

Article

“We’re Not Being Treated Like Mothers”: Listening to the Stories of First Nations Mothers in Prison

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Abstract: This article is based on research with over 160 First Nations women in prisons in New South Wales, Australia. The research identified the lived experience of prison sentences for First Nations women in prison. Our research methodology was guided by an Aboriginal women’s advisory body called *sista2sista*. It was based on the principles of *Dadirri* in which we listened to the stories of First Nations women in prison *on their terms*. Consequently, many stories we heard were not about the criminal sentencing process itself, but about the impacts of imprisonment on their capacity to be caregivers in the community, including as mothers, grandmothers, aunts, sisters, teachers and role models. The findings from this research are dual. First, the importance of listening to and empowering First Nations women in prison in policy making that concerns First Nations women. Second, the need to decarcerate First Nations mothers and listen and respond to their needs, expectations, priorities and aspirations, to ensure they are supported in fulfilling their role and responsibility to care, nurture, strengthen and lead their families and communities.

Keywords: prisons; first nations mothers; systemic discrimination; child protection; colonialism



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Sensitivity note: circumstances and recollections in this piece can trigger trauma, especially for people formerly imprisoned, people who have experienced child removals by the state or child protection interventions and First Nations people.

1. Introduction

Systemic discrimination produces hyperincarceration of First Nations mothers. First Nations women in Australia comprise one-third (36 per cent) of the female prison population, yet only 1.29 per cent of the general adult female population ([Australian Bureau of Statistics 2020](#), Table 40). In NSW, the figure is 33 per cent, and NSW imprisons more First Nations women (282) than anywhere else in the country ([New South Wales Bureau of Crime Statistics and Research 2021](#)). Of these women, 80 per cent are mothers ([Walker et al. 2021](#), p. 242) and many more have caring responsibilities. First Nations women are the fastest-growing prison demographic, with rates doubling between 2009 and 2019 ([Australian Bureau of Statistics 2019](#)). Since 2013, First Nations women sentenced to prison increased by 49 per cent, compared with 6 per cent among non-First Nations women ([Phelan et al. 2020](#)). The vast majority of these women are imprisoned because they are denied bail and are awaiting a trial or have been sentenced for minor matters and for short terms ([Deadly Connections 2020](#), p. 2).

This article is based on research undertaken across New South Wales (NSW), Australia with over 160 First Nations women in prisons, that sought to identify the “lived sentence”¹ of First Nations women in prison. The number of women involved is in excess of 160, although it was difficult to account for every woman because the yarning methodology

¹ The term ‘lived sentence’ was coined by Maggie Hall to describe how people experience prison sentences and their perspectives on the sentence. See ([Hall 2016](#)).

meant that women came in and out of circles. This research was guided by an Aboriginal women's advisory group called *sista2sista*, and the methodology underpinning this research design was grounded in the principles of *Dadirri* in which we listened to the stories of First Nations women in prison *on their terms*. It was through this research methodology using mixed methods, including survey, semi-structured small and large yarning circles and one-on-one interviews, that we were able to hear many diverse stories from First Nations women, many of which were not about the criminal sentencing process itself, but about the impacts of imprisonment on their capacity to be caregivers in the community, including as mothers, grandmothers, aunts, sisters, teachers and role models. Many of the women expressed their immediate concerns were for the well-being of their children and family. Our listening involved responsibilities, including listening deeply to the women's priorities, and needs and ensuring our research project was aligned in accordance with this. This process involved following through with requests to assist mothers to connect with children, arrange transport of families to prison, and include their demands in submissions to parliamentary inquiries on prisons. The women we yarned with did not define themselves on the terms of the penal system, but as rooted in family, culture and community. As captured by the words of one mother,

"I have five kids, they are the light of my life."

Of the 80 per cent of Aboriginal women in prison who are mothers, 54 per cent have children who depend on them for their basic needs (Australian Institute of Health and Welfare 2019). Two per cent of First Nations women in Australian prisons are pregnant (Australian Institute of Health and Welfare 2019). These statistics are approximately reflected in our research with the First Nations women whom we surveyed and spoke with in prison. Many of the First Nations women are single mothers. They were the mothers of multiple children—some with up to ten—indicating that for every mother imprisoned, multiple children are affected.

This article seeks to honour the stories shared by the First Nations women engaged in the research and centre the concerns they prioritised, particularly in relation to their responsibilities as mothers and caregivers—both inside and outside prison. Grounding research in First Nations voices is a powerful process in challenging systemic discrimination and advocating for change in the world (Behrendt 2019, p. 205)—envisioning new ways of moving forward. Through centering First Nations stories, we shift away from a focus on metrics or deficit criteria that structure risk assessments. Instead, we foreground narratives of transformation and oppression through the power of Aboriginal women's words (see Behrendt 2019, p. 193). Stories challenge assumptions, biases and stereotypes that pivot on deficit. Giving voice enables First Nations women's knowledge to provide a counter-narrative of strength, resilience and resistance. This has the power to heal communities, nurture and build relationships, and advocate for the needs, priorities and aspirations of First Nations women, families and communities.

This research uncovered two significant findings which will be centred in this article. First, the importance of Indigenous women with lived experience in prison to lead and direct policy making to ensure processes of reform seek to listen and empower First Nations women in prison. Second, the need to urgently decarcerate First Nations mothers and in doing so, listen and respond to their needs, expectations, priorities and aspirations, to ensure they are supported in fulfilling their role and responsibility to care, nurture, strengthen and lead their families and communities. We hope this work will help rewrite the narrative about First Nations mothers in prison to one by First Nations mothers in prison.

2. Systemic Discrimination and First Nations Mothers

The over-representation of First Nations mothers in prison has deep roots in a colonial system that has separated mothers from their children since its inception. From the early 1800s, First Nations mothers were taken from their families to live and work on missions, homesteads, ration depots, cattle stations and government settlements (Blagg and Anthony

2019). Mothers who were not extricated from their communities and families endured the forced removal of their children, culminating in the Stolen Generations (Anthony et al. 2020, pp. 103–31).

