



Royal Commission into Aboriginal Deaths in Custody Recommendation

19. Immediate notification to the family of the deceased

That immediate notification of death of an Aboriginal person be given to the family of the deceased and, if others were nominated by the deceased as persons to be contacted in the event of emergency, to such persons so nominated. Notification should be the responsibility of the custodial institution in which the death occurred; notification, wherever possible, should be made in person, preferably by an Aboriginal person known to those being so notified. At all times notification should be given in a sensitive manner respecting the culture and interests of the persons being notified and the entitlement of such persons to full and frank reporting of such circumstances of the death as are known.¹

Background²	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) highlighted the critical need for immediate, culturally sensitive, and transparent notification to families when an Aboriginal person dies in custody. It called for custodial institutions to promptly inform the deceased's family and emergency contacts, preferably in person and through an Aboriginal representative, to ensure respect for cultural values and reduce the risk of further trauma. This approach acknowledges the historical mistrust between Aboriginal communities and law enforcement, aiming to foster trust, provide clarity, and uphold the dignity of those affected.
Intent	Ensure families are notified immediately and in a culturally sensitive way when an Aboriginal person passes in custody.
Responsibility	All state and territory governments.
Key contacts	Coroners Court of Victoria; Corrections Victoria, Department of Justice and Community Safety; Victoria Police; Victorian Aboriginal Legal Service.
Key action taken	
2005 Review³	<p>The State Coroner assessed Recommendation 19 as fully implemented. They advised that this recommendation was generally followed, and such notification would apply to every death reported to the State Coroner's Office.</p> <p>Review Team</p> <p>The Review Team found the responses from custodial authorities did not provide details of the processes followed. Failure to give appropriate notification to family members was one of the complaints raised with the Review Team by relatives of Aboriginal people who passed in custody in Victoria since the RCIADIC.</p>

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 1, 174 ('RCIADIC').

² *ibid* vol 1, 125-129 [4.1.1].

³ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 465 ('2005 Review').

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2018 Review⁴

Deloitte concluded that Recommendation 19 was **fully implemented** in Victoria as the Victorian Government had introduced measures to ensure the notification of relatives was conducted in a manner consistent with this recommendation.

This assessment drew largely from the Victorian Government's 1994 Implementation Report. Deloitte also noted that when notifying relatives of a death, police were to be accompanied, where practicable, by an Aboriginal person known to those being notified; and the third phase of the Victorian Aboriginal Justice Agreement (AJA 3) outlined that a protocol was developed between the State Coroner's Office and the Aboriginal Funeral Service regarding the release of information about the deceased, including notification of the deceased's relatives.

Since then

Protocols are in place for notifying family when an Aboriginal person passes in custody. Ultimately, Victoria Police are responsible for notifying families when a loved one passes in police or corrections custody.

Corrections Victoria⁵

In their 2024 response to this recommendation, Corrections Victoria noted that in 2022 the Department of Justice and Community Safety released the Communications and Notifications Protocol - Passings in Custody. It confirms the roles and responsibilities, agreed protocol and process for communications and notifications of all deaths in the custody of Corrections Victoria. The protocol continues to be updated on a regular basis, with the most recent update occurring in June 2024.

Corrections Victoria noted in their response to Recommendation 10 that Victoria Police is responsible for notifying the Next of Kin in the event of a passing in custody. After this notification has taken place, Victoria Police advise the Coroner and Corrections Victoria.

The Naalamba Ganbu and Nerrlinggu Yilam - a team of Aboriginal staff in Corrections Victoria - lead all necessary communications and liaison with the family about prison matters.

Victoria Police

Victoria Police is responsible for informing families about deaths in custody.

The Victoria Police Manual (VPM) states that members delivering death notifications must do so in person and as a matter of urgency. Attending members are expected to liaise with their divisional patrol supervisor regarding this process. Members are encouraged to seek advice from the Aboriginal Community Portfolio Manager, Priority and Safer Communities Division within Victoria Police or the Koori Justice Unit in the Department of Justice and Community Safety (DJCS).⁶

⁴ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 44-46 ('2018 Review').

⁵ Corrections and Justice Services, 'Corrections and Justice Services response to AJC Project' 8-9.

⁶ Victoria Police, *Victoria Police Manual Guidelines - Deceased persons* (Guidelines rev ed, January 2024, ('VPMG - Deceased persons')).

