



**SENATOR THE HON TIM AYRES
MINISTER FOR INDUSTRY AND INNOVATION
MINISTER FOR SCIENCE**

Senator the Hon Sue Lines
President of the Senate
Parliament House
CANBERRA ACT 2600

Dear President

Pursuant to standing order 166 relating to the presentation of documents, I write regarding the motion moved by Senator Lidia Thorpe on 19 September 2024, requiring the Minister representing the Attorney-General to table documents relating to deaths in custody (order number 637 of 2024).

Please find enclosed a letter from the Attorney-General, the Hon Michelle Rowland MP, in response to Order 637.

I thank the Senate for consideration of this response.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'TA', followed by a long horizontal flourish.

TIM AYRES

Enc: *Letter from the Attorney-General in response to Order 637*



The Hon Michelle Rowland MP

**Attorney-General
Federal Member for Greenway**

Reference: MS26-000471

Senator the Hon Tim Ayres
Minister for Industry and Innovation
Minister for Science
Parliament House
CANBERRA ACT 2600

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Dear Minister

Pursuant to standing order 166 relating to the presentation of documents, I write in relation to the motion moved by Senator Lidia Thorpe on 19 September 2024, requiring the Minister representing the Attorney-General to table documents relating to deaths in custody (order number 637 of 2024).

I would be grateful if you could submit this letter on my behalf to the President of the Senate as soon as practicable to comply with the Senate Order deadline of 10 July 2026.

Every death in custody is a tragedy. The Commonwealth recognises the importance of its leadership on this issue.

The Commonwealth has made considerable effort to improve the timeliness of reporting deaths in custody. Notwithstanding the improvements made to date, the Commonwealth does not have custody of any of the data requested in the Order. State and territory governments are the data custodians of deaths in custody data collected within their jurisdiction.

The nature and frequency of data collected varies by jurisdiction, and while state and territory governments provide the Commonwealth with some of the data requested in this Order through the National Deaths in Custody Program (NDICP), there is no mechanism to compel state and territory governments to provide data to the Commonwealth, or where data is provided, to compel agreement to disclose this information.

As previously indicated, ongoing responses to this Order are in accordance with existing agreements with states and territories and ethics protocols approved by the Australian Institute of Criminology (AIC) Human Research Ethics Committee (HREC) and Justice Human Research Ethics Committee (JHREC).

A summary of my response is provided below:

Data point	Response
Monthly number of deaths in custody, by state and territory and age groups	Data on deaths in custody by age group is collected and reported to the Commonwealth in real-time by all state and territory data providers. This data is reported by the Commonwealth on the national real-time <i>Deaths in custody in Australia dashboard</i>. Through the collation of this data, the Commonwealth has access to monthly accounts of deaths in custody by state and territory and by age group. The data is reported publicly on the dashboard as aggregate data (not broken down by jurisdiction) noting the release of disaggregated data would: • Breach ethics protocols from the AIC HREC governing the release of NDICP data. • Breach the existing agreements with jurisdictions for how data would be reported. Further, the public release of data at the level of disaggregation requested would allow for the identification of individual deaths and this would need to be sensitively managed noting the potential negative impact on the deceased person's family's privacy and confidentiality. For these reasons aggregate data has been provided, and PII continues to be claimed over the provision of disaggregated data.

