

National Network of Incarcerated  
& Formerly Incarcerated Women & Girls

TWES Consultation  
Department of Employment and Workplace Relations  
GPO Box 9828  
LOC: 12M4 Canberra ACT 2601

Dear DEWR

RE : Prisoner Employment Services for First Nations Peoples Consultation

About Us:

The National Network of Incarcerated and Formerly Incarcerated Women and Girls (National Network) represents women, girls, feminine identifying and non-binary people who are currently in prison, who have been to prison, those who are currently living within the confines of the criminal injustice system and those who have exited the system. Our membership is drawn from all over so called Australia.

Our Network in Australia was founded in 2020 by Debbie Kilroy of Sisters Inside and remains an abolitionist organisation committed to ending the incarceration of women and girls. Collectively we argue that prison will never be a safe place for women or girls, and in fact they are spaces and places that deepen poverty, increase trauma and cause further social and economic harm. Prisons, in our opinion, do not result in an increase in public or community safety.

This submission will contain real stories. It will contain first-hand accounts of women's experiences. These will not be stories garnished from organisations working in the industry harvesting women's stories and plundering their knowledges for commercial gain. Crucial to our ways of being and doing is to share our expertise. In doing so, we offer our stories and experiences to you. Contained within each story is our strength. Each word we offer is a gift. We do not speak to offer ourselves up for your judgement, instead we speak from place of power and presence. We speak to liberate our sisters and kin. We speak to free us all from the bonds that hold us.

Hear us.  
Listen to us.

Because there should be nothing about us, without us.

We would be pleased to expand on any aspect of this submission. We accept that you will receive many submissions. Nearly all of them will be from academics and services providers. Very few, if very many at all, will be from criminalised people. We urge you to seek out our voices. We urge you to seek out our expertise. To do otherwise, is to the peril of all services you design and deliver. We are a unique community with specific needs. Proximity to our oppression does not make you an expert. Until you have seen the inside of a cell and had all of your dignity stripped from you, only then can you testify to what a criminalised person will need in this space.

Yours sincerely

SENT BY EMAIL

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## Our Submission:

### **How should the Priority Reforms from the National Agreement on Closing the Gap be embedded in a Commonwealth-funded prison employment service?**

The National Network believe that the Close the Gap program does very little to stop the harm and violence against the Aboriginal and Torres Strait Islander criminalised community. In fact, the rate of criminalisation and recriminalisation has not reduced, nor has the rate of people killed in custody. Embedding an employment service within a system like the criminal punishment system, which is perpetrating harm and violence upon people and communities seems antithetical to DEWR's stated intention.

The National Network is an abolitionist organisation and argues for the total abolition of prisons, policing, surveillance and all modes of punishment and exile. We do not support programs that extend, validate or promote the colonial carceral state. We do not believe that there is value in embedding services within the injustice systems, nor do we believe that services managed and run by any part of the prison industrial complex will represent the aspirations and needs of the criminalised community sufficiently.

While we fight for the wholesale release of prisoners and abolition of the colonial carceral state, we make the following recommendations below, in addition to providing evidence as detailed in this document:

1. The National Network call upon DEWR to lobby State and Territory Governments to allow prisoners to access accredited vocational and tertiary education external to the prison while in custody. This includes:
  - attending university and TAFE campuses, including Aboriginal colleges on extended day release
  - supporting Aboriginal prisoners to access the ABSTUDY in Custody Award to support transport costs and access to textbooks and stationery, clothing, etc to address inaccessibility to education cost issues
2. The National Network call upon DEWR to lobby the Commonwealth to recognise criminalised citizens as rights holders by:
  - legislating against extrapolating and repurposing data from public court records;
  - regulating commercial entities using criminal justice data to ensure the onus for accuracy and harm mitigation lies with the commercial entity and not the citizen;
  - legislating against the use of conviction data except in appropriate and related instances;
  - sealing convictions that are no longer useful or relevant;
  - and embedding an explicit right to be forgotten based on the European GDPR.These protections create a community of inclusion and safety for criminalised citizens, where second chances have the real possibility of leading to redemption.

## **How can we design and deliver a culturally competent service?**

There is only one solution to ensuring that employment services for criminalised people are safe, relevant and competent services. They must be designed and managed and where possible, delivered by criminalised people.

## **What sorts of supports does the service need to provide to participants while they are in prison?**

“Let me tell you a story.

I went to prison for fraud. I was sentenced to six years imprisonment. My experience of education and employment is perhaps not the norm for an Aboriginal prisoner. But it is real, and it is valid.

When I went to court, I was punished for being smart. I was punished for being an intelligent woman, because smart equals cunning when you are a woman. Smart is sly. Smart is shrewd. Smart is sneaky. Smart is never just smart for us. Smart women are to be feared. We are dangerous. We are the spooks that hide beneath your bed. Add to that I was Black. That was worse. To them I was an anomaly. I earned more money than my then husband. I was smarter than him. I had a better career than him. I was way more articulate; I could hold my own and I when I took the stand for three days straight of questioning, I presented with strength and eloquence. Despite the truth that rested in my rib cage, the court determined through their patriarchal lens that I must have been the criminal mastermind....and I was sentenced to six years and eight months imprisonment for fraud. Fast forward to the day I was dragged through the prison gates, they made different assumptions about me. There they assumed I was stupid. They assumed because I was Black, with a bruised eye to match, had a shiny new criminal conviction – that I was dumb. They signed me up for basic literacy and numeracy courses – because that’s the education they assumed I would need.

They assumed wrong.

I actually had an honors degree.... in education.

And even more so, I had spent the past decade working my way into executive positions in government. I was not stupid.