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Where the death of an Aboriginal person occurs in police custody, information about that death may only be released by the divisional patrol supervisor, Media Unit, Coroners Court of Victoria or Professional Standards Command.⁷

The Victoria Police lead investigator is to inform the Aboriginal Community Portfolio Manager and Koori Justice Unit, DJCS of the death and relevant circumstances.

Evidence of impact

Authorising documents

Commissioner's Requirements⁸

The Commissioner's Requirements establish guidelines for operational matters within the prison system. They are issued when detailed instructions are needed to ensure uniformity and/or continuity of correctional practices throughout the entire prison system, including publicly and privately operated facilities.

These mandated requirements are formulated in collaboration with prison management and operators. All staff delivering correctional services in Victoria are expected to adhere to the procedures outlined in the Commissioner's Requirements, which include:

- Culturally safe reporting of deaths in custody
- Immediate notification to relevant agencies
- Specific protocols for handling the passing of Aboriginal or Torres Strait Islander individuals.⁹

According to Corrections Victoria (CV), these protocols emphasise cultural sensitivity and prioritise the best interests of the deceased person, their family, and the broader Aboriginal community. Detailed notification and communication procedures are outlined, including the responsibilities of involved parties, which must be strictly adhered to. Additionally, the General Manager promptly provides Victoria Police with necessary family details, ensuring appropriate notifications to the prisoner's senior next of kin and the Victim Support Agency.¹⁰

Reporting and Review of Prisoner Deaths

3.2 The reporting of a death in prison custody must be undertaken in a manner which is culturally safe and considers the best interests of the prisoner and their family.

4.1.5 The Deputy Commissioner, Custodial Operations or Duty Director will notify JARO and Justice Health immediately, and the Manager, Litigation & Coronial Matters will notify the Victim Support Agency, and where the deceased person identified as Aboriginal or Torres Strait Islander, CV's Naalamba Ganbu and Nerlinggu Yilam (the Yilam).

⁷ Victoria Police, *Victoria Police Manual - Death or Serious Injury Incidents Involving Police* (Guidelines rev ed, April 2024, ('VPMG Death or Serious Injury Incidents Involving Police')).

⁸ Corrections Victoria Commissioner, *Commissioners Requirements-Reporting and Review of Prisoner Deaths* (1.3.3, June 2023) rev ed, June 2023, ('Reporting and Review of Prisoner Deaths, Safety and Security Services - Deaths in Prison').

⁹ Ibid.

¹⁰ Ibid.

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4.2.1 A person in prison's cultural rights (s19) under the Charter extends to their passing. The response and reporting of the passing of an Aboriginal or Torres Strait Islander person must be managed in a culturally sensitive way and must be in the best interests of the person, their family and the broader Aboriginal or Torres Strait Islander community.

4.3.1 There are detailed and considered notification and communication protocols in place in the event that an Aboriginal or Torres Strait Islander person passes in prison. These protocols take into account the need to be culturally informed, keep the best interests of the person that has passed and their family in mind and also align with the impacts and concurrent activity that takes place across the broader Aboriginal or Torres Strait Islander community. These protocols, including the roles and responsibilities of those involved, are detailed in the 'Communications Protocol Passings in Custody Notifications and Processes' document and must be followed.

4.4.1 Following the death/passing of a prisoner, the General Manager is required, as soon as is practicable, to provide Victoria Police with the details of the prisoner's recorded family members, including emergency contacts, family relationships and all relevant telephone and visit contact details.

4.4.2 Victoria Police is responsible for notifying the prisoner's senior next of kin, identified by the list in the Coroners Act 2008 and as per the Memorandum of Understanding with CV. Victoria Police should be requested to advise the prison of such notification, to enable any further action to be taken by CV, including advising the Victim Support Agency via the Manager, Litigation & Coronial Matters, where there are registered victims, so that the victims can be notified of the death/passing.

Victoria Police Manual - Notification of death¹¹

The VPM states that members delivering death notifications must do so in person and as a matter of urgency. Victoria Police' Peer Support Program offers more detailed information about support for officers during and after this notification. A fact sheet about delivering death notices is provided on the Victoria Police intranet site.

The VPM includes a table outlining notification requirements for specific categories of people. For Aboriginal and Torres Strait Islander peoples, the requirements are:

Victoria Police is responsible for informing Aboriginal communities about the death. Attending members should liaise with their divisional patrol supervisor regarding this process. Members are encouraged to seek advice from the Aboriginal Community Portfolio Manager, Priority and Safer Communities Division, Capability Department or the Koori Justice Unit, DJCS.

