



PARLIAMENT OF NEW SOUTH WALES

LEGISLATIVE COUNCIL

STANDING COMMITTEE ON SOCIAL ISSUES

A REPORT INTO

CHILDREN OF IMPRISONED PARENTS

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TERMS OF REFERENCE

That the Standing Committee on Social Issues inquire into, and report on, the adequacy of policies and services to assist the children of imprisoned parents in New South Wales.

COMMITTEE FUNCTIONS

The functions of the Standing Committee on Social Issues are to inquire into, consider, and report to the Legislative Council on:

- any proposal, matter or thing concerned with the social development of the people in all areas of New South Wales;
- the equality of access to the services and benefits including health, education, housing and disability services provided by the Government and non-Government sector to the people in all areas of New South Wales;
- recreation, gaming, racing and sporting matters; and
- the role of Government in promotion community services and the welfare of the people in all areas of New South Wales.

Matters for inquiry may be referred to the Committee by resolution of the Legislative Council, a Minister of the Crown, or by way of relevant annual reports and petitions. The Committee has the legislative power to:

- summons witnesses;
- make visits of inspection within Australia;
- call upon the services of Government organisations and their staff, with the consent of the appropriate Minister;
- accept written submissions concerning inquiries from any person or organisation; and
- conduct hearings.

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CHAIR'S FOREWORD

Medical experiments involving human subjects have led to extraordinary advances in human health as well as appalling abuses of people's rights and dignity. The potential for abuse of subjects in medical research is heightened when an individual is unable to consent to their involvement in an experiment because their decision making ability is impaired or diminished. They may, for example, have a pre-existing disability such as dementia or brain damage, or they may be unconscious or disorientated.

Recent revelations about the testing of vaccines on orphans in Victoria between 1945 and 1970 serve to heighten public anxiety about human experimentation, particularly involving vulnerable members of society.

The Committee has been acutely aware of public concerns regarding human experimentation during its deliberations. While we acknowledge the ethical dilemmas posed by the involvement of people with decision making disabilities in clinical trials, we do not believe these dilemmas would be eliminated by proscribing such research. The treatment available through a clinical trial may be the only or most promising alternative available to an individual. In such cases, it may not be in a person's best interests to deny them this opportunity.

This Report tackles important ethical questions raised by involving people with decision making disabilities in a clinical trial, including the ethicality of administering a placebo. In doing so, it also provides an overview of Guardianship law and principles in New South Wales and the regulatory framework for the conduct of clinical trials in Australia. The recommendations aim to facilitate access to clinical trials for people who cannot consent to their own treatment, at the same time as maximising the safeguards to protect them from abuse or danger.

I am extremely grateful to my parliamentary colleagues on the Committee for their dedication to this Inquiry. Members of the community play a critical role in the inquiry process. I would therefore like to convey my thanks to the many individuals and organisations who provided written submissions or evidence to the Inquiry.

My thanks are also due to the Committee Secretariat, in particular, Jennifer Knight, Committee Director for executive support and for writing a key section of the report; Senior Project Officer, Beverly Duffy who worked within an extremely tight timeframe and coordinated the inquiry process, undertook the necessary research and wrote the four technical chapters of the Report; Heather Crichton, for undertaking the administrative elements of the Inquiry and for producing the final Report with great speed and precision; and my Research Assistant, Julie Langsworth for providing valuable editorial fine tuning. Robin Creyke from the Faculty of Law at the Australian National University wrote the second chapter in the Report on Guardianship Law in New South Wales and provided generous assistance to the Senior Project Officer during the course of the Inquiry.

I commend this report to the Government.

THE HON. ANN SYMONDS, M.L.C.

COMMITTEE CHAIR

KEY CONCLUSIONS

- A sentence of imprisonment on a primary carer of children should only be imposed when all possible alternatives have been exhausted. The courts should always seek community-based alternatives, particularly in the case of offenders who have committed non-violent offences.
- Data on the number of parents in prison and on the number of children who have parents in prison should be maintained to ensure that effective policies and strategies are developed for these children.
- Effective pre- and post-release services that have as a focus, family support and re-unification, should be properly resourced and available throughout New South Wales.