Penal incarceration is central to the “colonial matrix of power” (Mignolo 2007, p. 156), which inflicts inter-generational harm (Cox 2017). Imprisoning First Nations mothers undermines family bonds and cultural nurturing roles, and causes grief, loss and trauma for children and mothers alike. Prison attempts to dislocate women from their cultural identity and pigeonhole them as an offender without rights. While First Nations mothers in prisons are remanded or sentenced for short terms, their imprisonment can have lifelong and transgenerational impacts.

First Nations mothering needs to be conceptualised outside of a Western frame. It extends to relationships that include grandmothers, aunts, cousins and big sisters (Lohar et al. 2014). As the Deadly Connections Aboriginal organisation notes, the profound effects of imprisonment on Aboriginal children are not only derived from ‘parental incarceration’, but also from the imprisonment of caregivers in extended family and kin relations (Deadly Connections 2020). In this article, the terms ‘mother’ and ‘mothering’ refer to all these relationships.

3. Epistemological Carceralism

The incarceration of First Nations women occurs not only behind physical prison bars, but also involves subjection to epistemological incarceration. Prison silences First Nations women’s voices and classifies them as a number in the system (see also Whittaker 2021). Their criminal records create pernicious assumptions in their interactions with courts, employers, child protection authorities, housing and social services. Women describe their criminal records as haunting and shadowing their existence. One woman shared with us how prison stripped her of her cultural obligations and identity as a First Nations mother,

“We all deserve a right. And what they’ve done to us, they’ve just put us in greens and stripped our names, and they gave us a six-digit number. That’s it, go stand in line.

And once they give you that number, that sticks with you. No matter what. You’ve got one little charge that you’ve been locked up for. Once you go to jail, you’re not going to get bail again.”

Systemic stereotypes of First Nations women erase their identities and confirm colonial-patriarchy epistemologies. Institutions depict First Nations women as either offenders or victims, but never as whole women. The victim–offender dichotomy dehumanises their existence (Blagg and Anthony 2019, p. 85). As Palawa woman, Professor Maggie Walter, states, the penal system generates data to confirm offender objectification (Walter 2016, p. 85). This contributes to more invasive interventions and coercive controls in the name of carceral feminism (Sweet 2016, p. 202). Carceral feminism presumes that the penal system can offer safety and protection to women. It does not come to terms with the structures within the penal system that harm First Nations women. In other words, carceral feminism and its attendant policies do not account for the penal system itself as a form of violence against First Nations women (Sweet 2016, p. 202). Instead, it reinforces labels that attach the person to the system, whether as offender or victim, and denies an identity on their own terms.

In an attempt to engage with the practice of *Dadirri* in research with First Nations women in New South Wales prisons, we listened to the stories of over 160 women. Atkinson (2002, pp. 17, 96) writes about the importance of *Dadirri*, a gift shared by Aunty Miriam-Rose Ungunmerr (1988)—meaning ‘inner deep listening and quiet still awareness’ in Ngan’gikurunggurr and Ngen’giwumirri Northern territory languages. They revealed the diverse strengths and backgrounds of these First Nations women that defy labels. Their identities as First Nations mothers and caregivers in their family were how they characterised themselves as well as artists, musicians, workers in services, university graduates, sports people, Elders and cultural forbears. We listened to their concerns for their children and family and in doing so recognised and centred their role as caregivers,

teachers and leaders. They recognised their responsibility to bring up the next generation. They have the solutions needed to strengthen their well-being to make them the mothers and caregivers they need to be for their families. Mostly, First Nations women were frustrated with how imprisonment undermined their role as mothers and their capacity to care. They note similar frustration at how imprisonment harmed their children and family.

This article discusses, first, the methodology for this research and its guiding principles of *Dadirri* and reciprocity. It demonstrates the need to listen to First Nations women in setting policy and research agendas. Second, it outlines the types of strengths that these women bring to family and community. Third, this article outlines some of the findings in relation to the impacts of sentencing and imprisonment on First Nations mothers. Finally, it outlines the suggestions that First Nations mothers have for enabling their contributions to family and community. It concludes that a strengths-based approach decentres prisons from their lives and stories. It facilitates the empowerment of First Nations women because they are seen and heard on their own terms.

4. Methodology

4.1. Guiding Principles

This research sought to engage First Nations women in prison to understand their experiences of criminalisation and identify strategies for change. It is predicated on long-standing research on the systemic racism that First Nations women experience in the criminal justice system due to the colonial legal system (Behrendt 2000). It is informed by the writings of First Nations women scholars on “patriarchal white sovereignty” (Moreton-Robinson 2007) and the legal invisibility and control of First Nations women (Watson 2014). It seeks to amplify the voices of First Nations women through privileging their experiences, stories, histories and priorities (Sherwood et al. 2015), grounded in a First Nations women’s advisory group utilising yarning and conversational methods. In doing so, it values the role of First Nations standpoints in making sense of the lived experience of First Nations people and patriarchal-colonial systems (Nakata 2007; Moreton-Robinson 2013).

This research is part of an Australian Research Council project involving yarning with over 160 First Nations women in six metropolitan and regional New South Wales prisons. We visited each prison at least twice to ensure a feedback loop and accountability. Most follow-up visits occurred within 3 months. The women lived in locations and belonged to First Nations across the state and country. Their ages ranged from teenagers to elderly women. They were experiencing illness, loss and despair, but all of them had a strength of spirit.

Our project was designed in collaboration with First Nations women in community organisations and services in NSW. We established an advisory body—called *sista2sista*—to design and guide the research in prisons. We drew on features of the advisory group that oversaw the NSW aspect of the Social, Cultural and Emotional Wellbeing of Aboriginal Mothers in prison (SCREAM) project (Sherwood et al. 2015) and sought ethics approval from First Nations organisations (see also Sherwood and Anthony 2020). We additionally built in a support framework for First Nations women in prison that was available to women when released from prison through *sista2sista*. This provided supports during the women’s imprisonment (e.g., facilitating contact with children and support with bail decision appeals) and post-release (e.g., assisting with housing applications, employment and accessing First Nations programs).

