

Penny Musgrave
Director
Criminal Law Division
Department of Attorney General and Justice
GPO Box 6
SYDNEY NSW 2001

20 December 2013

Dear Ms Musgrave

Review of Chapter 9A of the *Coroners Act 2009*

I refer to the letter from Brendan Thomas, Acting Director General dated 21 November 2013 seeking a submission to the statutory review of Chapter 9A of the *Coroners Act 2009*. The review is a valuable opportunity to reflect on the important work of the Domestic Violence Death Review Team.

Objective of Chapter 9A

Legal Aid NSW is of the view that the policy objectives of Chapter 9A remain valid. We endorse the work of the Domestic Violence Death Review Team.

Terms of Chapter 9A

Legal Aid NSW makes two recommendations regarding the terms of Chapter 9A.

First, the definition of 'domestic relationship' contained in Chapter 9A should be amended to reflect the new definition of 'domestic relationship' that will be included in the *Crimes (Domestic and Personal Violence) Act 2007* when the current statutory review of that Act is finalised. It is essential that the Domestic Violence Death Review Team is able to review all deaths appropriately considered 'domestic violence deaths'.

Second, Legal Aid NSW recommends that the terms of Chapter 9A be amended to enable the Domestic Violence Death Review Team to review cases that are still the subject of coronial investigations. Specifically, it is proposed that the Team be able to review cases before the coroner has dispensed with or completed inquests concerning domestic violence deaths.

Under the South Australian model the domestic violence death review position within the Coroner's Office is able to review both open and closed coronial cases. This allows for more in-depth and timely investigation of domestic violence deaths, as the officer in the position is able to subpoena a wide range of information and evidence as part of the coronial inquest process, and thereby make more informed and targeted recommendations. For example, in one instance the officer was able to identify a case as having occurred in a domestic violence context, obtain relevant information about this context through an inquest, and make recommendations regarding critical improvements in the police response to domestic violence, despite the fact that the death in question did not at first appear to be a domestic violence death. If not for the officer's involvement in reviewing open cases, the domestic violence context of the death may never have been uncovered and the important recommendations stemming from the review would never have been made.

The ability to consider open cases also significantly reduces the time between a domestic violence death and its review. This can increase the responsiveness of services and agencies to issues highlighted by domestic violence deaths and the timeliness of systemic change.

Similar domestic violence death review mechanisms in Victoria and Queensland also allow for the review of open and closed coronial cases.

If you would like to discuss any of the issues raised in this letter please do not hesitate to contact Annmarie Lumsden, Executive Director Strategic Policy and Planning on 02 9219 6324 or at annmarie.lumsden@legalaid.nsw.gov.au.

Yours sincerely

Bill Grant
Chief Executive Officer