EXECUTIVE SUMMARY

On 22 August 1995 the Legislative Council's Standing Committee on Social Issues received a reference from the Minister of Corrective Services, the Hon. Bob Debus, MP, to inquire into the adequacy of policies and services to assist the children of imprisoned parents in New South Wales. This Report represents the results of that Inquiry.

During the course of the Inquiry submissions were received from 38 individuals and organisations and the Committee heard evidence from 39 witnesses. In New South Wales, site visits were undertaken to Mulawa Correctional Centre, Emu Plains Correctional Centre, Long Bay Correctional Complex and Junee Correctional Centre. The Committee also visited Parramatta Transitional Centre. On each of these visits Members spoke with staff and inmates. Further visits and meetings were held at Mt. Penang, Kariong and Yasmar Juvenile Justice Centres. The Committee also met with staff and children at the premises of the Children of Prisoners Support Group.

The Committee visited prisons in South Australia and Queensland where meetings were held with inmates, correctional and welfare staff.

In conjunction with the Inquiry into Children's Advocacy the Committee Chair and one of the Committee's Senior Project Officers undertook a study tour to England, Sweden, Denmark and the United States to examine international models relevant to children of prisoners. Briefings were held with relevant experts and site visits undertaken to prisons which contained family units.

A basic premise adopted by Committee Members throughout this Inquiry is that children should not be punished or unnecessarily disadvantaged for the wrongdoing of their parents. In reality this has been the indirect consequence of policies dealing with parents who commit criminal offences. In the past, children have been overlooked and ignored at all stages of their parent's involvement with the criminal justice and penal systems. In recent times they have been separated from their parents, often forced to move from their familiar environment, and suffer the stigma and loss associated with having a parent in gaol. Many children are put into the substitute care system, become wards of the state, and can ultimately end up homeless or involved in the juvenile justice system. Reunification with a parent who is released from gaol is often traumatic and unsuccessful.

This Report identifies that one of the main reasons why children of prisoners are such a marginalised group is that they have rarely, if ever, been considered in government policy. Despite their vulnerability there has been little examination of their needs by a range of government departments and agencies including police, courts, corrective services, juvenile justice, community services and education.

In reviewing a number of models, both within Australia and overseas, the Committee learnt that some of these jurisdictions have parent-child facilities within the prisons. Some of these facilities have been in existence for some years. Chapter Two reviews the models observed by the Committee.

Inextricably linked to the issue of the separation of a child from his or her parent due to imprisonment is an understanding of the criminal, juvenile and penal systems. This includes an analysis of who offenders generally are (both male and female) and the nature of their offences. Chapter Three profiles offenders. The discussion on female offenders, who are the predominant primary carers, includes information on types of offences, characteristics of offenders, sentencing practices. There is also a discussion on inmates with children and those who are pregnant at the time of their imprisonment. The situation of fathers and Aboriginal parents is also examined.

In Chapter Four the Committee examines the issue of a parent's imprisonment from the perspective of the child. The imprisonment of a parent can cause massive upheaval and dislocation for a child and bring him or her into contact with a number of unfamiliar government departments. The Chapter examines the roles played by the Departments of Community Services, Juvenile Justice, Education, and Corrective Services. Recommendations call for the establishment of a network of Children of Prisoners Officers throughout the state, the appointment of a Children's Officer to ensure the needs of children residing with their mothers in the Corrective Services facilities are met, a review of the visiting arrangements in all the state's correctional facilities, and the prohibition of a number of practices seen by the Committee to be traumatic for young children visiting their parents including invasive security checks, biometric identification technology and boxed visits.

Because a parent's experience with the criminal justice and correctional systems has a significant impact on the child, the Committee examines the parent's experience in Chapter Five. The section examines the role played by the police, the courts and aspects of the corrections system. The Committee proposes training for police in the use of court attendance notices and a pilot project to evaluate the effectiveness of field court notices. In the discussion on the courts in Chapter Five, the Committee reiterates its concern that imprisonment must always be used as a last resort for primary carers of children. It proposes that there be judicial training to encourage members of the judiciary and magistracy to exhaust all sentencing options before imposing a gaol sentence on a parent/carer.

The issue of post-release is examined in Chapter Five and the need for adequate post-release services is discussed. In this section issues relating to transport, housing and social security benefits are reviewed.

