

INQUIRY INTO CORONIAL JURISDICTION IN NEW SOUTH WALES

Name: Jacqui Quinlivan
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Firstly, I would like to take this opportunity to introduce myself and put forward my submission to the inquiry and my own personal experiences to which I still find unsatisfactory with the outcome.

My name is Jacqueline Quinlivan and I am the wife to Mr Lyndon Quinlivan who's life was abruptly stolen from us; as was another workmate and a subsequent suicide, in a preventable workplace incident which occurred in May of 2018.

My husband was a loving family man who worked hard to provide for his family. He always believed that if you put in the hard yards now you would reap the rewards sooner. Our family always had plans, plans for that evening, plans for the weekend, plans for the rest of the month and for the years that to come. However, these were taken from us in a split second. In the days, weeks, months and ultimately years that followed, has been and continues to be one hell of a nightmare for us all, to say the very least.

Since that day, I have been fighting for my husband, fighting for justice, not only for workplace accountability but also overall awareness around industrial incidents and deaths that are taking the lives of our precious loved ones. There are so many restrictions around how the law prosecutes workplace incidents as opposed to the laws outside of these. People think we live in a first world country, but the reality is, until we start addressing every failure needing to be fixed, and ultimately set adequate precedents, we will never be better than a third world country.

Nobody else should go through this!

A coroners inquest was not performed in this circumstance as the employer was found guilty, and apparently this seems to be sufficient. For who I ask? This was and still continues to haunt myself, our young children and his family each and every day.

I wanted no stone unturned in finding out the cause into my young husband's death and it felt to me like nobody wanted to listen. I honestly thought that an inquest would be held to find out what had happened, and to ultimately ensure this type of incident wouldn't happen to anybody else. How wrong I was?

I was told and I understand that in this circumstance SafeWork NSW had to complete their investigation before the Coroner could make a decision. I also fully understand that it is not the job for the coronial process to lay blame or point the finger but to merely find the issue that led to the death and make changes so nobody else needs to go through this. I am not asking you to lay blame, I just need to know the facts surrounding what happened and even though, in our case the company had pleaded guilty, which comes as a slight reprieve for the company because it removes the need to undergo a trial and therefore not having to openly share that information; which leaves a multitude of unanswered questions as so many facts not brought to light for family members like myself. I am a person that needs to know facts which is the reason I requested a copy of the file. I still have many unanswered questions and it feels like I will never get my answers. I can assure you I will not stop trying.

I had made numerous requests to the coroner, as Lyndon's wife, pleading for an inquest but instead what I received was a letter saying they were going to dispense of the matter because in their eyes, the prosecution found everything that was needed.

We know how this happened but I still have no answers as to WHY?

I refer to the responses provided to my lawyers who made a request to obtain this file,

(1) "We have undertaken thorough searches of our records and have located a very large volume of information, totalling approximately 3000 pages. Unfortunately, we are unable to process a request for all records in relation to this matter within one application for information, due to our resources and the required decision period under the GIPA Act" and .

(2) "In line with Section 60(3B) I have considered the importance of this information to your client, and that release could assist them in exercising their rights under other Acts or laws. However, as mentioned, we currently do not have the resources to process one application for all records within the legislative timeframes required".

(3) "In this case, I consider Section 60(1)(a) would apply, where the GIPA Act states that an agency may refuse to deal with an access application if the dealing with the application would require an unreasonable and substantial diversion of the agencies resources."

In reference to 1(a)(ii) of your terms of reference, it seems your resources may be stretched however, is this not nature of the coroner's role and as such shouldn't the resources be readily available to conduct these ongoing repetitive tasks? I would also expect this to be a very common ask from families who are trying to understand how and why their loved one died. I find it hard to believe this is the first time a record consisted of 3000 pages, especially given the number of work-related deaths in NSW alone. I expect there are copious cases consisting of files this size which raises the question and concern as to whether section 60 of the GIPA Act is being used as a convenient loop hole to minimise time and workload. To provide this reason to a family is just insulting!

Also under the GIP Act, Division 1 (6)(2) if this information can't be completed due to resources, then where have you made the information publicly available that I may access it in full, as I am not aware of any overriding public interest against the disclosure of this information?

I recommend moving forward, you make accuracy a key component in reporting. I understand human error, but when addressing bereaved families after the death of their loved ones, it is immensely offensive to read such a report that is not correct. As it was in my case when I received a copy of the post mortem report and my husband's age wasn't even correct.

Further to this, is the answer in relation to my lawyers request to obtain the file in its entirety:

"At the very minimum, to process all records within one application would take an estimated 104 hours of staff members' time to source, copy, review, consult with third parties and make any necessary redactions in line with the GIPA Act."

I also recommend you invest in a photocopier that can adequately support the tasks required to competently complete the role and provide the information needed. In today's age of technology and business photocopiers, copying 3000 pages does not take a massive length of time? As for reviewing the case I would expect this to already be done as a necessary procedure in determining whether an inquest is required or not. This response creates the questions that not all the information was initially reviewed. Again, insulting and raising more questions!

I honestly believe, given the unnatural way that my husband died, an inquest would have given us further insights into what really happened and why... and I am still being deprived of the full story, almost 4 years later. All systems need to work together, the police, SafeWork, Coroner etc to get a holistic view of what actually did occur and direct family members need to stop being left in the dark like I feel I have been. We walk this path that nobody wants to be on, through no choice of our own.

It is the most excruciating pain made worse by having to fight our way through this broken system in order to find all of this out.

I thank you for your time and only can hope that all of these issues are addressed for myself, my children, my husbands family and all others that walk this path.

Regards,

Jacci Quinlivan