres, we would be able to give you a more accurate number on the need. We believe that without this support we are leaving children unsupported and, we know statistically, more likely to enter the justice system themselves. In New South Wales there has just been some really groundbreaking research that shows that 50 per cent of all juveniles currently in detention have had a parent in prison, and for Aboriginal youth it is almost 70 per cent.

Sadly we do not have that data here in Victoria, but it is fair to say that it would be very similar. Nationally, Shine for Kids actually receives the least amount of state government funding in Victoria of any other state or territory. To place this in perspective, Shine for Kids actually receives more government funding in the ACT, where there is one prison and a population of 500 000 people, than for the whole of Victoria, where we have over 5 million people.

In our submission we are going to celebrate programs that work, both in Victoria and also internationally, and we know that these can be replicated successfully and easily. Recommendations on law reform will also be made around incarcerated parents, because we know reducing incarceration means we are actually going to be reducing the impact that incarceration has on children and young people. So while some progress has been made following the Lord Farmer report in the UK, which shows that by maintaining family connections recidivism is reduced by 39 per cent, quite often we see children of prisoners being looked at through the lens of their parents' offending and how they can reduce recidivism versus their human rights and their needs.

So what is the solution? Whole-of-family, holistic support. We believe that is a win-win for both corrections but also all of the other systems in this space. But we need shared objectives and policies to facilitate that joint working so that we can have that whole-of-family approach. Largely the current situation that we have in this state is that support for children with a parent in prison and their families is being left to the voluntary and community sector. Shine for Kids wants to acknowledge those other community organisations doing great work. Whilst they are providing excellent services individually and they have built up significant expertise over time, that does not conceal what is a systematic failure in being able to join up our systems.

At the moment, as I mentioned, we are funded to run our in-visits and child-parent days at Barwon, Marngoneet and Melbourne Remand Centre. Recommendation 1 is to extend the delivery of those programs to Loddon correctional centre, Ravenhall Correctional Centre, Dame Phyllis Frost and Tarrengower. Keeping in touch with family members who are in prison can be difficult, and we know that prison visits without support can be a daunting experience for children. So what we have is our qualified early childhood trained practitioners who are there to support the children when they come in to make it a little bit less daunting. We have our bright purple shirts on. We are often called the purple Wiggles, because we are there to support the children when they are coming in so they can stay connected. There is a lot of research—and you are going to hear from others in this space—around the positive impact of maintaining that child-parent bond.

The other issue that we do have in this state is transport. It is a big barrier. If you cannot get to a prison, then you cannot stay connected with Mum or Dad, and quite often people do move around in the system—they are

transferred. Shine for Kids is funded to provide transfer for children who are visiting, but again it is at Barwon, Marngoneet and MRC, so it is a bit of a lucky dip at the moment. If you are a child who happens to have a dad in one of those complexes, you get our support. If Dad is then transferred to another prison, that support ceases because we are not funded to provide that support. So recommendation 2 is around extending that program, which is called Ride by Your Side, because we are there riding by the side of the children.

So coming back to the funding, as I mentioned, at the moment, when you look at the funding we receive, it equates to \$200 per child for 12 months worth of support and it is only in those three prisons, which means the 749 children that we are supporting are only 25 per cent of the picture. In contrast, it costs this state \$110 000 per year to incarcerate one adult in custody for 12 months, and coming back to those juvenile justice stats I gave, it is \$550 000 to keep one young person in a juvenile justice facility. So again, if we are looking at those numbers, we know that roughly 374 of those young people are at risk of entering the juvenile justice system at a cost of \$205 million to the state. Now, remembering we are only in 25 per cent of the complexes, it is probably four times that amount.

Continued silence on this issue is costly. But in highlighting these figures we do want to urge this committee to not just look at children with a parent in prison through the lens of their parent's crime or the potential cost to the state but to recognise and protect their human rights as outlined in the Convention on the Rights of the Child. And I do want to highlight a really key international instrument, which is the Bill of Rights for Children of Incarcerated Parents, which was created in 2003 by a San Francisco partnership, and in particular rights 5, 'I have the right to speak with, see and touch my parent'; 6, 'I have the right to support' as I struggle with my parent's incarceration; and 7, 'I have the right not to be judged, blamed or labelled' because of my parent's incarceration.