A range of options and alternatives are identified and examined in Chapter Six. Available non-custodial sentencing options including Periodic and Home Detention, Community Service Orders and Griffiths Bonds are reviewed and supported. The Committee does not want its support of non-custodial penalties to be regarded as an acceptance of “soft options” but rather as a practical way for parents to be held responsible for their crime while minimising the impact of imprisonment upon the child.

The Chapter also examines the concept of Mothers and Babies Units and the establishment of the New South Wales Mothers and Children’s Program. The Committee sees great potential in the provision for conditional release under Section 29(2)(c) of the NSW *Prisons Act, 1952* and forwards a number of recommendations calling for the development of appropriate guidelines, the expedition of approvals, access to social security benefits and Medicare entitlements for those released under the provision and a review of the option of extending the eligibility of application for conditional release to carer/fathers of dependent children. In addition, the Committee wishes to see a review of the feasibility of allowing fathers who are primary carers to care for their children in the established Mothers and Children’s Unit, Jacaranda Cottages, at Emu Plains Correctional Centre.

The term “imprisoned parents” was interpreted by the Committee to apply to children in juvenile detention centres who are parents as well as children in detention centres who have a parent in an adult correctional centre. Issues pertaining to these children are discussed in Chapter Seven. The Committee is concerned that issues relating to young offenders who are in custody and who are parents have been overlooked. Many of the children of these young people lose contact with them. A range of recommendations are made that deal with minimising the trauma of separation for a child and his or her parent who is in the juvenile justice system.

The plight of refugee children whose parents are interned was brought to the Committee’s attention during the course of this Inquiry. The Committee determined, on the evidence it received, that the matter should be included and examined in this Report even though the management of immigration detainees is a Commonwealth responsibility. Chapter Eight discusses the experiences of these children and current contraventions of the United Nations Convention on the Rights of the Child.

The Committee is pleased to offer this body of research and recommendations to address the need for significant changes in policies and services for children of imprisoned parents.

SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1: (Chapter 1)
That the Premier direct the Office of the Status of Children and Young People to consult regularly with officers of relevant government and non-government organisations, including those recommended in this Report (see Recommendations 14 and 17) to develop policies and initiatives to meet the needs of children of imprisoned parents.

RECOMMENDATION 2: (Chapter 1)
That the Minister for Community Services establish and maintain a data system on all children whose parents are in prison and who are in the substitute care system or are wards of the state. The data system should be used to assist the Department of Community Services in formulating practical and sensitive policies for this group of children.

RECOMMENDATION 3: (Chapter 3)
That the Minister for Corrective Services collect data on the number of inmates in prison who are parents. Such data should be used to establish appropriate policies and practices that facilitate contact between these inmates and their children.

RECOMMENDATION 4: (Chapter 3)
That the Attorney General, the Minister for Corrective Services and the Minister for Juvenile Justice establish a program to ensure that all options for court diversion and non-custodial penalties are thoroughly exhausted before incarceration of Aboriginal and Torres Strait Islander offenders is considered. The Committee urges that this recommendation be treated as urgent and that particular attention be paid to primary carers of children.

RECOMMENDATION 5: (Chapter 3)
That the Attorney General ensure that repeat offenders who are Aboriginal and Torres Strait Islander are not automatically excluded from any diversionary or non-custodial sentencing option.

RECOMMENDATION 6: (Chapter 3)
That the Attorney General, Minister for Corrective Services and Minister for Juvenile Justice ensure that Aboriginal and Torres Strait Islander Offenders are eligible for diversionary and non-custodial programs close to their communities by providing funds where necessary for community service programs or for Youth Conference outcomes.

RECOMMENDATION 7: (Chapter 3)

That following the implementation of the program stated in Recommendation 4 the Attorney General monitor the outcomes to determine whether the courts are utilising diversionary and non-custodial options for Aboriginal and Torres Strait Islander people, and in particular primary carers.

RECOMMENDATION 8: (Chapter 3)

That the Minister for Community Services recruit appropriate Aboriginal foster carers to care for Aboriginal children coming from rural areas to visit their parents in custody.

RECOMMENDATION 9: (Chapter 3)

That the Minister for Health expand the availability of detoxification and treatment services throughout New South Wales to make them more accessible to drug and alcohol dependent people and to provide the courts with appropriate options.