So, I completed their basic literacy and numeracy courses being taught by people who had fewer qualifications than me.

I completed an “introduction to excel” computer course using outdated computers, despite having worked in state government where I was in an executive position managing multiple departments accessing the highest quality technology.

I completed two units in “women’s studies” with a TAFE lecturer despite having a post graduate Major in Gender Studies.

Then by the time I made it to a Pre-Release Centre, I fought to access tertiary studies. I wanted to do my Masters. I was denied. I was told that my case and my conviction was too high profile, and I would never amount to anything more...no amount of education would change my new status in life.

Anger as always and will continue to be a liberating and motivating emotion for me, and I argued and campaigned to access higher education. Eventually it was approved. I was granted day release to attend university to complete my Masters. The day I left the prison gates for my first day of uni, the old Aunties and my cousins stood at the gates to watch me leave and clapped for me, and told me “we’re proud of you bub, it’s good to see one of us making something of themselves”. My heart lurched. I held so much responsible for that day, because I knew that uni degree was no longer mine – but it was for every Blak woman left inside.

Fast forward the end of my Masters. I completed my Masters with a GPA of 6.7. My thesis was graded at a 97. I completed it with commendations. My accompanying art piece took out the first prize in an open art award. Yet despite these accomplishments, despite my full compliance with correctional service directives, despite overcoming every single financial, logistical and departmental hurdle, despite no support from correctional service staff (to the point of them actively working against me), despite all of my success, the South Australian government introduced policy to DISALLOW prisoners to attend university from South Australian prisons.

I am the first Aboriginal person to attend university from a SA Prison and I am the last.”

- National Network Member

“When I went to prison, I worked in stores. We processed the ‘buys’ for every prisoner in the state. This job was at the men’s prison, and we took a quick 2-minute drive in a prison van from the women’s prison to the men’s prison every day to work in a big shed. Before I came to prison, I suffered from agoraphobia. I hadn’t left the house in years. Every time I left the prison for work, I had a massive panic attack. The prison staff didn’t care. Some of the officers even laughed at me as I hyperventilated in the back of the van. It was the girls who got me through every single day. Add to that, the work involved us restocking the stores shelves. This meant lugging heavy boxes around the storeroom. I also suffered from postural hypertension. The officers knew this because the med staff employed by corrections told them. But they didn’t care. I would get dizzy and feel faint and unsteady on my feet as I bent down and picked up a heavy box to stack the shelves. They didn’t care. We just had to get the job done. Also, while working in stores they used to make us be the training people for the sniffer dogs. They would make us girls stand in a semi-circle and they would have an officer stand with drugs on him and the sniffer dog would weave in and around us practicing looking for drugs. We felt so shame, like we were guinea pigs. And even if those trainee dogs “sat” on us, we would have to be strip searched. That was totally unfair because the dogs weren’t even trained yet, but they trusted an untrained dogs word over a human. At one stage the manager of stores decided I was a bit smart so he said he would give me an extra job. All the extra job was, was to put the buy slips in alphabetical order. It was ridiculous.

They think we are so stupid in prison. We get no new skills; we get treated like idiots and we come out feeling useless.”

- Criminalised woman

**How can the service help First Nations people who have been incarcerated after release (including connection to mainstream services, family supports or paid work)?**

“When I got out of prison, I had a good job working in a call centre. I was basically full time taking in bound calls for a charity. I was working five days a week and the pay was pretty good too. The work was easy, and I got along well with all of my colleagues. I had been there five months when management changed the rules and asked everyone to get a working with children check. I didn’t even work with children! I was on the telephones (but the charity I worked for was a child-based charity! Because I was still on parole, I couldn’t get my “working with children” clearance. Even though I was a good employee and had never had a poor performance review, my team leader had to let me go. They were as sad as me because it didn’t make sense. Being unemployed became an issue for the Parole Board. I started to not be able to afford my rent. My parole officer was harassing me about getting another job, but every job I applied for needed a police clearance (even cleaning jobs). I ended up going back inside for a parole violation because I lost my house because I was behind on rent and couldn’t get another place and you need to be able to provide an address to be on parole.”

- Criminalised Woman

“Given the vast majority of incarcerated people will return to their communities at some stage, it would make sense to ensure re-entry is successful. An integral component of successful re-entry for returning citizens is meaningful community integration. This includes the same areas of need as most citizens require: access to the legal economy or education, community-based resources, a place to call home, and a sense of belonging and purpose. Policies created for the criminal justice space often run contradictory to policies targeting areas of social justice and equality. For instance, policies designed to remedy unemployment, poverty and inequality are undermined by legislation that permits the blanket use of criminal record screening in an ever-increasing number of spaces and places.”

- National Network Member

This country has enabled the private sector to develop and monetise criminal record screening tools and databases to capture people’s court data and on-sell this as a way to screen potential employees, rental applicants, etc. As private databases continue to capture people’s court notices for commercial gain, citizens are prejudiced in obtaining employment, housing, qualifications, and insurance. This is a systemic issue that must be addressed by this country, not at the service delivery level and is reflected in our recommendations.

## **How can the service help employers to hire First Nations people who have been incarcerated?**

The National Network argues that all services should be designed, managed and where possible delivered by criminalised people. Agencies, including governments, are quick to state that Aboriginal and Torres Strait Islander people are the most incarcerated group of people on this Earth, so we would suggest that it would not be hard for DEWR to find Aboriginal and Torres Strait Islander criminalised people to design, manage and deliver services in this area.

Certainly, with appropriate funding, services like Sisters Inside could be funded to coordinate programs that support women on re-entry from prison, while actively working to dismantle the colonial carceral state.