We know that Victoria has shown leadership with its own bill of rights, and again this could be the case for children with a parent in prison. We ask the Premier of Victoria to take national leadership on this issue and urge the Prime Minister to develop a prevention of intergenerational interaction with the criminal justice fund to support the rollout of a national strategy for children of prisoners. Victoria can lead again, both within the state but as a champion nationally in this space. So we'd like to see some codesigned national policy and guidelines, but starting with the state to really make sure that children of prisoners are recognised as a group who need particular care.

In our submission we will make lots of recommendations, but the top 20 we have highlighted for you, and we are happy to take any questions in relation to that, of course starting with and acknowledging the data gap. If we are not measuring something—if we do not actually know the size of the problem—how can we actually say that we are getting success for so many children in this state? Of course we would be happy to provide a supplementary submission to the committee as well in terms of what these recommendations would look like fully costed and how they could be rolled out. We remain a resource for this committee and Parliament. I would now like to hand over to Julie to focus on the client voice and make sure that the committee can hear directly from carers on the outside and children experiencing this issue.

Ms HOURIGAN RUSE: Thank you. I am humbled to use my voice to give voice to Jane's story.

[QUOTE AWAITING VERIFICATION]

My name is Jane. My husband, Scott, was incarcerated at the beginning of 2020. The reason I am contacting you, Shine, is due to the ongoing and worsening distress and grief being experienced by my beautiful five-year-old boy, with much confusion and many questions surrounding why he cannot see his dad. Does Dad still love him? Does he have a daddy anymore? I was wondering and hoping: is there any possible way you have any ability to organise any sort of contact visit for my son and his dad, who is currently at—

a named prison—

in Lara? Last year we went for a total of 10 months without seeing Scott, and this year we have seen him on and off for a total of no more than seven or eight times. By the look of things currently, it seems it is going to be a lot longer before we get to see him.

My son is severely suffering due to the effects of COVID. He now refuses to speak to his dad on Zoom or on the phone. He has lost complete trust in both me and his dad as we are unable to give him answers or keep any promises. Due to this I am desperately seeking help or direction to anyone who can possibly assist me. I am slowly watching my son fall apart as well as everything around him. His relationships at school are deteriorating, he cannot focus and his behaviour is becoming out of control. Whilst he is still under assessment, he has developed anxiety. He experiences constant thoughts of being worried and is

unable to calm himself, unable to sit still or control his emotions. His psychologist has advised that this could be due to grief and the lack of stability surrounding his dad, which she feels could somewhat begin to improve when visits become regular or are reintroduced at the very least.

The last physical contact he had with his dad was one visit around two months ago. Then they were cancelled the following week. Prior to that he had no contact for at least a couple of months before. So every time he thinks his dad is back, he gets taken away without any clear answers as to when he is going to see him again.

I really hope you can help. Please let me know if you need any further information. Watching my son is breaking me—it is breaking me reading this out loud—

and I just do not know what to do anymore.

I have read that so many times and it has been fine, but just as a parent having to read that—I am sorry, I think that has just broken me.

The CHAIR: It is absolutely gut wrenching.

Ms LONG: And that parent—Moana did a lot of work with her, and we had her full permission and blessing to share her story here today.

Mr BARTON: Have you made any headway there?

Ms WATI: There was a follow-up for this particular story. It has got a little bit worse for the young boy, unfortunately, and Dad has been feeling like he is struggling as a parent. So they have been talking over the internet a little bit more, but they are just really waiting for those physical visits.

Ms LONG: I think we all acknowledge that COVID-19 has been difficult for everyone, but I do not think there is anything worse than having a parent in prison during the pandemic. There have been months without contact. With Catherine Flynn, who you will hear from later, we commissioned some research, and that is also in your pack. Stories like that were all throughout the research—just children thinking Dad had died, and as other things opened up: ‘Why can I go to the football but I can’t see Mum or Dad? Why can I go back to school but I can’t see Mum or Dad?’. You know, we acknowledge the hard work of correctional centres and the department to keep people safe, but there is no doubt that it has had a detrimental impact on the health and wellbeing of kids like this.

Ms WATI: And this is just one story. We hear many, many stories like this. You know, I report to April with a heavy heart, like what Julie has and like what you all have from just listening to that. It really is a very challenging time, and it almost feels like: ‘What can we do?’. So that is why it is really important that we give these children a voice, because these are real children with real stories.

The CHAIR: Thank you. We can ask questions?

Ms WATI: Yes, absolutely.

