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LAW & ADVOCACY
CENTRE FOR WOMEN

Law and Advocacy Centre for Women Ltd

Statement on the Findings of the Coronial Inquest into the passing of Veronica Nelson

At the outset, we would like to express our deepest sympathy to Veronica's family and friends. As an organisation, and as individuals, we have been devastated by Veronica's passing and can only imagine the pain and sorrow that her family and loved ones are feeling.

We also wish to acknowledge that we live and work on the unceded lands of the Wurundjeri people of the Kulin Nations. We pay our respect to their elders, past and present, and to the traditional owners and elders of the lands throughout Victoria on which we conduct our work. We say this not only to pay due respect, but also in recognition of the fact that Aboriginal and Torres Strait Islander people face persistent prejudice and discrimination in the legal system, specifically in relation to policing and incarceration. It is absolutely vital that the experiences and voices of Aboriginal and Torres Strait Islander communities and individuals are centred in any discussions regarding the impacts of the criminal legal system and the need for reform, and that the Government work with Aboriginal and Torres Strait Islander organisations and communities in implementing the recommendations set out in the inquest findings. Sovereignty was never ceded.

Veronica died alone in a prison cell at Victoria's maximum security women's prison, where she was being held on remand in relation to shoplifting offences. As noted many times during the course of these proceedings, Veronica should never have been in custody in the first place. Her incarceration occurred as a result of systemic failures in our criminal justice system including a punitive bail regime that the Coroner has found to be incompatible with *Victoria's Charter of Human Rights and Responsibilities Act 2006*.

We welcome the Coroner's recommendations in relation to the urgent need for bail reform. The reverse onus provisions of the *Bail Act 1977* – introduced ostensibly in the name of improving community safety – have had a disproportionate impact on vulnerable and disadvantaged members of our community, in particular Aboriginal and Torres Strait Islander women. We see this in the grossly disproportionate number of First Nations women held in Victorian prisons; we see this in the dramatic increase in their rate of imprisonment, which more than doubled in the wake of the bail amendments; and we see this in the surge of women held on remand – women who have not entered pleas of guilty to any offence – who for the first time outnumber sentenced women in prison. The vast majority of these women pose no threat to community safety and are unlikely to be sentenced to a further prison term.

The Coroner has recommended an urgent review of the Bail Act "with a view to repeal of any provisions having a disproportionate adverse effect on Aboriginal and/or Torres Strait Islander people," along with specific legislative amendments to remove the double uplift and reverse onus provisions of the Bail Act. The Victorian Government must act on these recommendations, which

echo similar calls for reform that have been made by legal and community organisations for a number of years.

We also want to emphasise the urgent need to end the practice of self-represented bail applications at first remand hearings. It is completely unreasonable to expect an accused person to navigate the complexities of the legal processes around bail without legal representation. This practice also misses a vital opportunity to note important health and wellbeing needs of accused persons should they be remanded in custody. The Coroner's recommendations with regard to limiting the situations in which new facts and circumstances must be established for second and subsequent applications for bail should be urgently implemented in order to address this persistent problem.

We strongly endorse the recommendations that Victoria Police review their practices, procedures and training around bail decision making, and do not continue the practice of leaving certain bail decisions to the Courts by default.

We welcome the Coroner's recommendations around improving health services available in custodial settings, and emphasise that services provided in places of confinement should never be outsourced to private providers.

The urgent need to reform the criminal legal system to reduce the number of Aboriginal and Torres Strait Islander people in custody is not new – we have had evidence of this since the findings of the Royal Commission into Aboriginal Deaths in Custody were released over 30 years ago. As noted by the Coroner, “Governments have had the answers to the problems identified in Veronica's case for over thirty years. The findings and recommendations of RCIADIC were reasonable and implementable, and they should have resulted in the type of widespread systemic changes that could have prevented the tragedy of Veronica's passing from occurring.”

In calling for “responsive and culturally informed policymaking,” the Coroner also noted that the “adoption of tokenistic policies of inclusion and antidiscrimination are not going to cut through and have not been anywhere near effective enough. Such policies only work to serve the public relations interests of those with power, and are miles removed from the everyday wants and needs of the vulnerable people they profess to support.” We welcome these findings, and urge the Victorian government to implement the recommendation to develop, in consultation with peak Aboriginal and/or Torres Strait Islander organisations, “a review and implementation strategy for the State's implementation of the 339 recommendations of the 1991 Final Report of the Royal Commission into Aboriginal Deaths in Custody.”

Veronica was a proud Gunditjmarra, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman. She was strong in her culture and loved by her family and friends. Her passing has devastated her community.

It should not take another tragic – and preventable – death in custody for the Government to act.

Dated 1 February 2023

The Law and Advocacy Centre for Women Ltd was joined as an interested party in these proceedings.

For further information, please contact Elena Pappas, CEO, at epappas@lacw.org.au or Jill Prior, Principal Legal Officer, at jprior@lacw.org.au.