

**INQUIRY INTO UNSOLVED MURDERS AND LONG-TERM
MISSING PERSONS CASES IN NEW SOUTH WALES
BETWEEN 1965 AND 2010**

Organisation: Legal Aid New South Wales

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24 March 2026

The Director
Portfolio Committee No.1
Legislative Council
By email: portfoliocommittee1@parliament.nsw.gov.au

Dear Director,

Legal Aid NSW submission to the inquiry into unsolved murders and long-term missing persons cases in NSW between 1965 and 2010

Legal Aid NSW welcomes the opportunity to provide feedback to your committee. We acknowledge the profound distress and ongoing trauma experienced by families who are still seeking answers about the circumstances surrounding the disappearance and passing of their loved ones.

Our organisational goal is to provide legal help to clients with diverse needs who are experiencing disadvantage. Legal Aid NSW provides legal services across NSW in civil, criminal and family law. Our Coronial Inquest Unit (**CIU**) is a specialist team of three lawyers who provide advice, minor assistance and, in eligible cases, legal representation to the families of those who are missing or have passed away in matters before the Coroner's Court of New South Wales.

Our submission addresses Terms of Reference 1(e) *any other related matters*. We are not involved in any current coronial matters related to the cases and categories listed in the Terms of Reference.

Terms of Reference 1(e): any other related matters

Further investigation of the unsolved murders or missing persons cases may lead to the discovery of new evidence or facts that make it necessary or desirable in the interests of justice to hold a fresh coronial inquest.¹

We recommend the NSW Government resource a coordinated approach to any future coronial inquests. This would allow a group of cases to be heard together, which in our experience may provide greater closure for the families and communities of those who are missing or who have passed. It would also provide an opportunity to determine

¹ *Coroners Act 2009* (NSW) ss 83(4), 84, 85.

whether there were, or continue to be, any systemic shortcomings in how the NSW Police Force historically coordinated missing persons and homicide investigations, and whether contemporary practice has appropriately evolved.

If further inquests occur, we recommend the following supports be made available to families to ensure no further harm is caused by subsequent legal proceedings.

Legal representation

In our experience, legal representation for families from an early stage of the coronial process is crucial to supporting their engagement with the process and to achieving fair and effective outcomes.

Unfortunately, the strong demand for legal representation of families at inquests outstrips the capacity of both Legal Aid NSW and the Aboriginal Legal Services (NSW/ACT) Limited (**ALS**). We recommend that the NSW Government provide funding to enable families to access legal representation, as occurred for collective victims in the Westfield Bondi Junction inquest and the Lindt Café Siege inquest.

The therapeutic impact on families of being able to voice their concerns through legal representation, and participate fully in the inquest process, are well-recognised, particularly for the families of missing persons.² Legal representation also strengthens the capacity for the coronial system to prevent deaths through a more rigorous process of fact-finding and the development of targeted coronial recommendations aimed at preventing future deaths and addressing systemic failures.

Under current Legal Aid NSW policy, if funding is unavailable, a family member will only be granted legal aid for representation at an inquest if the public interest test is satisfied.³ “Public interest” refers to a matter of common concern to the general public, or a significant section of the public, including disadvantaged or marginalised groups.⁴ This test applies in all matters except in Aboriginal and Torres Strait Islander deaths in custody, consistent with Recommendation 23 of the *Royal Commission into Aboriginal Deaths in Custody*.⁵

Where legal aid is unavailable, we refer applicants to alternative pro bono legal services. However, there is no other network in NSW that guarantees free legal representation to families of the deceased and the cost of private legal representation is often prohibitive.

Resourcing

² Stephanie Dartnall, Jane Goodman-Delahunty and Judith Gullifer, ‘An Opportunity to Be Heard: Family Experiences of Coronial Investigations Into Missing People and Views of Best Practice’ (2019) 10 *Frontiers in Psychology* 2322, 5.

³ Legal Aid NSW *Civil Law Guideline 4.6 - Public Interest*.

⁴ *Ibid.*

⁵ *Royal Commission into Aboriginal Deaths in Custody: National Report* (Final Report, 1991).

Inadequate resourcing within the NSW coronial system has a significant impact on families. We support increased funding to the Coroner's Court of New South Wales, consistent with findings of the First Nations Select Committee, which stated that:

it is unquestionable that the funding and resourcing of the NSW Coroners Court needs to be improved. As we have heard, it is having a significant impact on the length of time to complete an inquest, which in turn is causing undue stress on the families involved.⁶

In our experience, delays cause unacceptable levels of prolonged, complex grief and suffering. Research strongly supports this observation. Reviews conducted in Victoria and Western Australia found that:

delays in coronial proceedings were a significant source of distress for families, particularly due to attrition in evidence, financial strain, and prolonged grieving for families recounting information many years after a death.⁷

Typically, there are delays of three or four years or more before many inquests are heard and findings delivered. Family members must wait for extended periods, often without access to brief materials or a clear understanding of what took place in relation to the death or disappearance of their loved ones.