The CHAIR: I think we all just have to take a moment. Thank you so much for that. I do not think any of us are unaffected by that really stark reality and the starkness of the circumstances, including me—Rod and I are both criers. I think I would like to start with visits. What should we be doing to improve them? We certainly heard during COVID that actually sometimes those Zoom visits were really helpful and enabled children to be in a comfortable setting when they spoke to their parents, with family pets around and those sorts of things. But we also heard that that was still difficult because the paperwork is difficult—the application forms for this. Is there any way that we can streamline a lot of those processes to make it easier for families and people in prison to see their families?

Ms LONG: I might speak to the video visits as a concept first, and then we can talk about processes. Shine for Kids has been advocating for video visits for a really long time as a supplementary form of contact. The majority of children with a parent in prison that we support are actually birth to five. It is really important for those children to smell and touch, in terms of the child-parent bond and attachment theory. That cannot happen over Zoom. So we really acknowledge—and VACRO will share around their family visits program—that it allows the parent to see inside the house, see the dog and all those stories that we have heard, but I do want to share with you a quote from our survey. This from a parent around the video visits:

Children are resilient but they miss holding and talking to their father. The youngest one cries after a talk on Zoom—she wants to hold him. The older one wants to hug him and play games with him—affection is very important and has been hard for them to not have it.

...

My child is very distressed, it's affecting his ... behaviour and emotional wellbeing

So video visits have helped, but what we are starting to see and what our concern is is that they are going to replace the face-to-face visits.

Mr BARTON: We do not want it to become—

The CHAIR: No.

Ms LONG: No, they should only be supplementary. A lot of families do have to travel a long distance. You know, I was at a justice conference yesterday where a lot of people were saying, 'Oh, that's great. The kids don't have to travel now. They don't have to come into an unfriendly prison environment'. The responsibility is on the state and those correctional centres to make it not a daunting environment for those children and make sure that we have transport versus relying on video visits. So that is what we would say in relation to the video visits.

And in terms of standard visiting, what we would really advocate for is our child-parent days, which are 4-hour extended family visits where the child and the parent can move around. They do not just have to sit on a seat. They can kick a football. They have lunch together. They are more normal social interactions.

The CHAIR: How often do you do those?

Ms LONG: We do them four times a year, generally during school holidays. Again, we are funded to do that in Marngoneet, Barwon and MRC, but 40 per cent this state's prison population is in Port Phillip Prison. So there are a number of prisons where they are not available, and we would advocate for those.

You have been supervising some of the video visits and things like that. Is there any feedback you wanted to give them, Moana?

Ms WATI: Yes, definitely. It has been two years, and it has been on and off—they are Zoomed out. That is the feedback that I am getting from a lot of parents: that it is really hard to get the kids to sit and concentrate, or they just do not have anything to say, or they are just too shy. I think that maybe at the beginning of when COVID hit there was fun around it, but now I guess, because they had their schooling on Zoom, for them the feedback is that it is a struggle. And it is not that connection that we really want to help them with as well, so they are just like, 'We've got to get back in to prisons'. The children are saying that they want to see Dad, touch, feel—and mums.

Ms LONG: One of the other technology things we are doing is story time, where we record the voice of mums and dads—

The CHAIR: We heard this.

Ms LONG: Technology has a part—

The CHAIR: Is that in Loddon?

Ms LONG: We are not funded to do it in Victoria; we are doing it in New South Wales and at the Clarence Correctional Centre, which is Australia's largest prison. And in that program they do not just read, you know, a kind of standard children's book; they actually write their own story. So that has been quite therapeutic for the parents in custody, but we have stories of kids going to bed with these books, not being able to put them down, and it allows the parent in custody to be part of that bedtime routine, which is very important for a child. So we definitely think there is a role for technology to play, but face-to-face contact, particularly for that birth to five—

The CHAIR: Yes.

Ms HOURIGAN RUSE: And I think, to the question around process, we know that there is a digital divide. Through lockdown there was desperate need, for families. We just assume that everybody has access to technology and to devices. And even if you have access to a device, what we learned during lockdown was the extraordinary cost of data. Zooming pulls a lot of data; it is really, really expensive. So there was enormous demand on the community sector to be providing those devices, the dongles, the data to be able to keep those families connected. We assume that everybody has digital literacy, and they do not. So to your point about the paperwork and the processes, we often have to help people fill in their forms online. We are turning up with iPads or devices and helping people fill it in. In lockdown that is impossible. So some of those stresses have been amplified. We need to, as a complementary service, be able to use technology better. We need to really understand for the families, who we are assuming can use those AVL links and the technology, that they have access to the devices, the data, the training and the skills that they need to troubleshoot and do those things. Because often if visits are on a weekend, they are trying to have conversations when most community organisations—Shine is, but not all organisations are available weekends.