RECOMMENDATION 10: (Chapter 3)

That the Minister for Corrective Services and the Minister for Health establish drug and alcohol detoxification and treatment facilities in all New South Wales prisons. The facilities must be adequately resourced and staffed to meet the needs of inmates and their establishment should proceed as a matter of urgency particularly in relation to Mulawa Correctional Centre.

RECOMMENDATION 11: (Chapter 3)

That the Minister for Corrective Services and the Minister for Health ensure that inmates who are released from prison have access to necessary and continuing treatment for either their drug or alcohol dependency or both (see Recommendations 36 and 37).

RECOMMENDATION 12: (Chapter 4)

That the Minister for Community Services introduce a training course to overcome negative stereotypes of parents who are prisoners for all District Officers who work with children of those parents. The proposed training program should be implemented as a matter of urgency and without delay.

RECOMMENDATION 13: (Chapter 4)

That the Minister for Community Services ensure that District Officers arrange for children in their care to make regular visits to meet their parents in prison or detention. The visit should not be arranged however, when it is judged to be contrary to the child's best interests or when the child expresses the wish to avoid such visits.

RECOMMENDATION 14: (Chapter 4)

That the Minister for Community Services establish a comprehensive network of Children of Prisoners' Officers throughout New South Wales, with at least one designated Officer in each administrative region.

RECOMMENDATION 15: (Chapter 4)

That the Minister for Community Services direct the network of Children of Prisoners Officers to have regular liaison with the Office of the Status of Children and Young People and the proposed Children's Officer in the Women's Unit of the Department of Corrective Services so that policies and procedures are constantly monitored and reviewed (see Recommendations 1 and 17).

RECOMMENDATION 16: (Chapter 4)

That the Minister for Education develop guidelines for teachers and school counsellors to assist them to recognise children whose parents are in prison and respond in an appropriate and sensitive manner.

RECOMMENDATION 17: (Chapter 4)

That the Minister for Corrective Services appoint a Children's Officer to the Women's Unit in the Department of Corrective Services to ensure that the needs of children residing with their mothers in Corrective Services facilities are being appropriately met. To facilitate this role that Officer would have regular liaison with the network of Children of Prisoners' Officers in the Department of Community Services and with the Office of the Status of Children and Young People (see Recommendations 1 and 14).

RECOMMENDATION 18: (Chapter 4)

That the Minister for Corrective Services review the visiting arrangements in all New South Wales Correctional Centres as a matter of urgency. Action should be taken to:

- standardise visiting hours;
- develop a scheme to notify families when visiting arrangements are altered;
- provide appropriate funds to assist families to visit inmates in correctional centres that are some distance away from their home;
- ensure that when school days or public holidays interfere with all-day visits, alternative arrangements are introduced; and
- provide child-friendly and appropriate visiting areas.

RECOMMENDATION 19: (Chapter 4)

That the Minister for Corrective Services institute a training program for all staff to develop positive methods of interaction with the families, particularly the children, of inmates.

RECOMMENDATION 20: (Chapter 4)

That the Minister for Corrective Services prohibit invasive security checks of children under the age of 16 years.

RECOMMENDATION 21: (Chapter 4)

That the Minister for Corrective Services ensure that children are not prevented from visiting their parent in custody because of any disciplinary action taken against the parent. In the event that drugs are brought into a prison via a child the prisoner responsible for the action is to be disciplined and the child should not be disadvantaged by a suspension of visits to a parent.

RECOMMENDATION 22: (Chapter 4)

That the Minister for Corrective Services ensure that children are at all times permitted to have contact with their parents when on visits to prisons and that the practice of 'boxed visits' be discontinued when children are involved.

RECOMMENDATION 23: (Chapter 4)

That the Minister for Corrective Services direct that the use of biometric identification technology as it applies to child visitors to prisons be terminated as a matter of urgency.

RECOMMENDATION 24: (Chapter 4)
That the Minister for Corrective Services institute regulations to ensure that uniform policies governing telephone contact are adopted across New South Wales Correctional Centres.

RECOMMENDATION 25: (Chapter 4)
That the Minister for Corrective Services increase the number of telephones in each correctional centre to maximise the opportunities for children to speak with their inmate parent.

RECOMMENDATION 26: (Chapter 4)
That the Minister for Corrective Services direct the Children's Officer (see Recommendation 17) to prepare a protocol for use throughout the prison system so that children have telephone access to their inmate parent in the event of an emergency or in a crisis. The protocol should also make provision for children to have reasonable telephone access to their parents at other times. Consideration should be given to the use of hand-held telephones for this purpose.