We produced a pocket-sized leaflet (see Figure 1), using the beautiful artwork of Ngemba/Yuwaalaraay designer Cassie Willis who was guided by *sista2sista*. The leaflet outlined the role of *sista2sista* and included our contact details so that First Nations women in prison or upon release could call on us. A number of them did. During one of our prison visits, a First Nations woman tore off the logo from our project information and consent form, returning the form and keeping the logo. Like others, she told us that she liked the logo and wanted to keep it in her cell.



Figure 1. Cover of pocket-sized leaflet on sista2sista.

4.2. Location

New South Wales imprisons more people than any other state or territory in Australia. On 30 June 2020, there were 12,730 people in NSW prisons and of these, 282 were Aboriginal women ([Australian Bureau of Statistics 2020](#)). This research took place across New South Wales, Australia, Australia's most populated state on the eastern coast. The researchers visited the following correctional centres: Silverwater Correctional Centre, Emu Plains Correctional Centre, Mid-North Coast Correctional Centre, Berrima Correctional Centre, Dillwynia Correctional Centre and Wellington Correctional Centre. These correctional centres are located and operate on the unceded lands of the Wiradjuri, Gundungurra, Tharawal, Eora, Dughutti, and Darug nations. During these visits, the researchers yarned with over 160 Indigenous women belonging to several First Nations communities across New South Wales, and residing across multiple geographical locations. Many women were imprisoned in correctional centres hundreds of kilometres away from their families and communities. The Aboriginal Women's Advisory Group, Sista2Sista, met in Redfern, on the lands belonging to the Gadigal People of the Eora Nation.

4.3. Recruitment

The recruitment of First Nations women for this project was voluntary and the women could leave at any time. We put up posters, did a call out during muster (a time where corrective services staff check and account for the prisoners), made announcements over loudspeakers and worked with Aboriginal programs officers and corrections staff to identify First Nations women. Recruitment for the research depended on the processes of the individual Correctional Centre and the arrangements put in place to accommodate the visit. A commonality in recruitment across the visits, which was found to be the most effective process in reaching the women, was the use of an announcement over the facilities intercom, and also word of mouth. As previously discussed, the researchers visited six correctional centres on at least two separate occasions, with each visit lasting between two and three hours, depending on the arrangements made by the correctional centres to accommodate the research visits. The number of women who participated in the research at each visit varied, depending on the size of the prison and number of women located at the prison.

The women could choose to enter and leave the room at anytime. This ensured that the women could participate in the research and attend to their other commitments and responsibilities. We let the women know that it involved an open conversation about criminal sentencing and other experiences that they felt were relevant and that they could withdraw at any time. Participants were remunerated with \$15 for their time, which was credited to their prison account and constituted the maximum rate allowed by NSW Corrective Services. Many women turned up and we were often told by the women that during their time inside, they had never been in a room with so many First Nations women and they appreciated the opportunity to share stories, including with one another.

4.4. Ethics

The ethical framework was established following meetings with the *sista2sista* Aboriginal women's advisory group in 2017–2018. Ethics approval was granted by UTS Human Research Ethics Committee, NSW Corrective Services Ethics Committee and Aboriginal organisations. Prior to each visit, the researchers contacted the relevant correctional centre. Five prisons were nominated based on the advice of the *sista2sista* advisory group.

4.5. The Women

The researchers spoke with women who were mothers, grandmothers, daughters, aunts and nieces, ranging in ages from young adults to older women, with the majority of women having children and/or caring responsibilities for family members. The classifications of the prisons ranged from low, medium to high risk and included both sentenced and women on remand. There were high rates of participation in the research by women across all correctional centres, based on survey responses. At some visits, there were 7 women who participated; and at other visits, there were 34 women. The rates of participation depended on the correctional centres processes for informing the women about the research, and also the number of women located at each centre. We provided information posters to the centres in advance of the research visits and gave further information to the group of women when we arrived and before commencing the research. The majority of women spoke about their previous and ongoing histories with the criminal justice system and government agencies (especially child services), commonly highlighting that they had been in custody prior.

4.6. Listening

We provided the First Nations women with various ways to convey their stories. There were opportunities to share their experiences of prison, criminal sentencing and beyond through yarning to a big group, a small group, individually or by communicating in written words on an open survey or in free form. Many of the women chose to participate in both the surveys and group discussions. The majority of research visits with the women commenced with a larger group yarn, before breaking into smaller groups. In some instances, the women requested one-on-one discussions with the researcher to yarn more deeply, or requested assistance with filling out the survey. It was observed by the researchers that although the survey was helpful in guiding the research and providing a method for many women to engage independently, at times the survey questions needed to be clarified or the women wanted to expand on the answers they had provided in the surveys. This highlighted the importance of a mixed-method research design to ensure the women had the opportunity to participate and determine how to do so. The researchers also observed that many of the women shared stories, knowledge and support in the yarning circles, recognising that this method provided an opportunity to discuss issues and topics which had not been raised amongst the women prior to the research.

We always ensured that First Nations women had other women around them for support but also provided more private spaces for confidentiality. In doing so, we drew on the existing support mechanisms and leadership roles the First Nations women had implemented to support each other whilst inside, as well as in response to the lack of formal services and supports. These support structures implemented by the women embodied their pre-existing family and community roles and responsibilities as grandmothers, mothers, aunts, sisters, daughters and cousins. As one First Nations woman reflected upon her crucial role in supporting the other women in prison, responding to the gaps in health services and advocating for their needs,

"I think I'm a strong person no matter what situation because I've been through so much, so like yes they send ... I've got a time I talk them around and I bring them back to normal. So then they can sleep that night, grab them and bring them back to reality, do you know what I mean?"

... basically everyone can come and talk to me about anything ... "

At all visits, there was at least one First Nations researcher and often there were two. Empathy pervaded our yarns, drawing on our various experiences as mothers and daughters, experiences with the criminal justice system, First Nations women, and people who are active in organisations that support First Nations families. We were vulnerable and honest in our perception that the community of First Nations women inside were also part of our community. It helped that, at each visit, we knew the families of women and knew some of the women personally.