Ms LONG: And we have a lot of grandparent carers, so that digital divide is even greater. We did run a donate your device campaign, and we actually got additional funding from corrective services Victoria to get the devices, but as Julie says, the devices are one part of it.

The CHAIR: Yes. It just seems it is another addition. It is another tool, but as you say—face to face. So just quickly before I turn to my other colleagues, the architecture and design of places now: I have certainly been to Dame Phyllis Frost and I have been to Ravenhall and I cannot say that they are terribly conducive. Is there a best practice?

Ms LONG: There is, yes, and it is really great to see this in New South Wales. We have what are called ‘child and family centres’, so as you enter the complex there is a big yellow demountable where our team are. You can come in, make a bottle, change a nappy or have a cup of tea before you are processed into the complex. That model is great, but then inside the prison itself, you know, there are models where it has been designed in a child-friendly way. Again, I was just at a conference with some leading architects, and the new design for the Southern Queensland Correctional Centre has been designed with children and family contact in mind.

Further to that, looking at what is actually best for parents in custody—you know, is it really necessary that they have tiny windows or do we want to actually have larger windows so people can actually see outside? Because that is really important, to have access to greenery. I think on the whole design, what we would say is that we have very old prisons in Victoria that have not been designed with any consideration around children—you know, making sure there is adequate play equipment, making sure that it is child friendly. I have seen some great practice from correctional officers where they will wave the security wand and do the things they have to do but pretend it is a lightsaber and make it more child friendly. We also deliver training for correctional officers on how to use child friendly language, because visits are all run around security and the concern that contraband is going to come into the complex. It is not being delivered in a way that is about facilitating a family connection, so we need to shift that lens. Yes, we need to keep prisons secure and safe, but there is a balance there where we can actually be treating families with respect and actually acknowledging children as coming in as clients like you would for any other government department or service. That is something that we would really advocate for. But New South Wales child and family centres and Southern Queensland Correctional Centre are probably the two I would highlight.

The CHAIR: Thank you. I will turn to Tania Maxwell.

Ms MAXWELL: Thank you, Chair. Thank you so much. Thank you does not even seem to begin to be enough for the incredible work that you do, and I think I can safely say of behalf of all the committee and anyone watching today we are so thankful. Without you I think the situation may be far worse than what we have been hearing previously. You have explained so much, and a lot of that information we have had from others who have touched on it, but they have not given us that fulsome response and information that you have. So, what would be three recommendations that you would like to see in this report to address the gaps that you have discussed today, and do you have any evaluations that you can provide to the committee for further perusal?

Ms LONG: Yes, absolutely. I might speak to the evaluation perspective first, because it is actually one of our recommendations. Recommendation 20 is that all programs and policies implemented for children with a parent in prison need to incorporate rigorous monitoring and evaluation processes. One of our programs, Keeping Us Together, is an evidence-based parenting program, and it is recommendation 2 in our summary. It has been externally evaluated, and that evaluation clearly shows that it increases the confidence of parents in custody, because when we are talking about children with a parent in prison we also need to be working with the parent and providing evidence-based parenting programs. I think it would be an excellent question for this committee to ask of the state: what evidence-based parenting programs are we actually providing at the moment in correctional centres to support parents, giving them the tools once they get out to re-engage? That would be the first one in terms of that parenting program.

And the other one is our RISE program, which is recommendation 4. We are currently delivering this in Frankston with the support of Anglicare, and we have developed teacher training. I talked about a systems approach. There is evidence that we will put in our submission around the impact incarceration has on educational attainment, and our teacher training has also been externally evaluated by the University of Western Sydney. So I would also highlight that one.

The third—I mean, we cannot get past the data. I really feel like in order to make progress in this space and to be able to demonstrate the need to get a whole-of-government approach and funding we need to adequately actually measure the challenge. I think that is a government responsibility. Shine for Kids is a resource. We have actually commissioned, with Catherine Flynn, Monash University, Griffith and ANU, a national survey of children of prisoners. If we had more investment in that—it is being philanthropically funded at the moment—then we could adequately provide a much better picture to this committee around this issue. So probably those three I would highlight.