RECOMMENDATION 27: (Chapter 4)
That the Minister for Corrective Services increase the time limits for STD calls between inmate parents and their children to 15 minutes.

RECOMMENDATION 28: (Chapter 4)
That the Minister for Corrective Services ensure that all telephone conversations between inmates and their children take place in private.

RECOMMENDATION 29: (Chapter 5)
That the Minister for Police provide continuing instruction and training to all police officers throughout New South Wales on the use of court attendance notices, particularly in situations where the accused is a primary carer of dependent children, and the offence in question does not involve violence.

RECOMMENDATION 30: (Chapter 5)
That the Minister for Police immediately implement a pilot project throughout New South Wales to evaluate the effectiveness of field court notices particularly in relation to the benefits of dispensing with the procedures associated with the arrest of primary carers of dependent children. The pilot project should be assessed within 12 months.

RECOMMENDATION 31: (Chapter 5)

That the Minister for Police and the Minister for Community Services collaborate to ensure that a strong liaison is developed between the Police Service and the network of Children of Prisoners' Officers within the Department of Community Services so that police officers make appropriate reference to the Children of Prisoners' Officers for the benefit of children when a parent is arrested. The Minister for Community Services should ensure that access to the network of Children of Prisoners' Officers is available at all times (see Recommendation 14).

RECOMMENDATION 32: (Chapter 5)

That the Attorney General immediately introduce legislation based on s. 429A of the *Australian Capital Territory Crime Act, 1900* and in particular, incorporating subsection "m", which provides that when sentencing a person the court shall have regard to the probable effect that any sentence or order under consideration would have on any of the person's family or dependents.

RECOMMENDATION 33: (Chapter 5)

That the Attorney General ensure that prior to sentencing an offender the courts are provided with reports from the Department of Community Services on the impact of a custodial sentence of a parent on any dependent children of that parent.

RECOMMENDATION 34: (Chapter 5)

That the Attorney General develop material and implement training for members of the magistracy and judiciary to enable them to take into account the impact which a custodial sentence of an accused person may have on his or her dependent children.

RECOMMENDATION 35: (Chapter 5)

That the Minister for Corrective Services ensure that any inmate involved in a custody dispute in relation to their children has access to legal assistance, is granted leave and is provided with transport to attend any court proceedings regarding the case.

RECOMMENDATION 36: (Chapter 5)

That the Minister for Corrective Services require a post-release plan for all inmates to be developed and in particular, for inmates with children, to assist in the reintegration of the inmate into the community and the reunification with his or her family. The plan for each individual should commence when the inmate is inducted into the designated correctional facility.

RECOMMENDATION 37: (Chapter 5)

That, as soon as possible, the Minister for Corrective Services establish post-release support services for inmates released from gaol throughout New South Wales, especially services which assist family reunification.

RECOMMENDATION 38: (Chapter 5)

That the Minister for Transport ensure that adequate and accessible public transport is available to and from New South Wales Correctional Centres. Such public transport should be established to facilitate:

- visits between inmates and their children; and
- the reunification process between inmate and his/her children following release.

RECOMMENDATION 39: (Chapter 5)

That as part of a prisoner's post-release plan (see Recommendation 36) the Minister for Corrective Services ensure that all inmates, and particularly those with children, have suitable accommodation upon their release.

RECOMMENDATION 40: (Chapter 5)

That the Minister for Housing ensure that inmates who are the primary carers of children receive priority housing from the Department of Housing once they are released from prison.

RECOMMENDATION 41: (Chapter 5)

That the Minister for Housing and the Minister for Corrective Services establish a Department of Housing client service team for all prisons in New South Wales and in particular, Mulawa and Emu Plains Correctional Centres.

RECOMMENDATION 42: (Chapter 5)

That the Premier urge the Federal Minister for Social Security to ensure that clear guidelines are provided to prisoners on the social security benefits to which prisoners are entitled upon their release or when subject to community-based sanctions.

RECOMMENDATION 43: (Chapter 5)

That the Premier urge the Federal Minister for Social Security to provide all information on social security entitlements for prisoners in their own languages.

