

14 September 2026

To the Legal and Constitutional Affairs Legislation Committee,

Re: Inquiry on the *Crimes Amendment (Prohibiting Shacking During Childbirth) Bill 2026*

I write from Community Restorative Centre, a lead non-government organisation supporting people exiting prison in NSW. We urge Parliament to pass the *Crimes Amendment (Prohibiting Shacking During Childbirth) Bill 2026*, and to hold hearings for this Bill to support people with lived experience of incarceration to contribute.

Why we support the Bill

Shackling people during medical treatment can impinge on their dignity and safety. One woman who has lived experience of incarceration described the process of being shackled to a hospital bed as 'degrading'.¹ We also agree with Senator Lidia Thorpe in her second reading speech about the Bill that people need the mobility to assume various positions while giving birth for their safety and wellbeing.²

We additionally highlight that it is traumatic enough for birthing parents to be separated from their child through reincarceration, without that person being shackled during labour too. An Aboriginal woman that our service supported, Jennifer,³ was separated from her child 48 hours after giving birth in hospital. Following the birth, Jennifer was handcuffed and escorted by law enforcement through the hospital in prison greens to the prison van, where she was escorted back to prison without her newborn. While this happened, Jennifer was weeping and had a panic attack. She described the process of being separated from her child as, 'another Rabbit-Proof Fence'. In doing so, Jennifer referenced the film *Rabbit-Proof Fence*, which explored the forcible removal of First Nations children from their families during the Stolen Generations in Australia. This was official government policy from 1909 to 1969 in Australia,⁴ and the removal of First Nations children from their families and

¹ Naylor, B. (2014). Human rights and respect in prisons: The prisoners' perspective. *Law in Context*, 31, 105.

² Thorpe, L. (2026, August 18). *Crimes Amendment (Prohibiting Shackling During Childbirth) Bill 2026 second reading speech*. Parliament of Australia. https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansards/29233/0157/hansard_frag.pdf;fileType=application%2Fpdf, 54.

³ This is a pseudonym to protect the woman's privacy.

⁴ Coota Girls Aboriginal Corporation. (n.d.). *Our history*. <https://www.cootagirls.org.au/our-history/>.

251 Canterbury Road
Canterbury NSW 2193
postal address
PO Box 258
Canterbury NSW 2193

phone (02) 9288 8700
fax (02) 9211 6518
email info@crcnsw.org.au



www.crcnsw.org.au

communities is an ongoing issue that is worsening.⁵ Jennifer's experience highlights that it is distressing enough to be separated from one's newborn after giving birth, without being handcuffed during labour too.

We support the use of gender-neutral language in this Bill

We are appreciative of the use of gender-neutral language throughout this Bill. We know that trans and gender diverse people are regularly misgendered through hospital systems and the prison system that too often fails to affirm their identities. In using gender neutral language to describe the experiences of people who could give birth, the Bill supports dignity and healthcare access for trans and gender diverse birthing parents. We encourage legislators to maintain this use of gender-neutral language in the Bill.

Holding hearings for this inquiry

We support hearings being held for this inquiry, as we believe hearings will expand opportunities for people who have experienced incarceration to participate. People who have been incarcerated may desire to tell their stories about the harms caused by shackling during childbirth in their own words directly to legislators. We also recognise that people who have been incarcerated have lower literacy rates than the general population, and may face barriers to accessing technology. As such, expanding the means through which people can have their say on this Bill would be beneficial.

In summary, we urge Parliament to pass this Bill to promote the healthcare, safety and dignity of birthing parents. We also encourage Parliament to hold hearings for this inquiry to improve the capacity of people who have experienced incarceration to contribute.

Kind regards,
Dr Rory Gillard (they/them)
Senior Research and Policy Officer
Advocacy, Research and Policy Unit
Community Restorative Centre

⁵ Brennan, D. (2025, February 4). Exclusive: In light of new data, experts ask how can Indigenous child removal rates be getting worse? *National Indigenous Times*. <https://nit.com.au/04-02-2025/16050/exclusive-in-light-of-new-data-experts-ask-how-can-indigenous-child-removal-rates-be-getting-worse>; Productivity Commission. (n.d.). *Socio-economic outcome area 12 - Aboriginal and Torres Strait Islander children are not overrepresented in the child protection system*. <https://www.pc.gov.au/closing-the-gap-data/dashboard/outcome-area/child-protection/>