Ms HOURIGAN RUSE: And if we had broader support we could get buy-in for the national survey in those centres where we are not working. At the moment is easier for us to be able to collect our data and to encourage the data where we have existing working relationships, but we know that even the best data that we get is still incomplete. So it is a start, but we really need that government buy-in to be able to encourage full participation so we are actually understanding.

Ms LONG: It is so powerful when we meet with a member of Parliament and we can say, ‘There are, as you can see on this map here, 81 children in your electorate with a parent in prison’. Not being able to have that information and not being able to provide that evidence, it is very hard to then get action and for people to really know the extent of the problem. This comes back to the invisible victims of crime and the stigma and shame. If we are not actually highlighting the challenge, then these children remain invisible.

Ms BURNETT-WAKE: Can I just ask a supplementary question about the data? We are talking about data in general. Could you please drill down a little bit more about the specific bits of data that you want for us, please?

Ms LONG: Absolutely. The first thing I would say is there needs to be—and this is a recommendation for the Minister for Child Protection and Family Services—a data system on the number of children who have a parent in prison. We have massive datasets. Do we have that? And I would say, no, we do not, and I know we do not.

The CHAIR: We do not.

Ms LONG: I am not a member of government. The other thing I would say is that we need a parenthood study when people come into custody—‘Do you have children?’—and actually be able to then measure that at a state level, because I gave you the estimate, based again on the academics. We do not have those actual numbers. So that is recommendation 18.

I have then recommendation 19, and again this is about the state taking a leadership role—we have a national survey and study so that we are actually able to see. What actually happens in this space is it relies on the not-for-profit sector to be the connection. I will meet with corrective services in Queensland or New South Wales, and I will say, ‘Victoria’s doing this really well. Let’s do this here’. There is not any of that coordinated working. For such vulnerable children I do not understand why we do not have a coordinated approach.

The CHAIR: I do not either. Tania. Did you have further questions now?

Ms MAXWELL: No, I am happy to leave it to other members. Thank you very much.

The CHAIR: Cathrine, continue.

Ms BURNETT-WAKE: Sorry, I just wanted you to drill down a little bit more. April, you spoke a lot about inadequate funding. Now, Shine works across, I think, five jurisdictions, so obviously some do it better than others. Notwithstanding the funding gap, I do know that you rely on philanthropic donations, so how much of that money coming in from donations do you get and use? Because that is obviously a bit of an indicator of what the gap is.

Ms LONG: Yes, so at the moment in terms of the state funding that we get, it is not sufficient. We do have to patch that, particularly for the transport component. At the moment in terms of what we are providing, we get almost as much philanthropically to match that funding to be able to adequately service those three complexes. That is the challenge. When Moana then gets a referral or a family saying, 'I need support, but I'm in Port Phillip Prison' or 'I'm in Tarrengower', we of course do not turn children away. We do our best to support them, but that is solely philanthropically funded. We are really happy in our submission to give you the numbers and break it down so you can adequately see, but we would not be able to do the education program I shared with you. That is funded through Communities for Children—so technically federal DSS funding that then goes to other organisations. Largely we do not get any other federal funding in the state of Victoria outside that Communities for Children funding. So, again, we are really happy to cost what it would look like if we were to fully meet the need. When I say 'cost it', it is actually based on actuals in other centres we are in. In New South Wales we are in 11 correctional centres, so we can provide you with some of the modelling around what that looks like.

Ms BURNETT-WAKE: Okay. Another question in regard to funding, notwithstanding the funding gap: just when your organisation has to apply for different funding I am interested to know about the processes where efficiencies can be made and the burden that it has on staff applying for funding—

Ms LONG: I might let Julie mention that one and then—

The CHAIR: Sorry to trigger you, Julie, but—

Ms HOURIGAN RUSE: I know.

Ms LONG: I can see she very much wants to give you this because it is a challenge.

Ms BURNETT-WAKE: I am interested, so please—

Ms HOURIGAN RUSE: The short-term nature of funding is absolutely the biggest barrier. We consistently face the challenge of only being funded for a year at a time, so for employees it is crazy and for employee stability it is really challenging. We are at the end of March, and for funding that expires 30 June 2022 we still have no funding certainty about what is going to happen. It creates enormous employment risks for us as an organisation because if we have to let staff go, we have to do that in a way that is sensitive. Obviously we do not want to let staff go, but the risk is that people have mortgages to pay and rent and their own families to feed and they need employment stability, so they start looking for other work. Every year we have this horrible three months where there is just this real uncertainty, and as organisations we send multiple emails to the agencies to get certainty. I absolutely recognise it links to budget cycles and other things in government and you cannot provide certainty when the forward budget estimates have been—

The CHAIR: It is actually no excuse, but thank you for trying to make one for us, Julie.