RECOMMENDATION 44: (Chapter 5)

That the Premier urge the Federal Minister for Social Security to urgently address the payment of the Sole Parents Pension to women conditionally released under s. 29(2)(c) of the NSW *Prisons Act, 1952* or sentenced to community-based orders.

RECOMMENDATION 45: (Chapter 5)

That the Premier urge the Federal Minister for Health and the Federal Minister for Social Security to allow women released from New South Wales prisons under s.29(2)(c) of the NSW *Prisons Act, 1952* or sentenced to a community-based order to obtain social security benefits and Medicare entitlements.

RECOMMENDATION 46: (Chapter 5)

That the Premier urge the Federal Minister for Social Security to liaise with the Federal Minister for Health to ensure that children of parents released under s.29(2)(c) of the NSW *Prisons Act, 1952* or other community-based sentences are entitled to Medicare.

RECOMMENDATION 47: (Chapter 6)

That the Attorney General ensure that, through judicial education, magistrates and judges always use the option of prison as a last resort when sentencing an offender who is the parent of dependent children irrespective of the existence of mothers and children's units in prison.

RECOMMENDATION 48: (Chapter 6)

That the Attorney General monitor the sentencing patterns of magistrates and judges to ensure that prison is being used only as a last resort for parents of dependent children.

RECOMMENDATION 49: (Chapter 6)

That the Attorney General develop and implement an education program for judges and magistrates to encourage the use of non-custodial sentencing options for drug and other non-violent offenders. The research to develop this program should be undertaken by the NSW Judicial Commission.

RECOMMENDATION 50: (Chapter 6)

That the Minister for Corrective Services implement the mid-week periodic detention program for women at Emu Plains Correctional Centre, currently under consideration, as a matter of urgency.

RECOMMENDATION 51: (Chapter 6)

That the Minister for Corrective Services explore the possibility of introducing child care facilities at periodic detention centres for women in order to ensure that a periodic detention sentence is realistically available to women.

RECOMMENDATION 52: (Chapter 6)

That the Minister for Corrective Services expedite current plans to expand the periodic detention program across New South Wales with a particular focus on establishing centres for female offenders.

RECOMMENDATION 53: (Chapter 6)

That the Attorney General introduce legislation to allow for the requirement of attendance at a drug and alcohol treatment centre as an alternative to imprisonment, with appropriate safeguards.

RECOMMENDATION 54: (Chapter 6)

That the Attorney General ensure that information about the Home Detention Program be included in the judicial education program proposed in Recommendation 49 .

RECOMMENDATION 55: (Chapter 6)

That the Attorney General ensure that the definition of 'residence' in the *Home Detention Act, 1996* should not be limited to a family home but includes appropriate treatment and counselling services.

RECOMMENDATION 56: (Chapter 6)

That the Attorney General introduce legislation to give a statutory base for Griffiths Bonds, an option now available under common law.

RECOMMENDATION 57: (Chapter 6)

That the Attorney General extend the application of Griffiths Bonds to include the deferral of sentences during pregnancy and further, until after breastfeeding, when admission to the Mothers' and Children's Program is not possible.

RECOMMENDATION 58: (Chapter 6)

That the Attorney General ensure that the judicial education program proposed in Recommendation 49 includes material about Griffiths Bonds.

RECOMMENDATION 59: (Chapter 6)
That the Attorney General direct the NSW Bureau of Crime Statistics and Research to collect and publish data on whether there is a discrepancy in Community Service Orders being given to men and women.

RECOMMENDATION 60: (Chapter 6)
That, subsequent to the first annual evaluation, the Minister for Corrective Services extend the Mothers' and Children's Program, including the Fulltime Residence Program and the Occasional Residence Program, to Mulawa Correctional Centre. The establishment of special facilities needed to properly accommodate children at Grafton Correctional Centre should also be expedited. Extension of the Program should not jeopardise an inmate's opportunity for conditional release under s. 29(2)(c) of the NSW *Prisons Act, 1952*.

RECOMMENDATION 61: (Chapter 6)
That the Attorney General provide a bail officer to operate within the New South Wales women's prison system to assist inmates with applications for bail. Priority should be given to those inmates who are the primary carers of children.

RECOMMENDATION 62: (Chapter 6)
That the Minister for Corrective Services allow women on remand to access the Mothers' and Children's Program.