In developing this process, we were informed by the principles of *Dadirri* and yarn-ing approaches, which Emeritus Professor Judy Atkinson practices in prison visits in Alice Springs (TEDx Talks 2017) and the SCREAM model of yarning with Aboriginal women in prisons, led by Professor Juanita Sherwood (Sherwood et al. 2015). Yarning in research has been found to be a culturally safe research method with First Nations communities (Bessarab and Ng'andu 2010; Geia et al. 2013). In the current research, yarning was observed by the researchers to be effective in providing a process which was informal, collaborative, respectful and supportive. Although the yarns were semi-structured in accordance with the survey questions, the nature of this method provided an opportunity for the women to guide the research and raise issues and concerns which they identified as a priority.

Atkinson (2002, pp. 17, 96) writes about the importance of *Dadirri*, a gift shared by Auntie Miriam-Rose Ungunmerr—meaning 'inner deep listening and quiet still awareness' in Ngan'gikurunggurr and Ngen'giwumirri Northern territory languages. *Dadirri* is at the centre of Atkinson's trauma informed work with people that have experienced pain and trauma, so as to accommodate their healing. This approach constructs a safe place for people to listen, contemplate, learn and take responsibility with each other. It involves letting the person guide the discussion without judgment or an attitude of defensiveness. For us, we attempted to get to know the women based on their identities and concerns. Yarning would often start with talking about where their mob was from and who was important to them in their family. They would also raise concerns such as not knowing the whereabouts of their kids (if they were in state care); worry about whether their kids were going to school; their untreated health issues and how they would get a house when they were released. If it felt appropriate, we would ask the women whether criminal sentencing courts heard these concerns; had sentencing courts accounted for these concerns, and what needed to change.

Within the confines of prison, we tried to make women feel safe, comfortable and heard. However, the structures of prison and our privileged position as researchers who live outside of prison and have access to housing, employment and income, healthcare and who have the freedom to bring up our children constrain the capacity for yarning to be on a shared standpoint. We sought to clarify our standpoint as critical researchers who sought to challenge, rather than defend, the penal system. We conveyed that the women were the experts and we wanted to use their expertise in a way consistent with their interests and produce outcomes that they would value, including through poster exhibitions in First Nations women's organisations and the dissemination in prisons of accessible booklets that contain the voices of First Nations women in prison.

We felt the responsibility and obligations that came with listening. If concerns inside were raised, we would alert staff or outside support, only when the women permitted this course of action, ensuring they decided how and if we would act and in what capacity. We always made the women aware that we were available after we left and provided the contact details of Aboriginal services they could contact, provided through a small pocket-sized *sista2sista* leaflet. The women often commented that they liked sharing their story, and this was the first time since being criminalised and locked up that they had a formal platform to talk about their experiences of the penal system.

They expressed that they want to be a voice for change, and many women recognised the importance of sharing their story to protect their children and young people from experiencing the trauma of criminalisation and imprisonment. Respecting their requests,

most of our findings to date have been conveyed in public settings that have sought to inform the public or politicians of their experiences and solutions for change. This process seeks to ensure the women's voices are heard on immediate issues and concerns which they have prioritised during the yarns. We have produced booklets for women in prison and people in the community that contain a selection of their unedited voices; organised poster exhibitions with their quotes and prepared papers for the legal profession and parliamentary submissions relating to housing, policy responses to the drug ice and the impact of imprisoned parents on children. This article elevates the voices of First Nations mothers and caregivers in prison.

There is ongoing contact between participants and the researchers. Thus far, the support has included, assistance with housing applications, referrals for assistance with child protection matters, conducting inquiries to support contact between children and mothers, assistance with drafting for bail appeals and the provision of transportation.

5. Diverse Strengths of First Nations Mothers

The richness of the lives of First Nations mothers in prisons is inexhaustive. Each mother brings her own story and the stories of the lives around them, including those of her children. Here we attempt to capture a fraction of their experiences in order to reveal that First Nations mothers in prison come from all walks of life and bring multiple strengths with them. We resist attempts, which are characteristic of the penal system, to classify First Nations mothers according to a one-dimensional frame. This is especially harmful when their identity is pinned to criminogenic labels and risk factors in which they are a sum of deficits. These types of labels that emerge in the penal system and positivist criminological research have the effect of the system dismissing First Nations mothers *and* seeking to control their lives (see also Behrendt 2000; Watson 2014). Indeed, even their motherhood is concealed in the system's relationship with First Nations women as designated offenders. This is encapsulated by one mother,

"We're not being treated like mothers. We are strong independent black women and we deserve our rights, you know?"

First Nations women in NSW prisons come from big and small families, from communities, cultures and language groups across the state and country. They have had education in schools and universities and in culture, community and family. Some were full-time stay-at-home mums before being incarcerated. Others worked in full-time, part-time or casual jobs, including in administration, events organising, the arts, cleaning, childcare and nursing homes. Some owned businesses, including music schools and catering.

Most First Nations women in prison described themselves as caregivers first and foremost. Some are mothers and grandmothers who have had primary care of children and grandchildren. Some care for nieces and nephews. One woman said that she has the care of her brother's children after DoCS "come and took" them. She describes her role,

"Now I'm the fighter of the family. So . . . when it comes to my family I'm a big protector."

One First Nations mother in a NSW prison told us that she was "the most important person in my children's lives", which resonates with the role of many of the mothers we spoke with in prisons. Another mother described her role as "necessary for holding my family together and for my children learning their culture". First Nations mothers bring up the next generation and imprisonment denies them of this opportunity for a period, and if child protection authorities become involved, potentially removal continues on an ongoing or permanent basis.

6. Impact of Imprisonment on First Nations Mothers and Children

First Nations mothers in prison conveyed that imprisonment undermined their social, cultural and emotional health and well-being of themselves and their families. Their capacity to mother was what kept them strong. They described the system stealing parents from their kids and kids from their parents. Parents who had children in their care were

taken from their children, and the department took children out of the ongoing care of the mother while they were inside prison. We were told that removal occurred even when family members could have looked after the children during the prison term.