Ms LONG: I might share the example of RISE in Brimbank, because it is a real example. Our RISE program fully costed—it is \$120 000 to run that program to support 30 children. Most small grants really are about 60K, and so the situation we have in Brimbank is that we have to apply for multiple philanthropic funding just to run a program with different dates that are ending for funding, and that administratively is a lot to manage. Moana has then got to report against two different buckets of funding, and it just creates so much work. I do not want Moana spending her time writing reports for philanthropic funding that, quite frankly, the government should be providing as an essential service, because that is taking her away from supporting that

child and family about which you heard Julie share with you. It creates such a resource burden on us as an organisation because it pulls people from what they really need to be doing because we are just trying to keep the lights on and run what is an essential service for some of the most vulnerable children in Victoria, whereas if things were properly funded—as I said, from an education perspective, if we had education funding—then that would not be an issue. We would not be having to go out with our cap just trying to provide an essential service to children that need it.

The submission will share Kristin Turney's research in the US. When you see independently the impact parental incarceration has on education it just astounds me that it is not part of any teaching degree. There is no recognition of it within the department of education as an essential need. Teachers who come to our training go, 'Yep, I've had this many kids'. When Moana contacts them, 'I knew something was going on for that child, because of the stigma and shame no-one told us'. We have no notification actually to the school. Our systems do not talk to each other. Children will come home. Mum has been arrested—or dad—and there has been no notification. Those kinds of things—it just creates a real challenge, and we are trying to plug it with small grants, really, that take a long time to apply for.

The CHAIR: And if we were collecting that data right at the very start of the justice process, that data would trigger those actions.

Ms LONG: That is right. There is no accountability and responsibility for the department of education to say, 'We are going to fund an education mentoring program that has been externally evaluated, because they do not know the extent of the challenge, or teachers will tell you, because they have told us in our training, how it manifests in terms of behaviour and conduct problems—developmental delays and those kinds of things—but there is no actual recognition. It is not in any policy as a focus.

The CHAIR: And as we have just heard with Nancy before, the analogy between divorce and death—

Ms LONG: Yes.

The CHAIR: and the numbers was startling. Sorry, Cathrine? Rod? We are so excited being in person.

Ms BURNETT-WAKE: There are so many questions that it would take too long. Thank you.

Mr BARTON: How can it be any good for our bureaucracy? Why don't we fund it for three years? Why do we have a group of bureaucrats having to redo—

The CHAIR: It is across the board, this—

Mr BARTON: This issue, yes.

The CHAIR: issue, and it is crazy. It is fixable, and there are no excuses. Blah, blah, blah, budget, forward estimates et cetera; that is no excuse.

Mr BARTON: Yes, it can be done.

Ms HOURIGAN RUSE: Sorry, if you have other questions, we are really happy to take them on notice and come back.

Ms BURNETT-WAKE: Absolutely. We will take you up on that. Don't worry.

Ms HOURIGAN RUSE: Just—sorry—while it is in my head, we are happy to take all those supplementary questions.

Ms LONG: That is the beauty of doing the public hearing before the submission, because you can help guide us in terms of what your specific questions are. So I quite like that it has been done this way around now.

The CHAIR: Yes, just as we had planned.

Ms HOURIGAN RUSE: Sorry, Rod. I did not mean—

Mr BARTON: That is all right. We spoke about the data. Look, we first started talking about it because of the ridiculous situation where we do not know—and I just want to say to you guys about the data: I have got a friend of mine—we raised it yesterday—an ex-copper, 10 years in the force. I said, ‘How many times, mate, when you nicked someone did you ask the question, “Are there any kids? Is there someone at home looking after the kids?”’, or something, and his answer to me was, ‘Never’.

Ms LONG: It is not part of the arrest protocols, and that will be another one of our recommendations, because we are looking at the whole system. At the point of arrest there is not any built-in mechanism to ask those questions, which is why I said kids come home, the house has been raided, you know, something has happened, Dad is not there, but there actually has not been any notification. The system is not linking up.

Mr BARTON: How scary that would be for the kids.

Ms LONG: Yes.

