

MEDIA RELEASE



NEW SOUTH WALES
BAR ASSOCIATION

Statement on First Nations deaths in custody

22 October 2025

In an open letter, the NSW State Coroner Teresa O'Sullivan has acknowledged the distressing milestone that more First Nations people have died in custody in NSW in 2025 than in any other year in the state's history.

The NSW Bar Association shares the profound concerns expressed by the NSW State Coroner and the Aboriginal Legal Service (NSW/ACT) in their public comments.

These deaths represent both personal tragedies and public policy failings.

The Coroners Court of NSW professionally and impartially investigates every death in custody. It is the NSW Government that needs to address the over-representation of First Nations people in the criminal justice system.

In 1991, the Royal Commission into Aboriginal Deaths in Custody found that the over-representation of First Nations people in the criminal justice system was a key driver of deaths in custody. Almost 35 years after the Royal Commission handed down its final report, NSW has failed to learn from its findings.

Despite the National Agreement on Closing the Gap, and a nationwide commitment to reducing the over-representation of First Nations people in the criminal justice system, NSW is imprisoning First Nations people at an increasingly and alarmingly high rate.

According to the latest [data](#) published by the NSW Bureau of Crime Statistics and Research (**BOCSAR**), from June 2023 to June 2025, the number of Aboriginal adults in custody grew by approximately 18%. Over the same period, the number of Aboriginal young people in detention increased by approximately 36%.

We are not just failing to meet the Closing the Gap targets – we are going backwards at an unacceptable rate.

BOCSAR identifies several concerning reasons for these increases – including a growing number of First Nations people being held on remand, that is before they have been convicted of any offence, and a failure to divert young people away from custody under the *Young Offenders Act 1997* (NSW).

Urgent action is needed by the NSW Government to meet its Closing the Gap targets and reduce the number of First Nations people in custody. The NSW Bar Association is continuing to advocate for

critical reforms to meet these aims – including much-needed bail reforms, structural changes to the coronial system and raising the minimum age of criminal responsibility to 14 years of age.

Failure to act will only result in further tragic and preventable deaths of First Nations people in custody.

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