Removing a First Nations mother or caregiver from her children can have a detrimental impact on her child's identity, well-being and relationship with family, community and culture. The loss of mothering can be especially devastating to children who are placed in out-of-home care as a result of their mother's imprisonment ([Australian Law Reform Commission 2017](#)). This was a significant worry to mothers inside and the threat is very real given the hyper-removals of First Nations children from their families and placement in out-of-home care ([Australian Institute of Health and Welfare 2019](#)). Yued-Kanyigang woman and researcher, Dorinda Cox, explains the critical effect of prison for First Nations women in terms of interrupting "attachment to their children resulting in transmission of inter-generational trauma and further entrenching cycles of disempowerment" (Cox 2017, p. 1). As one First Nations woman powerfully stated,

"We talked a lot about closing the gap. You know how they create the gap? By taking our children away from us. You and me. Putting behind this, they don't care about them. No one wants their kids more than their own family . . . "

The dual ways in which families are separated through imprisonment and child protection reveals how they reinforce one another in opposition to First Nations mothers and families. They collectively send a message that the First Nations mothers inside are not good enough. First Nations mothers spoke about the agony of not being able to provide care generally, and specifically for children with heart conditions, cancer, delayed speech and high cognitive, physical and emotional needs. One mother expressed that she had been central to building her son's resilience and how her son "didn't deserve" being "set back" by her imprisonment. One mother shared her feelings of hopelessness in prison and the wide-ranging and layered impact her imprisonment has had on her family: "It has affected my husband and children really bad, my husband was put on sleeping tablets, my children haven't been sleeping, missing a lot of school, my older daughter had to leave her job in [removed] to help her father". Mothers reflected on the milestones, celebrations and funerals that they missed while in prison.

A significant proportion of the First Nations women had their children stolen by the state and relived this trauma every day. Some have had their children taken due to imprisonment. One mother describes how she had "lost my kids for half their little lives" into state care and only managed to have them returned to her after "a long fight". She was proud of herself for getting her kids back, but then imprisonment undid all her hard work,

"[The department has] taken them away from me again. . . . My kids, they're like, 'Mum, why don't you come home with us?' They don't understand. . . . They say, are the police hurting you? . . . And they say, Mum, can we have a sleepover with you? It breaks my heart. They're too little, to know what the fuck this means. But now, my five-year-old's never going to forget this. I remember when I was five, I'm pretty sure he will too . . . "

One woman recounted,

"I'm a mother of four children, and due to my reoffending, the reason why I'm here today, I lost my children. DOCS [Department of Child Services] took my children and placed them with a white family, not that I'm racist or anything, but placed them with a white family . . . There was three months between my babies being taken, my relapse and everything else, and me coming to jail. I haven't seen my children once since I've been in here. I've had a couple of phone calls that is it. You know what I mean? That is it. I haven't seen my babies once, and they wonder why I carry on the way I do sometimes."

Separation from children triggered and exacerbated inter-generational trauma. They were aware of to their parents' and grandparents' experiences of being removed or having their children removed into state care. First Nations women spoke about the ongoing impact of the Stolen Generations and how the department continues to take their babies, including from hospital. One woman said that she was doing fine and cooperating with

the department but when the workers took her child soon after birth, she fell apart. She said, “that broke me”. Another women explained her ongoing grief and suffering from the removal,

“DoCS threatened me from the day I gave birth to my kids that they were going to come and remove my kids.

I struggled at 18 to be a mum. Not having a mum, so I struggled bringing them up. . . . But when I asked for help, I wasn’t provided the help. Then four years ago, I gave birth to my little boy and then DoCS took my son. . . . He was 16 days when they come and took him from the hospital. So, I haven’t seen my son since that day. They’ve taken him from New South Wales. I’ve been trying to contact DoCS from the day he was taken to get rights to him to know what’s happening. . . . He doesn’t know me. He doesn’t know anything. He doesn’t get to meet his sister. And all of my family have been cut off from both of my kids.

As a young kid, growing up in care, I was being told that you’re not good enough.”

For one woman, she recalled how the state had taken her from her parents at the age of four based on “false allegations” from the department. They changed her name and identity and separated her from her twin sister. One woman who was running her own music school was constantly reminded that the care of her children had been stolen from her,

“I’ve got to open the doors and let a whole bunch of kids in. But that affects me again, because I don’t ever get to see my own kids.”

The mothers are clearly aware that the pain and suffering from the loss of their children will persist following their release from prison. Although prison is finite, the consequent removal of children has ongoing impacts. One woman says that because she has lost her “two kids” due to being imprisoned, she has “lost everything on the outside I had”. She says, “At the end of the day, when I walk out of here, I’ve got nothing on the outside. I’ve got no home. I’ve got no reason to even keep me grounded”.

7. Constrained Contact between Mothers and Children

In relation to contact with children, we discerned from yarns with First Nations mothers that, first, prison visits and phone contact could never compensate for mothers being free in the community to bring up, or to use the phrase of First Nations women “grow up”, their children. Ad hoc visits and phone contact were not an adequate mechanism for developing bonds with children and performing mothering roles, notwithstanding attempts to mother from prison. Second, there were inadequate provisions for visits, including a lack of transportation to facilitate children’s visits, child-friendly visiting areas (such as with play equipment or in natural environments) and flexible times and lengths of time. First Nations mothers frequently expressed concerns that they were sent to prisons far away from their homes and families and had limited funds to make phone calls. They also relayed more entrenched barriers, including that prison made them feel shame and they did not want their child seeing them inside or to be exposed to the prison environment. One woman commented:

“I just think they’d be disappointed with me. . . . But I miss them so much.”

There are the compounding factors that child protection orders prevented mothers from ascertaining contact details for their children. Imprisoned mothers whose children had been placed in state care often did not know the whereabouts of their children or how to contact them. There was also the barrier of the unwillingness of foster caregivers to facilitate in-person or phone contact with mothers. Impediments to information sharing or blocks imposed by foster caregivers were a major source of worry for mothers who had no idea about the well-being of their children. A common follow-up for our prison visits was to make inquiries about the whereabouts of children and requests for caregivers to facilitate

contact between children and their mothers inside. There was no automatic process for this to occur in prisons.

