



The Hon. Michael Daley MP
Attorney General
GO BOX 5341
SYDNEY NSW 2001

Email: DLODaley@dcj.nsw.gov.au

Dear Attorney General,

Reporting on recommendations arising from an inquest into the death of 'BW'

I am writing to provide you with advice about actions the Department of Communities and Justice (DCJ) has taken in response to recommendations made following a Coronial Inquest into the tragic death of **BW** in 2020. Please note, **BW** and his family are the subject of non-publication orders; he is to be referred to publicly as 'BW'.

On 8 September 2023 Deputy State Coroner Harriet Grahame made three recommendations to DCJ; one of which was directed solely to DCJ and the other two were joint recommendations for DCJ and the NSW Police Force. A further six recommendations were directed to the NSW Police Force.

As is required by Premiers Memorandum 2009-12, please find attached a table setting out actions taken by DCJ, and in collaboration with the NSW Police Force to complete the recommendations.

If you would like more information please contact Ms Cherie Smith, Director Serious Case Review at Cherie.Smith@dcj.nsw.gov.au

Yours sincerely,

A handwritten signature in cursive script that reads 'Anne Campbell'.

Anne Campbell
A/Secretary

15 April 2024

Encl: M2009-12 Response table 'BW'

CORONERS' RECOMMENDATIONS AND GOVERNMENT RESPONSES
 Made pursuant to section 82 of the *Coroners Act 2009*

Name of Deceased & File No.	Date, Venue & Coroner	Finding	Recommendations made to:	Recommendations	Response
<p>'BW' 2020/116336</p>	<p>Hearing: 17-21 July 2023</p> <p>Findings: 8 September 2023</p> <p>Lidcombe Coroners Court</p> <p>Deputy State Coroner, Harriet Grahame</p>	<p>Identity:</p> <p>The deceased person was 'BW'.</p> <p>Date of death:</p> <p>BW died on 17 April 2020.</p> <p>Place of death:</p> <p>BW died at Westmead Hospital, Westmead NSW.</p>	<p>Department of Communities and Justice (DCJ)</p>	<p>Recommendation 1</p> <p>The (DCJ) Office of the Senior Practitioner give consideration to what further policy guidance and practical assistance the Department can provide to the NSW Police Force in respect of the conduct of removals of children pursuant to s 43 <i>Children and Young Persons (Care and Protection) Act 1988</i>.</p>	<p>Recommendation 1</p> <p>DCJ met with representatives of NSW Police State Crime Command to consider what other information DCJ held that would practically assist NSW Police in response to this recommendation.</p> <p>NSW Police have adapted content from DCJ practice guidance considered as part of the inquest,¹ and have reviewed, updated, and disseminated internal communication to all police detailing their responsibilities when exercising their emergency powers under s.43 of the <i>Children and Young People (Care and Protection) Act 1998</i>, as a result of the findings in this inquest</p>
		<p>Cause of death:</p> <p>The cause of BW's death was hanging.</p> <p>Manner of death:</p> <p>BW's death was self-inflicted, while was under</p>	<p>DCJ and NSW Police</p>	<p>Recommendation 8</p> <p>Joint consideration be given to the creation of a fact sheet, required to be given to a parent or parents present at the time of any emergency removal of a child by police pursuant to s 43 <i>Children and Young Persons (Care and Protection) Act 1998</i>, including content addressing the following matters, in line with the DCJ "<i>When your child is removed from your care</i>" fact sheet:</p> <ol style="list-style-type: none"> a. In general terms why police have removed the child. b. What happens next. 	<p>Recommendation 8</p> <p>NSW Police have referred to the DCJ information fact sheet "<i>When your child is removed from your care – information for parents</i>" to update a resource for NSW Police; titled "Notice to person/s with care responsibilities of reason/s for removal of a child or young person from any place or premises – s.234 and s.43 <i>Children and Young Persons (Care and Protection) Act 1998</i>" (S43 Notice).</p> <p>The revised S43 Notice is attached to the internal police communication noted at Recommendation 1 and will be provided to parents/carers if police</p>

¹ Includes 'When Your Child is Removed From Your Care' Information Sheet; Removal or Assumption of a Child Practice Mandate; Temporary Care Arrangements; Parental Responsibility Contract; and The Separation and Loss Practice Advice Topic.

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		<p>the influence of alcohol. Their death occurred shortly after NSW Police conducted an emergency removal, pursuant to the <i>Children and Young Persons (Care and Protection) Act 1998</i>, of BW's child.</p>		<p>c. Contact details for the DCJ Child Protection Helpline. d. Space for the name and contact details of a relevant police officer and relevant police station who the parent can contact for more information. e. Other useful contact details including for Legal Aid NSW and any appropriate complaint arising from the conduct of police. f. Blue, NSW Mental Health Line).</p>	<p>exercise emergency removal powers under s.43. The S43 Notice provides the parent/carer with; the contact details (name/rank and station) of the officer, the rationale for removal, a brief outline about the steps police will take including a report to DCJ, the contact number for the Helpline, Legal Aid and crisis support contact number for Lifeline, as per recommendation items a-f.</p> <p>NSW Police have also uploaded the S43 Notice to the NSWPF Child Abuse Squad intranet page, where all police can access it.</p>
			<p>DCJ and NSW Police</p>	<p>Recommendation 9</p> <p>The Interagency Guidelines on Reporting and Responding to Child Wellbeing and Safety Concerns be jointly reviewed, with a view to including reference to the police exercise of power under s. 43 <i>Children and Young Persons (Care and Protection) Act 1988</i>, with hyper-links to relevant NSWPF policies and guidance materials.</p>	<p>Recommendation 9</p> <p>DCJ and NSW Police have reviewed the <i>Interagency Guidelines for Practitioners: Collaborative Practice in Child Wellbeing and Protection</i>. The section 'Government agencies – Understanding roles and responsibilities in the sector' contains high level information about NSW Police role in the care and protection of children, and references to NSW Police powers to remove children from parents under s43 of the <i>Children and Young Persons (Care and Protection) Act 1998</i>.</p> <p>NSW Police have reviewed the content and have agreed for the S43 Notice to be included as a <i>hyperlink</i> to the Guidelines. The revised advice is now available via the online <i>Interagency Guidelines</i> https://www.facs.nsw.gov.au/providers/child-ren-families/interagency-guidelines/understanding-roles-and-responsibilities-in-the-</p>

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