

## **INQUIRY INTO CORONIAL JURISDICTION IN NEW SOUTH WALES**

**Organisation:** Domestic Violence NSW

**Date Received:** 15 March 2022

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Select Committee on the Coronial Jurisdiction in New South  
Wales

Parliament House

Macquarie Street

SYDNEY NSW 2000

Email: [Coronial.Jurisdiction@parliament.nsw.gov.au](mailto:Coronial.Jurisdiction@parliament.nsw.gov.au)>

Tuesday 15<sup>th</sup> March 2022

Dear Minister Searle,

**Re: Select Committee on the Coronial Jurisdiction in New South Wales**

Please accept this letter as Domestic Violence NSW's submission in response to the Legislative Council's invitation.

**About Domestic Violence NSW**

Domestic Violence NSW is the peak body for specialist domestic and family violence services in NSW, providing a representative and advocacy function for over 130 specialist domestic and family violence services and the women, families and communities they support.

Our member services include crisis and refuge services, transitional accommodation and community housing providers, family support services, Aboriginal controlled organisations, specialist Culturally and Linguistically Diverse organisations, specialist homelessness service providers, men's behaviour change programs and networks, community organisations working with high-risk communities, specialist women's legal support services, women's health services, women and children's support services and Safe at Home programs.

Domestic Violence NSW acknowledges that we work on Aboriginal land and pay respect to Elders past, present and emerging. We also acknowledge the adverse impacts of colonisation on Aboriginal and Torres Strait Islander communities and the high rates of violence perpetrated against Aboriginal women and their children.

**Highlighting the importance of the Domestic Violence Death Review Team (DVDRT)**

One of the key issues that Domestic Violence NSW would like to raise is the importance of the Domestic Violence Death Review Team (DVDRT). It is imperative that we continue to learn from the loss of life that the DVDRT examines in depth, and ensure that this examination is resourced and staffed appropriately. The findings from the DVDRT report inform policy development and lead to

improved systems responses. The NSW team is also integral to similar work happening on a National scale.

Currently, there is a significant disparity between government and non-government representatives on the team. Out of 26 team members, only three are non-government members. Two of these members are sector experts, with only one member being a service provider representative. While there were originally two service provider representatives, Susan Smith's position has been vacant for over a year. This leaves the responsibility of representing all frontline services and issues with one person, and results in a significant gap in the lens of the team.

It is our understanding that in April 2021, a public expression of interest process was undertaken to fill Susan Smith's position, however the appointment has not been finalised. We would recommend that this be progressed with haste, and that the disparity between government and non-government team members be addressed, as it is important to ensure that the contemporary experiences of frontline workers are at the forefront of the work being performed by the DVDRT. To assist with this, we would suggest that a representative from DVNSW would be appropriate to sit within the team, given the organisation's connection to, and ongoing communications with, the sector. Further, examination could be performed of some of the specialist roles that are currently filled by government members to assess whether they could be filled by non-government members.

In addressing section 1 (a) (iv) of the Terms of Reference for this Inquiry, we suggest that further oversight mechanisms be examined to evaluate the implementation of DVDRT recommendations. This would include requiring far more detail of the alleged implementation, and increased visibility of this implementation for the DVDRT. Increased oversight would result in the DVDRT being far more capable of critically analysing the implementation of recommendations and, if not implemented as designed, examining why. Increasing the transparency of the implementation of recommendations relates to a similar theme of transparency that was strongly situated throughout DVNSW's submission to the NSW Audit Office for their Inquiry into NSW Police Responses to Domestic and Family Violence. As such, increased transparency is clearly a persistent need across departments in relation to work performed with domestic and family violence.

### **Addressing Aboriginal Deaths in Custody**

Finally, this submission would like to address the systemic issues that lead to the over-representation of Aboriginal and Torres Strait Islander people in custody, and subsequent deaths and suicides in custody, which are also addressed at length by the Public Interest Advocacy Centre (PIAC) (2021). PIAC (2021, p. 6) make a "strong case for more fundamental, structural reforms to strengthen and modernise our coronial system", and note the important contribution that coroners have in the prevention of deaths in custody, ensuring similar deaths do not occur in the future. This submission supports the submission of Women's Legal Service NSW (2020, p. 2) to the Inquiry into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody, particularly point 6.1, recommending,

"The Committee look to the Aboriginal Legal Service NSW/ACT (ALS NSW/ACT) for leadership on reforming criminal laws and practices and overhauling the mechanisms for oversight and review of deaths in custody. At a minimum this must include the

establishment of a First Nations led independent body with investigative powers, including the power to enter custodial environments to collect evidence.”

### **Recommendations of Coronial Inquests**

The importance of the DVDRT, and the need for overhauling the mechanisms for oversight and review of deaths in custody, both speak to the need for recommendations of coronial inquiries to be treated with sufficient weight. Currently, this submission suggests that coronial jurisdiction is far too limited and without sufficient oversight mechanisms to ensure recommendation implementation, and that recommendations are not treated with sufficient weight outside of the inquiry.

Domestic Violence NSW agrees to our submission being made public. If you would like to discuss any aspect of this submission

Yours sincerely

Elise Phillips  
**Interim CEO, Domestic Violence NSW**