Furthermore, mothers felt that access to Audio Visual Link technology (commonly referred to in Australia as 'AVL') to speak to their children online would facilitate increased contact and queried why this simple but important need could not be addressed. Indeed, computers in cells has been a demand of prison advocacy groups, especially Justice Action, since 1998 (Justice Action 2017). It is important to note that our research in NSW prisons concluded in late 2019, before AVL became available in prisons as a result of the COVID pandemic in 2020 to compensate for the prohibition on in-person visits at the time (New South Wales Corrective Services 2020b). Given that our research found that First Nations mothers were confounded by the failure of Corrective Services to provide AVL technology, it may have come as a surprise to them how expediently it was introduced with the pandemic. Internal surveys by New South Wales Corrective Services (2020b) found that there was positive take-up of this technology. Unfortunately, the introduction of AVL was paired with bans on prison in-person visits, which had deleterious effects on First Nations peoples' well-being in prisons, which is reflected in a survey produced by the Aboriginal organisation Deadly Connections (cited in Anthony 2021).

We therefore cannot comment on how the introduction of AVL has affected relationships between mothers and children and the level of access to this technology, except to say that it is a long-awaited intervention on the basis that it is a supplement rather than a substitute for in-person visits. We have questions about whether children's needs could be met, and mothers and children could bond, especially young children and babies, over AVL technologies. Further, barriers to contact that were identified in our yarns such as shame and not knowing children's whereabouts would not necessarily be remedied through new platforms. Moreover, it should be recognised that our visits did not extend to the two mums and bubs units in NSW prisons,² which is the subject of other critical research (see Walker et al. 2021).

We are therefore conveying the experiences and reflections of First Nations mothers about prison visits in-person prior to COVID changes. In the main, First Nations women in prison welcome visits by their children and families. This was often a highlight and made mothers feel connected to their children. They relished these occasions and looked forward to them. However, it could also raise anxiety to see their children struggling in their absence. This is exacerbated by the guilt of children having to travel significant distances to see them, while only being able to stay for a short period. We were told that children were made to leave their mothers in prison while crying, kicking and screaming.

Many mothers lamented the sparse or negligible contact with their children. Some had only been visited once and some not at all over many months or years. New South Wales Corrective Services data shows that First Nations women are the least likely to receive visits from their children (cited in SHINE for Kids 2020, p. 18). Yet, evidence shows that regular contact with family significantly improves the well-being of parents and children (Bartlett 2019, p. 210; Minson 2021). Barriers to visits included that women were incarcerated up to hundreds of kilometres from their family homes and communities. Many women found it hard to cope without access to their children. One woman wept when she said,

"I've never had a visit. I've never, ever, had a visit, the whole time I've been in gaol. . . . Too far for my family to travel."

The tyranny of distance intensified feelings of separation. They felt that they were inaccessible because prisons were located in far-away, often non-suburban, locations. This barrier to in-person contact with children was coupled with the lack of public transport to prisons. It was common for mothers to prioritise the needs of their families and children over their own. Although they yearned for visits, they did not want to inflict difficulties or the negative prison environment on them. One protective mother commented in relation

² The Mothers and Children program in NSW is available at Emu Plains and Parramatta prisons, which enables a select number of sentenced mothers to have their children in custody (see New South Wales Corrective Services 2020a).

to her son, “I won’t let him come to a jail” because it is not something she wanted him to normalise in his life. Another woman commented on the difficulties and challenges experienced by their children and families trying to visit them,

“My mum has a brother that lives in Sydney, [unclear] he’s come down twice. [The prison’s] out in the middle of nowhere. So it’s kind of hard. I’m surprised how he found the place.”

7.1. Lack of Support to Bring Up Their Children

The First Nations mothers whom we yarned with raised multiple issues in relation to how the system that incarcerates them also fails to support them. We were repeatedly told that the women felt that they were set up to fail. They provided many illustrations of the lack of support they had in the community to help them be strong mothers and bring up strong children. They identified how the lack of programs, education, traineeships and meaningful employment opportunities in prison meant that they would return to the community diminished from prison, including because of the negative impact of a prison record on employment prospects. They also feared a lack of access to necessities and human rights (housing, employment, income and appropriate health services) upon their release. This situation was worsened by child protection authorities removing their children or imposing strict rules on mothers’ behaviours. These fears were grounded in their previous lived experiences exiting prison, the difficulties and challenges incurred by them in attempting to access post-release support services and being continually subjected to hypersurveillance mechanisms and intervention, ultimately undermining and hindering their efforts and goals to fulfil their roles and responsibilities as mothers, caregivers, family and community members, as well as other personal aspirations.

One mother commented that the lack of support adversely impacted both themselves and their children:

“[we want] to get the right help and support within the community, especially so that we don’t have to be concerned or worried that the next time in jail we could be sharing a cell with our kids.”

First Nations mothers felt that their mothering was undermined by structural issues that prison had created. This included the loss of their home and all their contents, the loss of jobs and the loss of partners through suicide as a result of the imprisonment, which we tragically heard on multiple occasions. These irreversible losses would extend well into their lives and impact on the well-being of their children. They were also factors that escalated interventions by child protection authorities.

One woman reflected on how child protection acted in the community to undermine their mothering rather than buttress it,

“Instead of taking you and your kids putting you somewhere safe, they take your kids and then expect you to deal with it. They don’t give you counselling or anything like that, and if you get counselling they use it against you. . . . My DOCS [Department of Community Services] worker told me, if I work with her and be honest with her, she will help me. But she used that against me.”

She expressed that they do not receive supports but instead told by staff, “come back and see us [later]”. In the case of family violence reports, they were told by police, “Don’t argue with me Miss, I’ll charge you”. There is not a compassionate or safe approach taken, according to the women we spoke with, about the ongoing trauma in their lives.