Ms WATI: I am working with a young boy in first year at high school, and that is exactly the situation. The student adviser just gave me a little bit of information and background, and what he has seen would blow your mind. We would all be in tears. I just keep thinking, ‘No wonder the behaviour is what it is. No wonder he closes down and that he can’t focus in class’, because there are multiple things going on. So the impact is real. It blows my mind that we are just not looking after these kids the way that they need to be looked after.

Ms LONG: And we have the principle of the best interests of the child in the Family Court and in so many other spaces, but it is not factored into this space at the point of sentencing. So there have been Bangkok Rules. There is no taking into consideration that you are a primary caregiver at the point of arrest when a child is present. These are the kinds of things that we want to make recommendations around, because it does start at that point—

Mr BARTON: It has to start at that point.

Ms LONG: If you are not adapting your practices when you are coming in to make an arrest because a child is sitting on Dad’s lap or a child is in the space, that is something that we think needs to be addressed as well.

Mr BARTON: All right. We get it. The data stuff is important. We get it. Are our privately owned prisons part of the problem?

Ms LONG: I think that private prisons need to be part of the solution. I would say that—

Mr BARTON: Very carefully answered there, April. Well done. Beautiful handball there.

Ms LONG: If you have 40 per cent of the state in Port Phillip Prison, it is clear that there needs to be a conversation being had with those private providers at Port Phillip and Ravenhall: G4S and some of GEO. We do work in partnership with private providers in other states and have had good outcomes for children with a parent in prison. So I think it is really clear that their contract with the state should have very clear direction around support for children with a parent in prison. If there is not—

Mr BARTON: Human rights of the children when they are in prison.

Ms LONG: That is right. If it is not there, our practice experience in other states means we have seen that it is not implemented. So we feel like it does not need to be encouraged, it actually has to be mandated that you have a responsibility to ensure that you have got services and supports for children and family connection.

The CHAIR: So should they be funding Shine in those facilities?

Ms LONG: Absolutely. Yes.

Mr BARTON: The private?

Ms LONG: Yes.

Mr BARTON: Yes, why not.

Ms LONG: And we do have that. We work with private prisons—in Parklea in New South Wales, in the Clarence Correctional Centre and over in Acacia in WA—and have very good partnerships, and we get really good outcomes for those children.

Mr BARTON: It would be in their best interests.

Ms LONG: Well, when you look at the recidivism—

Mr BARTON: Well, apart from the fact that they have got to pay.

Ms LONG: Yes. But the onus needs to be on the state when those contracts are being negotiated—to make sure that it is a requirement.

Mr BARTON: It is built in.

Ms LONG: Yes.

Mr BARTON: Yes. All right. Pre COVID what was the norm about visitation with the kids? I know everybody's circumstances are going to be different—whether you are in minimum or high-level security. What was the access? What was normal? Did they meet once a week, once a month, every two months?

Ms WATI: I will take this one. I mostly work out of Barwon and Marnongneet. Weekends—Saturday, Sunday—would be visits. So pre COVID we might have had a family that rang up and said, 'This is the first time that the children are going in'. I would just talk them through the process of the security and let them know that we were going to be there in our bright purple tops—but the dog is going to come through, they are going to get wanded, they are going to stand and do all the different things, because Barwon is maximum, so their security is a little bit different to next door, which is medium. Once they had come through there—they have to lock all their stuff away, there are no nappies, nothing comes through; there are nappies on the other side that are provided by the correctional facility—they went into a room that looks like it is set up almost like a food hall, where there are tables and chairs and there are vending machines on the side. So they can actually bring coins in, but other than that, they cannot take toys or anything—no bags.

Shine sets up a little table in a little area that allows the kids, pre COVID, to come and grab as many toys and activities as they want. We often do themes: it might be superheroes or Australian wild animals. So what we are doing is encouraging the children and their parent and the family to do connection stuff. They might paint together or play Uno. We are lucky that we have got an outdoor area that has got a playground and a basketball court. So we will get out there and blow bubbles and do everything, because we work so well with the correctional prison programs coordinator. We are allowed to bring things in there—obviously that get passed through the gatehouse—but all the activities that we do are really just to keep that bond between father and children and have the whole family interact. There are envelopes set aside for them to be able to put pictures in, but as soon as they stick something on it, that is not allowed, so it is just paint and things like that. We put their number on it and it actually gets sent to them—it goes through security—so Dad can have that in the area with him.

Mr BARTON: So could they go every weekend if they wanted to?

