

Media Release



Families say coronial changes will further weaken flawed system

Tuesday 5 August 2014 – for immediate release

Changes to Victoria's coronial system set for debate in Parliament as early as this week will weaken the capacity to prevent deaths and exacerbate families' distressing experience of inquests, according to state community legal peak, the Federation of Community Legal Centres.

Significant flaws in proposed legislative amendments will be highlighted at a press conference to be held this morning (10.30am, Tuesday 5 August), when six families who have experienced the Victorian coronial system will share their difficulties negotiating the system through inquests into deaths from family violence, road trauma, home birth, psychiatric care and police shooting.

The Federation has written to the Attorney-General, Robert Clark, putting forward its concerns and urging further discussion before any amendments to the Coroners Act proceed to debate in Parliament.

"We welcome the proposed broadening of grounds of appeal of coronial decisions to matters of both law and fact, because this acknowledges an important justice principle. However, broadening appeal avenues means little if families are left without legal help in the face of prohibitive costs of appeal in the Supreme Court, and when the proposed changes narrow the timeframe within which families can appeal the refusal to hold or reopen an inquest, or to challenge inquest findings," said Dr Chris Atmore, Senior Policy Adviser with the Federation, today.

"In the main, the proposed changes appear to be more about attempting to help the system cope with inadequate resources than they are about achieving justice for families and avoiding preventable deaths. There is no substitute for properly funding the system to do its job," Dr Atmore said.

"The effect of these changes will be to place stricter time constraints on families who are already without adequate information or appropriate legal help, and who will be at greater risk of not being able to access help before it is too late," Dr Atmore said.

She said the amendments also risked weakening the scrutiny of deaths in care and custody, with inquests not required to proceed under the proposed amendments if the coroner considered a death had occurred due to natural causes.

"Deaths in care or custody must remain mandatory if they are to receive a level of scrutiny appropriate to the fundamental responsibility of the State for vulnerable people held in conditions that all too often lack transparency and accountability. A death from natural causes could have been hastened or brought about by the circumstances of care or custody, and this should be investigated at inquest," Dr Atmore said.

She noted this amendment ran counter to recommendation 11 of the Royal Commission into Aboriginal Deaths in Custody.

Transparency and accountability would also be further undermined by a legislative proposal that findings of inquests would no longer be required to be published on the Internet.

In March last year, the Federation published *Saving Lives by Joining Up Justice* on behalf of the Australian Inquest Alliance. The issues paper put forward important recommendations for national coronial reform.

“If the Coroner’s Act is to be amended in Victoria, we need affordable legal help and better information for families, a system that’s accountable when they disagree with processes and decisions, and a clear path to monitoring and implementing findings to avoid future preventable deaths in similar circumstances.

“Loved ones can never be brought back, but it is a consolation to families to know that similar preventable deaths will not happen again,” Dr Atmore concluded.

The press conference will be held at **10.30am, Tuesday 5 August 2014** in the Victoria Room, Level 4, Queen Victoria Women’s Centre, 210 Lonsdale Street, Melbourne.

Download media background information on the Bill (PDF)

https://communitylawblog.files.wordpress.com/2014/08/coronial_pressconf_media_background_final_web.pdf (PDF)

Download *Saving Lives by Joining Up Justice* (PDF)

http://www.fclc.org.au/public_resource_details.php?resource_id=2238

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