The trauma and constraints in the lives of First Nations mothers were augmented by strict conditions on community corrections orders and parole. One woman explained the significance of having a house to her family, “I’ve pretty much couch surfed everywhere As soon as I get a house, I’ll get my son back, but I don’t want to drag him around”. The following remark demonstrate mothers’ feelings about the lack of housing and support in contrast to the emphasis by the system on imprisonment,

“Like housing is one of the main things . . . you know we are mothers, we want to get our kids back but we can’t cause we keep coming back to jail because there are no houses for us . . . [so] we can’t get parole . . . we are back 2 or 3 months later because we got nothing.”

7.2. Lack of Judicial Recognition of the Costs of Imprisoning First Nations Mothers

First Nations women consistently told us that bail and sentencing courts do not recognise or take into account their role as mothers and caregivers. First Nations women said that criminal courts processed them as “statistics”, making them feel “worthless” and “belittled”. They described sentencing as upsetting. They felt silenced and unheard. One woman articulated the feeling as “suffering in silence”. Women felt that their circumstances were not considered by courts because they were seen as “just another Aboriginal woman”. This brush of patriarchal racism contributed to a widespread view among First Nations women that the courts did not care about them or their children.

First Nations mothers felt that judicial officers failed to consider their roles as mothers or account for them in sentencing. Their strengths as mothers and needs of their children was not acknowledged, according to the women. This is outlined in the following recollections. One mother noted that she was imprisoned soon after she had her second baby, “The judge didn’t even take that into consideration”. Another First Nations mother recalled her court experience,

“[The magistrate] didn’t care that my kids are struggling, and I was doing everything in my power to get the right help for them”.

One mother with a terminally ill child felt that her child’s needs were being disregarded. She said that the “system don’t care” that “my eight-year-old daughter has just been diagnosed with cancer, my other three out of five are special needs and my youngest has autism”. Yet the judge, she said, did not listen to her and recognise how she, as a single parent, was crucial in supporting her children’s specific needs. Instead, the judge said, according to the women, “shut up. I don’t want to hear you”. Additionally, she remarked that her solicitor did not adequately cover the needs in submissions, instead leaving it to her to tell the judge. Subsequently, she described, “My solicitor shrugged his shoulders at my sentencing”. Another women stated,

“Well, when you come up for sentencing, you need to make sure that you’re heard properly and that everything’s good. You know, they understand what effects . . . it doesn’t just affect the women, it affects our whole family”.

Courts should have, according to one woman’s survey response, “[e]mpathy towards the impact on the women and their close family aka children and parents”. Courts, we were told by First Nations single mothers, did not help them to arrange care of their children before locking them up for the first time. Women observed that some First Nations women spent most of their pregnancies in prison rather than in rehabilitation or community-based accommodation.

A potential constraint on courts exercising leniency is that any hardship to third parties must be “exceptional hardship”, a benchmark that a First Nations mother rarely meets, despite her role as a cultural mentor and the foundation of her children’s lives (*R v Caradonna* (2001) 118 A Crime R 312, [25]–[26]; *R v Edwards* (1996) 90 A Crim R 510). This legal principle has not accounted for the particular vulnerabilities and histories of First Nations mothers and children due to systemic racism in both the criminal justice and out-of-home care systems. In interviews with judicial officers as part of this project, some of them expressed the need for the legislation to be amended or for a judicial interpretation of ‘exceptional hardship’ to encompass First Nations mothers’ experiences as exceptional due to the disproportionate child protection interventions that flow from imprisonment.

8. First Nations Women in Prison Have the Solutions

Our research with First Nations women in prison crystallised the knowledge they bring to solving problems of a broken prison system. Their responses underscore the

significance of women having self-determination and dignity in their lives and the harms inflicted when institutions undermine their roles as mothers, cultural teachers and leaders. The methodology and findings of this research demonstrate the need to listen to First Nations women inside, including in shaping policy and everyday practices in the courts and state institutions. This is echoed by Aboriginal organisations and services. For instance, NSW/ACT Aboriginal Legal Services CEO Karly Warner states First Nations communities have had the solutions for decades, “but governments haven’t shown the leadership to turn these ideas into action” (in [Thorpe and Millington 2021](#)). This is supported by researching findings that people with lived experience shed distinct light on injustice (see also [McIntosh and Wright 2019](#)), provide meaningful input into policy making (see also [Blomkamp 2018](#); [Lancaster et al. 2013](#); [Weaver 2011](#)) and counter deficit-based stereotypes, including those that emerge in research (see also [Garthwaite 2014](#)). The solutions preferred by women ranged from systemic change to incremental change. Ultimately, the women proposed that supports in the community should be bolstered in lieu of imprisonment. This would strengthen and support themselves and their children and families.

8.1. Bail and Sentencing Reform

First Nations women noted that courts should be made to account for the damage to their families as a result of imprisonment. Police in bail decisions and courts in bail hearings should be required to uphold non-carceral options, especially for minor crimes. Research by [MacGillivray and Baldry \(2015\)](#) identified that First Nations women are disproportionately criminalised for minor wrongs, including traffic wrongs (for example, driving without a licence and unregistered vehicles), public disorder, offensive language, shoplifting and breach of orders. These minor crimes target First Nations women through racial profiling ([Australian National University 2017](#); [Australian Law Reform Commission 2017](#), pp. 353, 451). They result in First Nations mothers cycling in and out of prison. Community-based options should support needs such as housing and employment as well as promote healing and cultural, social and emotional well-being of First Nations mothers. Exposing women to another layer of institutional surveillance through standard community corrections conditions does not enable them to build strengths and self-determination in their lives.

A First Nations mother conveyed that a “fair sentence” would not “strip them of their motherhood and [instead] keep them in community”. This is further expressed in the following words, quoted verbatim, of two First Nations women when reflecting and describing a fair sentence,

“Im not sure what kind of sentence would be right for us but I do know that to(sic) many of us are in jail for small things when we could be at home with our familys and most of all our kids and grand kids.”