Ms WATI: They can do—I guess as long as they have got permission that nothing has happened during the week. Sometimes it is that—

Mr BARTON: An incident has happened, yes.

Ms WATI: Sometimes it does get stopped.

Ms LONG: That was going to be my point around—

The CHAIR: So the child gets punished for the parent's actions.

Ms LONG: Yes. Visits are used as a disciplinary behaviour management tool. So it is one of the first things you will lose when you are in custody.

The CHAIR: Tania, we are coming to you.

Ms LONG: So what then happens is what is called a box visit, or a non contact—so very much like the movies, with the perspex screen. We would advocate—

Mr BARTON: And we make a five-year-old do that, do we?

Ms LONG: Yes, and the child is not allowed to bring anything into that room. We do not advocate for those visits. We do not think they are in the child's best interest. Moana is there as a resource. She can supervise the contact. So we understand that the governor might decide, 'Well, they're not going to get to see their partner'—but do not punish the child. We can actually—and we do this in New South Wales—supervise the contact so at least the child still gets to see their parent. Because you are actually punishing the child, and they do not understand—'Why can't I hug? Why am I behind this screen?'

Ms WATI: It then becomes about them: 'What did I do wrong?'

Ms LONG: That is right. They think they are in trouble, so that is the other thing.

And just quickly around visits, we really need to acknowledge that women get far less visits than men, and that is because of the rate of children going into out-of-home care and people being able to bring them into. So if you go to a men's prison, it is full of children. You speak to Dame Phyllis Frost and Tarrengower—the number of visits that women receive is significantly less because there is no-one to bring the children, because generally women are our primary caregivers. So that is something that needs specialised support so that those children can remain connected.

We have had conversations with out-of-home care providers who will say, 'But Mum's in prison. We can't bring the child into the prison'. And so we also run training with out-of-home care providers around why it is in the child's best interests. Now, there are some cases where it is not, and we do not facilitate contact, but in the majority of cases the child has not been a victim of the offence, there are no orders in place. It is just that Dad has got into a fight—or mum—or there has been a dirty urinal or something else disciplinary and then the family suddenly are not getting that visit that weekend. The child has been looking forward to it—

Ms WATI: Very often.

Ms LONG: and then it is again trying to explain why they cannot see their parent.

Mr BARTON: Awful. I wonder why we damage the kids.

The CHAIR: Tania. Tania Maxwell.

Ms MAXWELL: Thank you, Chair. And we have heard some discussion around sort of that multidisciplinary hub that I see, from what you have just been saying about that—particularly kids in out-of-home care—could be quite beneficial.

I am just wondering, and you might have to take this on notice, what a whole-of-system policy would look like. To ensure that our report has all the recommendations and the evidence to support our report we do need to have an entire systemic approach to this, because I think the system is currently incredibly broken and we also do not want to leave any gaps. So I am just wondering if you are happy to take that on notice so that, if you were to develop a policy—

Ms HOURIGAN RUSE: Given the time, very happy to take it on notice.

Ms LONG: Yes, we would like to outline that in our submission and, as I said, it will look at law reform, transport and capital expenditure around building of prisons—data. And what we really, as I mentioned in my opening statement, want to see is a national road map, but I think Victoria can be a leader in this space. And having a state road map around what a whole-of-systems approach could look like is something that we would be really happy to provide in our submission.

The CHAIR: Thank you. And I am afraid that is all the time we have. However, we are looking forward to talking further and continuing this conversation throughout the inquiry. Could you also let us know the dates of the next children's visit program in Geelong? Hopefully you have got one coming up.

Ms WATI: As in—

Ms LONG: School holidays.

Ms WATI: Yes, are you meaning that we are going in for a child and parent?

The CHAIR: Yes.

Ms WATI: Nothing is booked yet, because we are actually not in the Lara prisons yet. Everything is getting phased back in. So until we have met all the requirements—it will probably be May.

The CHAIR: Okay.

Ms LONG: And we will certainly give you some dates when we are available to do some site visits and have some more conversations.

The CHAIR: That would be terrific. Thank you so much. We look forward to this continuing conversation. As I mentioned at the outset, you will receive a transcript of today's many and varied discussion. Please do have a look at it. Make sure we did not mishear you or misrepresent anything that you have said. Thank you again on behalf of all of the committee members for your time today, for seeing us in person, but also for the work that Shine has done over the many decades. The committee will take a short break and reconvene at 11.00 am.

Witnesses withdrew.