RECOMMENDATION 63: (Chapter 6)
That the Minister for Corrective Services develop publicly available guidelines setting out the circumstances and conditions which must be satisfied for an inmate to obtain a conditional release under s.29(2)(c) of the NSW *Prisons Act, 1952*.

RECOMMENDATION 64: (Chapter 6)
That the Minister for Corrective Services make suitable arrangements to expedite approvals for section 29(2)(c) of the NSW *Prisons Act, 1952* recommendations, particularly for women in the latter stages of their pregnancy.

RECOMMENDATION 65: (Chapter 6)
That the Minister for Corrective Services ensure all pregnant women in custody receive appropriate and adequate ante-natal care and that such care be commensurate to that which a pregnant woman receives in the community.

RECOMMENDATION 66: (Chapter 6)

That the Minister for Corrective Services ensure that when a pregnant woman is escorted to an outside medical practitioner or hospital she is afforded appropriate privacy. Under no circumstances should a departmental escort be present during a woman's labour.

RECOMMENDATION 67: (Chapter 6)

That the Attorney General encourage magistrates and judges to use the option of sentencing a person who is pregnant to a term of imprisonment as a last resort and only in extreme circumstances.

RECOMMENDATION 68: (Chapter 6)

That the Minister for Corrective Services ensure that pregnant inmates serving a custodial sentence may apply for release under s.29(2)(c) of the NSW *Prisons Act, 1952* at the time of and following the birth of their child and that the appropriate post-release supports are available to those women who are successful in their application to assist them with the care of the baby (see Recommendations 36 and 37). In carrying out this recommendation the best interests of the baby must be paramount.

RECOMMENDATION 69: (Chapter 6)

That the Minister for Corrective Services ensure all pregnant inmates, whether on remand or serving a sentence, who are not released under s.29(2)(c) of the *Prisons Act, 1952* are given access to the Fulltime Residence Program. In carrying out this recommendation the best interests of the baby must be paramount.

RECOMMENDATION 70: (Chapter 6)

That the Minister for Corrective Services examine the option of allowing imprisoned fathers, as primary carers, to be detained with their children at Jacaranda Cottages on the site of Emu Plains Correctional Centre.

RECOMMENDATION 71: (Chapter 6)

That the Minister for Corrective Services examine the feasibility of amending s.29(2)(c) of the NSW *Prisons Act, 1952* to make provision for the conditional release of approved male primary carers.

RECOMMENDATION 72: (Chapter 6)
That the Minister for Corrective Services establish a Community Corrections Division within the Department of Corrective Services. The Division should be headed by a Deputy Commissioner who is directly responsible to the Commissioner.

RECOMMENDATION 73: (Chapter 6)
That the Minister for Corrective Services develop appropriate responsibilities for the Community Corrections Division. Those responsibilities should include the management of offenders serving community based sentences that require supervision and the management of inmates released under s. 29(2)(c) of the NSW *Prisons Act, 1952*.

RECOMMENDATION 74: (Chapter 6)
That the Minister for Corrective Services ensure that the Community Corrections Division is adequately resourced and sufficiently staffed to effectively manage offenders in the community effectively.

RECOMMENDATION 75: (Chapter 6)
That the Minister for Corrective Services institute a policy to maximise staff experience in the Department of Corrective Services. Custodial and community staff should be able to rotate their positions so to enhance their career options.

RECOMMENDATION 76: (Chapter 7)
That the Minister for Community Services and Juvenile Justice ensure that statistics are maintained on the number of young offenders who are parents in order that appropriate policies and programs are developed for these young people and, in particular, their children.

RECOMMENDATION 77: (Chapter 7)
That the Attorney General ensure that, through judicial education, and consistent with the provisions of the *Children (Criminal Proceedings) Act, 1987*, community-based sentencing options should always be a first response of magistrates when sentencing a young offender and that custodial sentences be used only as a last resort. This should particularly be the case for young offenders who are pregnant or the primary carers of children.

RECOMMENDATION 78: (Chapter 7)

That the Attorney General ensure, through judicial education, that children's magistrates in rural areas make every effort to find relevant solutions to issues of sentencing young offenders and particularly, those with children, so as to avoid the option of incarceration and the removal of young offenders from their communities.