“I’M NOT SURE, BUT JUST COZ WE’RE BLACK WOMEN, WE ARE ALSO MOTHERS, SISTERS & DAUGHTERS WHO WERE VICTIMS LONG BEFORE WE WERE CRIMINALS. JAIL IS NOT THE ANSWER TO EVERYTHING. WE NEED TO KEEP FAMILIES TOGETHER.” (capitals in original survey)

Some First Nations women perceived that when they wrote a letter to the judicial officer about their family circumstances, it had a positive impact on their sentence outcome. They also believed that it was an effective avenue for having their voices heard. However, they also felt that their lawyers should also be more forthright in providing submissions that elevated their voices and family experiences.

A number of women commented that Koori sentencing courts should be available across NSW to provide a forum capable of listening to their stories and accommodating their family needs. These sentencing courts involve Elders and attempt to provide a culturally safe space in which sentencing operates and place a strong emphasis on diversion ([Aboriginal Legal Service NSW/ACT Ltd. 2021](#)). None of the women who we yarned with had the opportunity to be sentenced by a Koori Court, reflecting their limited scope in NSW as well as their greater likelihood to impose non-custodial sentences (see [Yeong and Moore 2020](#), p. 14).

Furthermore, women often pointed to how courts or police imposed harsh conditions on bail, parole or community corrections orders that interfered with their caring responsibilities, such as taking children to school and appointments and connecting them with culture, family, community and country, and set them up to fail. This is also documented in research and inquiries (Walker et al. 2021; Australian Law Reform Commission 2017). One woman said,

“ . . . we all do have kids and we wanna get out and stabilise ourselves and get our kids back, but its hard, its hard, you know what I mean? . . . But we try and try, we all try, it'll never been enough for them . . . you continue to breach . . . you gotta do this, you gotta do that . . . why can't they understand.”

8.2. Breaking the Cycle Means Removing Prisons from Our Lives

First Nations mothers expressed their dismay with the cycle in and out of prison that will have inter-generational effects. They wanted to de-normalise prisons from the lives of their families,

“We don't want to keep coming in and out of gaol, because our kids and our grandkids and nephews are going to think my aunty and uncle are coming in and out of gaol . . . I'm gunna go to gaol when I get older”, and that's sad.”

There were immediate practical measures that would reduce the carceral system's interference in First Nations women's lives. These include suspending criminal records. One mother commented that their criminal records follow them around, intractably, to hold them back and prevent them from starting on a clean slate, notwithstanding that they had already been punished for their past behaviour. Other women described their criminal records following them around like a bad smell, affecting court outcomes, kinship care roles, employment opportunities and housing. One woman summed it up when she said, “its hard to do *anything* with our criminal record”.

8.3. Building Supports in the Community

One woman said, “It just takes that one help to break that chain, to break that barrier, that cycle”. Yet, women were often harmed rather than helped at their most vulnerable moments. They wanted to decentre institutional interventions from their lives and instead receive support from First Nations-owned and run organisations, especially services and programs geared towards First Nations women. One First Nations woman wrote in her survey, “take us back to the bush or to the sea to do more black women stuff, back to the land our old ways”.

Such organisations that exist in NSW include Waminda that provides healing programs in country for mothers (Waminda 2018). However, more are needed to service other locations. This would enable them to focus on caring for their families. First Nations mothers expressed that they wanted to be on the outside to receive support from their Elders, as one woman commented,

“ . . . we have a baby girl now. We like to help her, just encourage her and stuff because we're still only young . . . We wish we had our Elders too, hey, babe, on the outside to help us.”

Another woman described what the “support system” should look like in the community for First Nations mothers and how she has been trying to achieve this,

“I think that what they need is a support group for blackfullas and non blackfullas, a support system there should be like a workplace to support people when they get out for housing and stuff. You know what I mean, does that make sense. We talk about this a lot when we are up there, we don't just sit around we talk about what needs to be done what we are going to do on the outside. You know we do have a proper life and stuff like that, we don't want to keep coming in and out of gaol, because our kids and our grandkids and nephews are going to think my aunty and uncle are coming in and out of gaol mad I'm gunna go go to gaol when I get older and that's sad that really is . . . ”

9. Conclusions: First Nations Mothers' Resilience and Strengths

Evidence overwhelmingly indicates that the social, cultural, emotional and physical well-being of First Nations women and their children is best achieved by keeping First Nations mothers in the community and responding to the needs and priorities of First Nations families to ensure they are supported. In achieving this, it is critical that First Nations women's voices and stories are centred and that processes are put in place to ensure and protect First Nations women in leadership. As of 10 August 2021, there is an ongoing NSW Parliamentary Inquiry into Support for Children of Imprisoned Parents that we hope will listen to the voices of First Nations women and heed the unique needs of First Nations mothers and their children (see also [Parliament of New South Wales 2021](#)). As has been demonstrated in this article and in the research findings, First Nations women are the experts of their own lives and any dialogue about First Nations children and young people must centre First Nations women's voices that recognise their role, responsibilities and priorities as mothers, caregivers and community members.

First Nations mothers and grandmothers told us that their greatest suffering in prison was separation from their children. At the same time, their bubs give them the most hope for building their lives after prison. Children gave them purpose. Many of their plans for staying out of prison were built on protecting their children's lives. Children shaped post-release aspirations to reconnect with family and culture, go back to the country, get a job and help other First Nations mums. The challenge is to allow First Nations mothers to harness their strengths through a commitment to First Nations women's leadership, ensuring they remain in the community and have ongoing and relevant access and support via service providers that uplift, protect and recognise their critical role and responsibility to their children, families and communities. This involves an appreciation that First Nations mothers are the solution to promoting the well-being of their families, communities and their cultures.

This research project highlights the importance of giving voice to First Nations women to talk back to and uncover systemic discrimination which continues to silence the voices, histories and lived experiences of First Nations Mothers throughout the penal system. In addition, and crucially, giving voice to First Nations women is a form of resistance, advocacy and storytelling. Through adopting the research process of *Dadirri*, which centres First Nations women's stories and deep listening by the researchers, this research provided a space to hear the needs, aspirations and priorities of the women as grounded from within their lived experiences.

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