Where a death occurs in police custody, information about that death may only be released by the divisional patrol supervisor, Media Unit, Coroners Court of Victoria or Professional Standards Command.¹²

¹¹ VPMG Death or Serious Injury Incidents Involving Police, rev ed, April 2024.

¹² VPMG - Deceased persons, rev ed, January 2024.

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<p>Outputs</p>	<p>Corrections Victoria noted in their 2024 response that:</p> <p><i>There are no specific measures or outputs associated with notifying Victoria Police of a passing in custody. However, separate to Victoria Police notification at a local level all passings are immediately reported to the Deputy Commissioner, Custodial Operations who notifies departmental executives (including the Aboriginal Justice Group). As such there is local and central oversight of the required processes being followed. CV also has a dedicated leadership role that liaises with all relevant persons to gather information on passings in custody and prepare formal briefings where required.</i></p> <p>As above, Commissioner’s Requirements outline the process for prison staff to notify Victoria Police of a death in custody and the deceased’s family details. Police are expected to notify families in person and as a matter of urgency, in accordance with guidance provided in the Victoria Police Manual and any additional guidance provided by the Aboriginal Portfolio Manager within Victoria Police or the Koori Justice Unit in DJCS.</p>
<p>Outcomes</p>	<p>Several protocols and guidelines exist within Victoria Police and Corrections Victoria to promote culturally sensitive notifications and support. However, while these protocols exist, the Victorian Aboriginal Legal Service (VALS) reiterate the need for Aboriginal families to be notified by Aboriginal people, not Victoria Police, to ensure culturally safe and sensitive practices.</p>
<p>Community views</p>	<p>Victorian Aboriginal Legal Service¹³</p> <p>In their 2021 Submission to the Review of Experiences of Bereaved Families going through a Coronial Process, VALS expressed several concerns about the process of notifying Aboriginal families about the death of a loved one, citing a lack of cultural sensitivity and respect.</p> <p><i>Appropriate, timely and sensitive notification – including culturally appropriate notification - is not only essential to mitigate additional harm and trauma for family members, it is also vital to enabling families to exercise their legal rights, including rights over the custody of the body.</i></p> <p>VALS outlined several reasons why it is ‘completely inappropriate’ for Victoria Police to notify Aboriginal families of the death of a loved one:</p> <p><i>Given ongoing systemic racism in the police force and the historical and contemporary role of police in systemic violence against Aboriginal people, many Aboriginal families have little trust in the police and, in some cases pertinent reasons to fear a visit from the police. Additionally, Victoria Police are often culturally insensitive, and do not have the skills and experience to engage with Aboriginal families in relation to such a sensitive issue.</i></p> <p>VALS conclude that a lack of clear process and cultural awareness of police and correctional staff have contributed to families experiencing additional trauma and harm when notified of the death of their loved one:</p>

¹³ Victorian Aboriginal Legal Service, 'Submission to the Review of Experiences of Bereaved Families Going Through a Coronial Process' (Submission) 13-16.

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In some cases, including matters where a person has passed away in custody, family members are not notified of the death of their loved one and instead receive this information second hand, via avenues such as social media and media. Similarly, there have been inappropriate and traumatic examples of notification to family members who are in custody at the time.

VALS made several recommendations to ensure Aboriginal families are notified in a culturally appropriate way by an Aboriginal person, and the Coroners Koori Engagement Unit is involved wherever possible:

