

MEDIA RELEASE

GOVERNMENT REJECTS KEY RECOMMENDATIONS FOR MUCH-NEEDED REFORMS OF THE CORONIAL SYSTEM IN NSW

2 November 2022



The NSW Bar Association is disappointed by the response of the NSW Government to recommendations of the Legislative Council Select Committee Inquiry into much-needed reforms of the Coronial System.

The Government's failure to endorse establishing a new specialist Coroners Court is particularly significant, as is its refusal to support a recommendation that it finalise its review of the Coroners Act this year – despite the process starting over seven years ago.

The Association is disappointed that the NSW Government supports only 15 of the Committee's 35 recommendations and merely "notes" the remainder. The NSW Legislative Council Select Committee Inquiry into the coronial jurisdiction made recommendations based on submissions from those with direct experience in Coroner's Court processes.

Two recent parliamentary inquiries have now called for root-and-branch reform of the NSW coronial system, where not only are suspicious deaths investigated but systemic issues are identified and recommendations made to protect against such failures happening again.

"This response proposes no action on many of the more significant reforms recommended by the Committee to address the major structural and resourcing problems revealed by the two inquiries," said NSW Bar Association President Ms Gabrielle Bashir SC.

"This lack of action can only add to delays which cause considerable unnecessary distress to already grieving families."

NSW remains the only jurisdiction in Australia in which country magistrates and court registrars continue to undertake coronial responsibilities.

This means that regional communities are at times receiving coronial services from country magistrates and registrars who frequently lack the training, experience and resources of specialist coroners. The heavy caseloads also mean that there can be insufficient time to adequately manage these matters.

Despite considerable backlogs into deaths in custody and during police operations, and a rise in First Nations deaths in custody, the Government's response does not include any additional funding to the system.

NSW has only 6 specialist coroner positions – comparable jurisdictions are far better resourced: Victoria has 14 and New Zealand has over 18 coroners.

"The Bar Association calls on the NSW Government to reconsider its position and set in train a reform process which gives full weight to the detailed findings and recommendations of the Inquiry," said Ms Bashir.

Media contact: Jackie Dent 0437 521 554