Counselling services

We recommend the funding and provision of counselling and support for all families involved in the inquest process, similar to the Coronial Counselling Service operated by Relationships Australia Canberra and Region in the ACT. That service is available at no cost throughout coronial proceedings and up to three months after an inquest has concluded.⁸

The limited availability of counselling and support for families involved in the NSW coronial system is a service gap frequently raised by our clients. A finding of death can be profound and distressing and highlights the need for inquest debriefing and support.⁹

The Aboriginal Coronial Information and Support Program¹⁰ (**ACISP**) is a welcome development and provides culturally appropriate court support to Aboriginal and Torres Strait Islander families. However, in our experience, ACISP is consistently

⁶ Select Committee into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody, Parliament of New South Wales, *First Nations people in custody and oversight and review of deaths in custody* (Report No 1, April 2021) 150.

⁷ Stephanie Dartnall, Jane Goodman-Delahunty and Judith Gullifer, 'An Opportunity to Be Heard: Family Experiences of Coronial Investigations Into Missing People and Views on Best Practice' (2019) 10 *Frontiers in Psychology* 2322, 2.

⁸ Ibid.

⁹ Ibid.

¹⁰ The equivalent program for non-Aboriginal families is the Coronial Information and Support Program (**CISP**). That program is limited to providing practical information about the coronial process, court familiarisation and access to viewing sensitive evidentiary material, but not ongoing support at inquest. See also: Kerry Butler, 'Aboriginal and Torres Strait Islander Families in Australian Coroners Courts: A review of the research literature on improving court experiences' (Review, Law and Justice Foundation of New South Wales, April 2021) 13.

operating at or beyond capacity. Demand for its specialist wrap-around services far exceeds current resourcing, and strengthening this program would materially improve outcomes for the families it serves.

Court facilities

We recommend a dedicated family room be developed at the Coroner's Court in Lidcombe to provide privacy to families when attending inquests. In our experience,¹¹ this would allow families to:

- express emotions away from the view of other legal representatives, witnesses and the media
- avoid close contact with other witnesses, where such contact would exacerbate trauma
- retreat during traumatic evidence in court
- access water, tea and coffee, and
- participate in therapeutic experiences where witnesses or representatives of government agencies provide apologies.

A participant survey into improving family engagement in the NSW coronial system suggested:

Making families feel welcome at the Coroners Court is a vital part of improving the overall process. This could be as simple as providing tea and coffee for family members during inquests, or having a comfortable room for families and their representatives to go that is hidden from the gaze of the media and attending police. Many participants suggested that these simple things could go a really long way in proving families' experiences of the coronial system, and is certainly something that is almost immediately achievable.¹²

Financial assistance

We recommend that the NSW Government provide financial and accommodation support to families required to attend inquests. Such support would alleviate a financial barrier and ensure families are reimbursed for essential travel and accommodation costs associated with participating in the inquest process.

Families with limited finances face significant difficulties in securing private accommodation in advance, as they often lack the funds required at the time of booking. Other associated expenses that act as barriers to families attending inquests include childcare, food, and time taken off work. Inquests can last for a week or longer, and these cumulative costs place an unfair burden on families, particularly when other witnesses receive witness expenses and reimbursements.

¹¹ At Glebe Coroner's Court pre-2019 there was a therapeutically designed room with couches, soft furnishings, decorations and tissues. Now, the only available private spaces for families at Lidcombe Coroner's Court and regional courts are legal conferencing rooms.

¹² Lindsay McCabe, 'The Coronial System in New South Wales and Indigenous Australians' (LLM Thesis, The University of Sydney, 2019). See also generally Lindsay McCabe, Allen George 'Improving Indigenous family engagement with the coronial system in New South Wales; (2021) 46(3) *Alternative Law Journal* 212.

Additional information

For a detailed analysis of our casework and our recommendations on issues raised in this submission, we refer the Committee to our previous submissions:

- Legal Aid NSW submission to the NSW Legislative Council Select Committee on the coronial jurisdiction in New South Wales: *Inquiry into the coronial jurisdiction in New South Wales* (September 2021)- available [here](#).
- Legal Aid NSW submission to the NSW Legislative Council Select Committee on the High Number of First Nations Persons in Custody and Oversight and Review of Deaths in Custody: *Parliamentary inquiry into the high level of First Nations people in custody and oversight and review of deaths in custody* (September 2020)- available [here](#).

Thank you for the opportunity to provide feedback. If you have any questions or would like to discuss this matter further, please contact Helen Cooper, Senior Law Reform Officer, at _____ or _____.

Yours sincerely

Monique Hitter
Chief Executive Officer