- Family members should be notified of the death of their loved one by an Aboriginal person and where possible, that person should be known to the family. Notification should occur immediately, and in person where possible. Notification should not be by Victoria Police.
- All authorities responsible for the custody or care of individuals (including Corrections Victoria, Victoria Police, Youth Justice, Child Protection and health facilities) must update or develop clear protocols to reflect the above.
- When an Aboriginal person passes away in custody or care, the relevant agency should contact the Coroners Court immediately and the Coroners Koori Engagement Unit should also be notified immediately. Wherever possible, and unless this would cause undue delay, the relevant authority should consult with the Coroners Koori Engagement Unit regarding the notification to the family.
- Non-Aboriginal people who are involved in notifying Aboriginal families about the death of their loved one, must be adequately trained in cultural awareness, systemic racism, unconscious bias, and therapeutic and trauma-informed approaches.
- At the time of being notified about the death of their loved one, Aboriginal family members should be informed about culturally safe counselling and support services and access to these services should be funded by the Coroners Court.
- When an Aboriginal family member is in police or prison custody at the time that their loved one passes away:
 - (a) The family member should be notified by the relevant Aboriginal Liaison Officer.
 - (b) If there isn't an Aboriginal Liaison Officer at the custodial facility, authorities should consult the Coroners Koori Engagement Unit, unless this would cause undue delay.
 - (c) Corrections Victoria and Victoria Police should update their protocols to reflect this.
- When an Aboriginal family member is in custody at the time that their loved one passes away, they should be provided with culturally safe counselling and support, including through Aboriginal health services. Special dispensation through compassionate leave should be granted if the service needs to be accessed on a supervised basis away from the custodial institution.

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Related recommendations

2005 Review¹⁴

Recommendation 89

That the State Coroner, Victoria Police, and the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice) provide a report to the Aboriginal Justice Forum elaborating upon their processes for notification of families in the event of an Aboriginal death in custody.

That the Victorian Government continue to implement and monitor Recommendation 19 through any monitoring process established as a consequence of this Review.

Assessment summary¹⁵

Recommendation 19 aimed to ensure that families are notified immediately and in a culturally sensitive way when an Aboriginal person passes in custody.

Corrections Victoria and Victoria Police have updated policies and guidance that align with the intent of this recommendation. Corrections Victoria have specific protocols for managing Aboriginal passings in custody that emphasise the need for cultural sensitivity. Detailed procedures are outlined including the responsibility of the General Manager to promptly provide family contact details to Victoria Police to enable the family to be notified. We discussed past cases where there had been delays in informing families due to difficulties determining the next of kin, communication gaps, and locating families to notify them.

We know that the timing doesn't always work...it would be interesting to map the process between a publicly run prison, and a privately run prison, to see whether they're following the same process...They should be, but whether the times match up, we don't know. (Ebony Hickey, Chairperson, Barwon South West Regional Aboriginal Justice Advisory Committee)

The Victoria Police Manual emphasises the required urgency and cultural sensitivity of death notifications, with specific guidelines for notifying Aboriginal families. While acknowledging protocols are in place, the AJC remain concerned about the role of Victoria Police in the notification process, and delivery of sensitive information about Aboriginal passings in custody by non-Aboriginal people:

The notification to an Aboriginal family member about the death of their loved one must always be done by an Aboriginal person, and where possible, that person should be known to the family. If that is not possible, it should be done by individuals who have the skills and experience to do so in a way that is culturally appropriate and takes into account relevant Aboriginal spiritual and cultural practices associated with death and healing. (Victorian Aboriginal Legal Service)¹⁶

Current notification procedures could be further enhanced to support Aboriginal families and the delivery of sensitive information in a culturally responsive and respectful way.

¹⁴ 2005 Review.

¹⁵ Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 12 June 2025) ('Working Group Meeting (12 June 2025)'); Meeting with Aboriginal Justice Caucus (Project Team, Online, 16 July 2025) ('Aboriginal Justice Caucus Meeting (16 July 2025)').

¹⁶ Victorian Aboriginal Legal Service, 'Submission to the Review of Experiences of Bereaved Families Going Through a Coronial Process'.

Assessment of Recommendation 19

Is the intent of the recommendation accurately described?

Yes No

Does the action taken align with the intent of the recommendation?

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

2.5

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

2.5

(Score out of 3)

How relevant is the recommendation in the current context?

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

2

(Score out of 3)

Potential actions for further work

Guidelines for culturally appropriate notification of the passing of an Aboriginal person

Establish clear guidelines to ensure Aboriginal families receive information in a way that is culturally appropriate and takes into account relevant Aboriginal spiritual and cultural practices associated with death and healing.

Training for culturally appropriate notification

Train non-Aboriginal individuals to notify Aboriginal families about the passing of their loved one and provide information about appropriate counselling and support services. This must also apply to notifying kin in custody of their loved one's passing.

In person notifications to include an Aboriginal person

Promptly and in person notify family members with an Aboriginal person present. Involve the Coroners Aboriginal Engagement Unit in notifications if possible.

Moderate priority for further work

Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			Rec 19
	Moderate (3-4)			
	Low (0-2)			

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