

**Sisters Inside Inc.**

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*Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system*

8 October 2019

Committee Secretary  
Education, Employment and Small Business Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

**By email only:** [eesbc@parliament.qld.gov.au](mailto:eesbc@parliament.qld.gov.au)

Dear Committee Secretary

## **Child Death Review Legislation Amendment Bill 2019**

Sisters Inside welcomes the opportunity to provide a submission to the Queensland Education, Employment and Small Business Committee regarding the Child Death Review Legislation Amendment 2019 (the **Bill**).

### **About Sisters Inside**

Sisters Inside is an independent community organisation that exists to advocate for the collective human rights of women and girls in prison, and to provide services to meet the needs of women, girls and their families. Established in 1992, Sisters Inside has over 25 years experience supporting criminalised women and girls.

This submission is informed by through our work and the lived experience of many Sisters Inside staff in supporting women and girls in the criminal legal system through our programs and services. Sisters Inside is committed to the safety and wellbeing of all children and we recognise that the safety and wellbeing of children is a shared responsibility. Children are our future and protecting children from harm is paramount.

In our experience, criminalised women and girls experience very high rates of involvement with the Department of Child Safety. Over 50% of women in prison were in care as a child and the children of women in prison are at increased risk of criminalisation, with one study finding that the children of prisoners are 5 times more likely to end up in prison than other children. Almost all of the Aboriginal and Torres Strait Islander mothers we support have direct experience of child removals and/or child protection intervention in the form of investigations or ongoing surveillance.

Sisters Inside is therefore well placed to comment on the impact this Bill will have. Our staff interact regularly with women and their children through our Building on Women's Strengths program (BOWS) and in our Parenting Program. These programs target women in the lead up to their release from prison and provides intensive support for women and their children in rebuilding their lives after the trauma of prison.

Sisters Inside supports the purpose of the Bill in its current form, which is to overhaul reviews into the deaths of children connected to the child protection system and to provide more independence, transparency and accountability and to identify systems and changes to protect vulnerable children.

## **Key issues**

Sisters Inside has identified the following key issues for comment in the Bill.

### **Clause 6 - 245 Overview of chapters and purpose of reviews**

Sisters Inside recognises that there is a need to expand the current requirement for relevant agencies that are involved with children to review their involvement when a child dies or suffers from serious physical injury. We support the implementation of a mandatory formal review system for relevant agencies and understand that it may improve services and accountability. We strongly believe that all organisations concerned with children should work towards the wellbeing and safety of children and in particular, government departments should always ensure that children are properly cared for and protected from harm.

While Sisters Inside supports the purpose of clause 245, we are concerned that the agency head carries out its own review of its own involvement. Under this clause, 'when a child dies or suffers serious physical injury after a relevant agency has been involved, the agency head carries out a review of its involvement'<sup>1</sup>. We recognise that while an agency may be in the better position to provide a review of its particular involvement in terms of collating relevant documents or case notes, there may be a possible lack of independence or a possible bias in the internal review conducted.

We submit that in order to improve independence, the internal review of a relevant agency should be conducted by an independent party rather than the agency head.

### **Clause 23 - 29A Purposes of Board's reviews**

Sisters Inside supports the creation of the Child Death Review Board (the Board), which will act as independent and professional Board with its own powers and functions. We also support the purpose of this Board, which is to identify improvements in systems, legislation and practices, which will protect children that may prevent deaths that may be avoidable.

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<sup>1</sup> Proposed Section 245 (1) of the Bill.

**Clause 23 - 29P Information may be given to Chairperson**

All of our services provided function from a firm and consistent ethical base. This includes a particular focus on confidentiality of the women we work with and an acknowledgment of all women's experiences as being valid. Sisters Inside staff protects the emotional safety of women and we work with them to earn their trust and are committed to maintaining a woman's confidentiality<sup>2</sup>.

Under this clause, Sisters Inside may be required to give confidential information for the purpose of the Board's functions. The Bill expands non-government organisations involvement in reporting and providing information to the Board. While Sisters Inside is committed to the safety and wellbeing of all children, we are not a government agency and do not have the statutory authority or responsibilities for children in care.

This section extends the scope for non-government organisations to be compelled to provide information in instances where it may breach a woman's confidentiality. We strongly oppose handing over any of our confidential records unless the woman agrees for this information to be provided to the Board. This is because we are committed to maintaining a woman's confidentiality and providing that information would be contrary to the values and professionalism of Sisters Inside staff. We and other non-government organisations should not be compelled to provide any confidential information to the Board.

**Clause 23 – 29W Chairperson**

We understand that under section 29W the Chairperson must be a principal commissioner or another commissioner, which is appointed by the Minister. Sisters Inside concurs with the Queensland Law Society's concerns that if the appointment is of a Queensland Family and Child Commissioner, the Board may lose its independence. Sisters Inside were pleased to hear that the Board will act independently and in the public interest however, in our view, in order to maintain that independence the appointment of the Chairperson must be independent from government given the power and responsibility prescribed to the Chairperson under the act.

Thank you for considering this submission. Please contact me on (07) 3844 5066 if you would like to discuss anything further.

Yours faithfully



Debbie Kilroy  
Chief Executive Officer  
**Sisters Inside Inc**

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<sup>2</sup> Sisters Inside Values and Vision