



Victorian Aboriginal
Children & Young
People's Alliance

Submission to the Victorian Inquiry into children affected by parental incarceration

The Victorian Aboriginal Children and Young People's Alliance (VACYPA or 'the Alliance') comprises 15 Aboriginal Care Control Organisations (ACCOs) spread across Victoria. The Alliance advocates on behalf of its members for the rights of Aboriginal children to be heard, to be strong and connected in their culture, and to be safe and well. The Alliance supports the implementation of key Victorian Government policies including Wungurilwil Gagapduir: Aboriginal Children & Families Agreement, Korin Korin Balit Djak: Aboriginal health, wellbeing and safety strategic plan, Marrung: Aboriginal Education Plan and Balit Murrup: Aboriginal social and emotional wellbeing framework.

The Alliance is concerned about the impacts of parental incarceration on Aboriginal children – these impacts on the well-being of children compound the issues already faced by the Aboriginal community across Victoria.

Our communities readily recognise and identify with the issues raised in the report provided by The Australian Child Rights Taskforce in its paper of 6th June 2014 titled *Children of Incarcerated Parents*ⁱ, and we note the prevailing statistical disproportion of incarceration of Aboriginals against the rates of incarceration of the non-Aboriginal population. From this simple fact we know that children from the Aboriginal community of Victoria will be over-represented in this cycle of disadvantage from parental incarceration.

We also note the current situation of bail laws in Victoria that exacerbate the situation of Aboriginals being placed in custody and therefore breaking the routine and opportunity of normal family life for Aboriginal children. This situation for Aboriginal women is highlighted by an article written by The Victorian Aboriginal Legal Service (VALS)ⁱⁱ in which it is pointed out that "More than half of incarcerated women are languishing on remand, having not been found guilty of any offence. Many of these women are parents or primary care givers, and the ripple effect on families and communities is undeniable. Imprisoning Aboriginal women who have not been found guilty of any offence is contributing to the unacceptable number of Aboriginal children being removed from their families and their culture – a modern Stolen Generation. Many of these women are also victim-survivors of family violence. They come into contact with the criminal legal system because the culturally safe support services they need are not available ..."

The Alliance further strongly supports the VALS statements that 'Children whose parents are placed in prison may be vulnerable to behavioural and family issues and are deprived of their basic rights through separation from their parents', that 'the incarceration of a parent can significantly affect a child and lead to social, behavioural, emotional and psychological difficulties as well as physical and mental health problems', and that 'Children of incarcerated parents are often more susceptible to long-term emotional and behavioural issues, stigmatisation, disruption in living arrangements and separation from family, as well as economic loss as a result of the imprisonment of a parent'.

Whilst the importance of maintaining parental connection with children, even within the rigors of incarceration, is universally acknowledged, we note that the circumstances for such visits or other contacts between the parties is awkward at best and is often subject of huge obstacles and barriers. Such barriers include simple matters such as the ability of some inmates to easily and affordably manage phone calls to children and family, to the lack of facility at prison that is suitable and appropriate to cater for a child's visit to their incarcerated parent.

The following is an account from an ACCO program manager:

My experience recently whilst working with a young father incarcerated and the issues we had firstly with arranging through the prison system video or telephone contact, we found that:

- *The prison would schedule arrangements based on court orders etc, book in the date and time and relevant platform for the contact, most times they fail to invite the relevant ACCO staff, the family or even the inmate*
- *This would in turn disappoint the child, frustrate the father immensely who would then become elevated towards the ACCO and prison staff, this could result in limitations being placed on future contact*
- *The child's confusion as to why daddy is on the screen and unable to see the child at home etc., this leaves the family, carers and ACCO staff with the immense job of ensuring the child has an understanding of the situation whilst attempting to limit the impact and trauma placed on the child and family.*
- *Post contact, the young child would act out at kindergarten and home, this would impact the child's social behaviour and mental and physical health.*
- *The child concerned is most definitely vulnerable to behavioural and family issues and of course deprived of their basic rights through separation from their parent/s*
- *I found the prison to be non-empathetic to the cultural needs of the parent and child, the prison made little effort to accommodate cultural celebrations or days of consideration such as, NAIDOC, National Apology Day etc.*

The Alliance believes that the justice system needs to deeply consider the impacts on families when considering offender punishments and we support the VALS view that 'formal family impact statements could assist with providing a more thorough assessment of children and their families, with attention to be paid to likely impacts of sentencing on dependent children'.

Again, we reflect the statement of an ACCO program manager:

My thoughts, we need to look closely at the incarceration of parents and consider were ever possible diversion programs, alternative therapies and even the reintroduction of home detention where judges have this as an option when sentencing, so as to not deprive children of their basic rights due to their parents time in prison and to maintain the bond that parents have with their children, where this is not possible we need better systems to allow children to have meaningful and emotionally and culturally safe contact with their parent, we must minimise as much as possible the trauma and effects this has on children.

The Alliance remains available to assist the Inquiry - contact details included on the Inquiry submission form.

ⁱ Children of Incarcerated Parents - Australian Child Rights Taskforce (6 June 2014)

<https://www.childrights.org.au/reportcard/children-incarcerated-parents/#:~:text=Children%20of%20incarcerated%20parents%20are%20often%20more%20susceptible,result%20of%20the%20imprisonment%20of%20a%20parent.%20%5B37%5D>

ⁱⁱ National Indigenous Times (1 Oct 2021) Opinion: 'Victoria's bail laws are harming Aboriginal women and Aboriginal families' by Lee-Anne Carter and Andreea Lachsz, The Victorian Aboriginal Legal Service