RECOMMENDATION 79: (Chapter 7)

That the Minister for Juvenile Justice ensure that, when a magistrate makes an order for supervision of a community-based sentencing option, the supervision should be consistent with, and relevant to, the circumstances and needs of the young offender.

RECOMMENDATION 80: (Chapter 7)

That the Minister for Juvenile Justice ensure that young offenders with children and particularly those who are pregnant are made thoroughly aware of their opportunity to elect to have their matter determined by a Youth Conference.

RECOMMENDATION 81: (Chapter 7)

That the Attorney General amend s. 24(1A) of the *Children (Detention Centre) Act, 1987* to include an express provision that leave may be granted to pregnant young detainees to allow them to pursue an activity that is relevant to the birth and well-being of their baby.

RECOMMENDATION 82: (Chapter 7)

That the Minister for Community Services revise the classification system for juvenile detainees to reflect their needs and provide access to programs without compromising security requirements. The new classification system should ensure that young people on remand or classified persons, especially those who have children or who are pregnant, are eligible for appropriate leave.

RECOMMENDATION 83: (Chapter 7)

That the Minister for Juvenile Justice introduce the Mother-Child Residency Program at Yasmar Juvenile Justice Centre as a matter of urgency.

RECOMMENDATION 84: (Chapter 7)

That the Attorney General provide judicial education to inform magistrates and judges that the existence of the Mother-Child Residency Program should not influence them in their sentencing decisions in regard to young women with children and young pregnant women. Detention should always be a sentencing option of last resort.

RECOMMENDATION 85: (Chapter 7)

That the Minister for Community Services and Juvenile Justice ensure that, in cases where young offenders are the primary carers of children, the Department of Community Services prepare a report for the presiding magistrate about the effect that any sentence may have on the children. Such a report should be prepared in addition to any report prepared on the young offender by officers of the Department of Juvenile Justice.

RECOMMENDATION 86: (Chapter 7)

That the Minister for Juvenile Justice institute regulations to ensure that uniform policies governing telephone contact are adopted across New South Wales juvenile justice centres.

RECOMMENDATION 87: (Chapter 7)

That the Minister for Juvenile Justice increase the number of telephones in each juvenile justice centre to maximise the opportunities for children to speak with their detained parent.

RECOMMENDATION 88: (Chapter 7)

That the Minister for Juvenile Justice increase the time limits for STD calls between inmate parents and their children to 15 minutes.

RECOMMENDATION 89: (Chapter 7)

That the Minister for Juvenile Justice ensure that all telephone conversations between detainees and their children take place in private.

RECOMMENDATION 90: (Chapter 7)

That the Minister for Juvenile Justice ensure that visits by children of detainees be of unrestricted length and number, as long as sufficient notice is given, and staff are available for supervision. Visiting areas should be child-friendly and have appropriate facilities for children.

RECOMMENDATION 91: (Chapter 7)

That the Minister for Juvenile Justice expand the number of residential accommodation units for visitors and, in particular for the children of detainees, at all Juvenile Justice Centres. Such units are to be used for those visitors who are required to travel long distances to visit a detainee.

RECOMMENDATION 92: (Chapter 7)

That the Minister for Community Services and Juvenile Justice include a specialist post-release service in the Mother-Child Residency Program to provide appropriate and continuing assistance to young offenders who are parents or who are pregnant at the time of their release from a juvenile justice centre.

RECOMMENDATION 93: (Chapter 7)

That the Minister for Corrective Services ensure that adult inmates are incarcerated in facilities that are near to those where their child is detained in order to facilitate visits between them, wherever such arrangements are possible.

RECOMMENDATION 94: (Chapter 8)

That the Premier urge the Prime Minister to ensure that the educational rights and needs of children held in Westbridge Detention Centre are met through the immediate employment of a teacher.

RECOMMENDATION 95: (Chapter 8)

That the Premier urge the Prime Minister to ensure that the needs of children held in Westbridge Detention Centre to access recreational, artistic and cultural activities be met.

RECOMMENDATION 96: (Chapter 8)

That the Premier urge the Prime Minister to ensure children detained at Westbridge Detention Centre have their health needs met through ready access to a general practitioner and the provision of adequate interpreting services.

RECOMMENDATION 97: (Chapter 8)

That the Premier urge the Prime Minister to abolish the 20 minute time limit on visits by their children to Stage One detainees at Westbridge Detention Centre.