Monthly number of deaths in custody, by state and territory and cause of death	Data on deaths in custody by cause of death is collected and reported to the Commonwealth in real-time by all state and territory data providers. Data is reported by the Commonwealth in the annual <i>Deaths in custody in Australia</i> report. Through the collation of this data, the Commonwealth has access to monthly accounts of deaths in custody by state and territory and provisional cause of death. The Commonwealth cross-references cause of death data with coronial records from the National Coronial Information System (NCIS). The data is published as aggregate data (not broken down by jurisdiction or by month), and only where there is a coronial record (autopsy and/or coronial finding) to confirm the cause of death. The release of disaggregated data would: • Breach ethics protocols from the AIC HREC and JHREC, administered by the Victorian Department of Justice and Community Safety, which governs, and access and use of coronial data from the NCIS. • Breach the existing agreements with jurisdictions for how data would be reported. Further, the public release of this data at the level of disaggregation requested would allow for the identification of individual deaths and this would need to be sensitively managed noting the potential negative impact on the deceased person's family's privacy and confidentiality. In addition, releasing data that has not yet been verified through autopsy and/or coronial finding would risk incorrect data being published. For these reasons aggregate data on manner of death has been provided, and PII continues to be claimed over the provision of disaggregated data.
Monthly numbers of ongoing coronial inquests by state and territory	This data is not reported by states and territories to the Commonwealth. Where it exists the Commonwealth generally does not have access to this data. Information on ongoing coronial inquests is known to be collected by some state and territory governments. Some coronial inquest details are published on Coroners Court websites however this is not a complete or reliable data source.
Monthly incidents of self-harm in custodial settings by state and territory	This data is not collected by all states and territories, and the Commonwealth does not have access to this data. The provision of data at the level of disaggregation requested allows for the identification of individuals who self-harm in custodial settings and would be a breach to the individual's privacy and confidentiality.

Monthly account of miscarriages and stillbirths in custodial settings by state and territory	This data is not collected by all states and territories, and the Commonwealth does not have access to this data. The provision of data at the level of disaggregation requested allows for the identification of individuals who experience miscarriages and stillbirths in custodial settings and would be a breach to the individual's privacy and confidentiality.
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Full aggregate data on deaths in custody for Quarter 2 2026 relating to the Order is attached at **Schedule A**.

Information from the National Prisoner Health Data Collection on experiences of self-harm in prison in 2022 was tabled on 10 October 2024. This survey is conducted approximately every 3-years in participating prisons, and no further updates are available currently. Data pertaining to ongoing coronial inquests, and miscarriages and stillbirths in custodial settings has not been provided noting it is not collected by jurisdictions.

I thank the Senate for consideration of this response.

Yours sincerely



Michelle Rowland MP

8/07/2026

Enc. *Schedule A: Aggregate data on deaths in custody for Quarter 2 2026*

Schedule A

Table 1: Deaths in custody by age group and month, Quarter 2 2026 (n) ¹

	Quarter 2 2026		
	April	May	June
Under 25 years	0	2	0
25 to 39 years	0	1	1
40 to 54 years	5	3	2
55 years or older	4	1	0
Total	9	7	3

Source: AIC NDICP 2026 [computer file]

Table 2: Deaths in custody by manner of death, Quarter 2 2026 (n) ²

	Quarter 2 2026		
	April	May	June
Self-inflicted ^a	2	1	1
Other ^b	7	4	1
Unknown ^c	0	2	1
Total	9	7	3

Note:

a: The self-inflicted category includes self-harm, whether intentional, unintentional or unknown, and accidental hangings

b: Includes all other deaths where the manner of death was recorded and were not classified as 'self-inflicted'

c: Includes deaths where the manner of death could not be determined or a coronial report was not available at time of reporting

Source: AIC NDICP 2026 [computer file]

¹ Quarter 2 2026 data include deaths to the NDICP by 30 June 2026 and has been cross-referenced with NCIS records but not yet verified with data providers. Quarterly data verification processes are undertaken a month after the end of the quarter. These data exclude:

- deaths that occurred on 30 June 2026, and
- deaths that occurred during the period 1 April to 30 June 2026 where an NDICP notification is forthcoming.

² Quarter 2 2026 data include deaths to the NDICP by 30 June 2026 and has been cross-referenced with NCIS records but not yet verified with data providers. Quarterly data verification processes are undertaken a month after the end of the quarter. Manner of death is provisional until confirmed by a coronial finding. These data exclude:

- deaths that occurred on 30 June 2026, and
- deaths that occurred during the period 1 April to 30 June 2026 where an NDICP notification is forthcoming.