

Ms Emma Lindsey
Coroners Registrar
Coroner's Court of Victoria
65 Kavanagh Street
Southbank VIC 3006

By email: cpuresponses@coronerscourt.vic.gov.au

Dear Ms Lindsey

Investigation into the death of James Tomlinson - Request for statement

Thank you for your letter of 22 April 2015 and for providing the Law Institute of Victoria (LIV) with the opportunity to address her Honour Judge English's recommendations in the investigation into the death of Mr James Tomlinson.

Members of the LIV's Criminal Law Section are acutely aware of the risk of self-harm by clients who are interviewed about, or charged with, child sex offences. A number of our members report having been instructed by someone who has committed suicide in the lead up to their court case. This is a traumatic event not only for the accused person and those connected with them, but all parties involved in the case.

Recommendations to be addressed

1. In accordance with Recommendation 2, the LIV's Criminal Law Section will prepare a pamphlet for members to provide to clients charged with these offences. The pamphlet will include information about:
 - police investigations;
 - the judicial process regarding police charges;
 - potential involvement of other agencies; and
 - how to seek assistance for well-being and mental health issues and contact details for a number of relevant services which provide such assistance.

We also expect that this pamphlet will be made available on the LIV's website.

2. In accordance with Recommendation 3, the LIV agrees with her Honour's comments regarding the important role lawyers play in preventing their clients from self-harming. We agree that lawyers should be provided with training to understand the psychological reactions of accused persons charged with these offences, whilst acknowledging that our

members are not psychologists or trained to diagnose or treat mental health conditions. While our members report that they regularly encourage their clients to seek advice from mental health and other health professionals, we acknowledge that specific training in the risks of self-harm for clients charged with these particular types of offences would be appropriate.

The LIV is one of many providers of legal education to practicing lawyers. The LIV has committed to plan for either a specific continuing professional development (CPD) seminar on this topic or, alternatively, inviting a forensic mental health professional to attend the Criminal law Section General Committee meeting to speak to this issue.

If you have any queries or wish to discuss this further, please contact Gemma Hazmi, Policy Lawyer for the LIV Criminal Law Section on ghazmi@liv.asn.au.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'K. Miller', written in a cursive style.

Katie Miller
President
Law Institute of Victoria