



Select Committee on First Nations People in Custody in NSW  
and Oversight and Review of Deaths in Custody  
Legislative Council  
Parliament of New South Wales

16 December 2020

Dear Committee Members

Thank you for the opportunity to provide further information and to review Hansard.

Sisters Inside Inc. would like to make very clear that our position remains steadfast: the only way to stop Black deaths in custody is to stop locking Aboriginal people up. All of the measures we proposed only serve until full decarceration is a reality. That being said, we provide the following responses to your queries:

**1. a. what would this 'credible, properly resourced agency' look like?**

This is a good question, but not one that we should be asked. Solutions must come from the community that they seek to serve. Solutions must be community designed, managed and operated. Broadly speaking, however, it is our opinion that the agency should not employ any agents of the carceral state, eg: ex police officers, judicial officers, correctional services officers or military. The agency should be a fully funded, permanent legislated fixture staffed with Aboriginal people trained and deputised to conduct independent investigations into deaths in custody, police and carceral brutality and wrongdoing. The body should be fully independent and have complete oversight of investigations and capacity to make recommendations for recourse, and be regarded with the respect of a senior agency reporting to government on serious human rights matters.

**2. b. Would it be part of the Coroner's Court, an enhancement of the Coroner's investigative function? Or would it be located in the LECC or some other body, or be stand alone?**

The body should sit outside of the state to be truly independent and should be controlled, managed and operated by an Aboriginal community controlled body. This is the only way to ensure efficacy, trust, stability and cultural relevance and safety.

**3. Dot point 8:- Involvement of family in coronial process: a. how would this work in practice? b. What processes or resources would be needed to make it successful? c. What if family does not co-operate or engage in the process?**

Again, this is an excellent question and one that requires the input of Aboriginal families who have had family members die in custody. Sisters Inside will always defer to the families on the frontlines of these battles, that is Aboriginal way and that is proper way.

It would however, be logical that a body established for independent oversight of Aboriginal deaths in custody be the frontline contact agency for family members. A fully resourced, Aboriginal community controlled service would be able to work with families, in the way that families need. They would be able to take into account all of the diverse way sthat families will choose to engage with the system that has facilitated the premature detach of their loved one. Aboriginal people are not a homogenous group with homogenous needs. An Aboriginal community controlled

organisation would have the skills to facilitate and support grieving families to engage in the process while seeking justice for their loved one.

**4. From the evidence we heard, lack of access to health services, housing, and skills to gain paid work are key issues in women re-offending and are key to women leaving prison having agency to regain control of their lives. How can this be best addressed?**

Sisters Inside advocates very firmly for the abolition of carceral systems of control. Currently, women are criminalised for being poor, for being unwell, for being Black. As much as abolition is a process of abolishing systems of surveillance, control and exile; it is also a building project. Abolition allows us to reinvest in communities and to recalibrate our relationships with each other, with property and with institutions. It provides us an opportunity to change the environment which causes harm or produces people who harm. It would allow us to invest in housing services, fully funded health services which are accessible to all and quality education systems. As for employment services, women with a criminal record need specific support to gain employment where they are discriminated against because of their record, or because they cannot obtain a working with children check. Consideration should be given to a "right to be forgotten" process which would see criminal records expunged after a period of time.

Further, Sisters Inside is a successful service model that works for criminalised women and girls. We respond to gaps in services available to this cohort throughout Queensland, and support emerging organisations driven by criminalised women nationally. Services funded to do this critical work should be expanded and built upon, and led by those with lived prison experience.

In relation to Hansard, we provide minor amendments in red pen as per the attached document.

Yours sincerely

Debbie Kilroy  
CEO  
Sisters Inside