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30 June 2015

Ms Emma Lindsey  
 Coroners Registrar  
 Coroners Court of Victoria  
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 SOUTHBANK VIC 3006



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Dear Ms Lindsey

### **Investigation into the death of James Tomlinson – Victoria Legal Aid's response**

I refer to your letter dated 22 April 2015 enclosing the finding without inquest into the death of James Tomlinson. Victoria Legal Aid ('VLA') has considered the Coroner's finding and recommendations and this letter sets out VLA's response.

VLA is pleased to implement the Coroner's recommendations as they reflect VLA's *Strategy 2015-18* (Strategy), which includes care for our clients as a fundamental value. VLA's Strategy also commits VLA to working with our legal sector partners towards a more responsive justice system. For this reason, VLA supports the Coroner's approach to involving multiple agencies in addressing the increased risk of suicide for people charged with child related sexual offences, which recognises that this complex issue cannot be adequately addressed by one agency alone.

#### Recommendation 2

The Coroner recommends that material for inclusion in a pamphlet distributed by Victoria Police to suspects should be prepared in conjunction with relevant bodies including VLA. VLA has written to Victoria Police offering assistance with the preparation of the pamphlet. A copy of that letter is enclosed.

#### Recommendation 3

This recommendation states that lawyers have an important role to play to prevent clients from self-harming. The Coroner recommends that VLA consider provision of specific training about the risk of self-harm and the psychological reactions of clients charged with child related sexual offending to lawyers acting for these clients.

VLA will implement this recommendation by providing a professional legal education lecture and panel discussion for VLA lawyers. This training will commence with a presentation from Dr Rachel MacKenzie to inform lawyers about the psychological reactions detailed in her report set out in Attachment A to the Coroner's finding.

The training will also include a panel of speakers from VLA to address the following topics:

- When and how lawyers are permitted to breach client confidentiality to prevent self-harm – the *Legal Profession Uniform Law Australian Solicitor's Conduct Rules 2015* come into effect on 1 July 2015 and contain an explicit exception to the duty of confidentiality in relation to serious physical harm to a client (see Rule 9.2.5).
- Making effective and appropriate referrals, in order to support the Coroner's recommendation that lawyers acting for those clients should reinforce the role of mental health professionals and encourage their clients to seek advice from their general practitioner.
- A practice perspective on representing clients charged with child related sexual offending.

The lecture and panel discussion will be targeted at VLA lawyers who regularly undertake sexual offence work, but will be open to all VLA lawyers. The event will be video conferenced to VLA's regional offices and will also be recorded and subsequently made available all VLA lawyers to view. Because this training will reference VLA's internal operating arrangements and systems, it will be limited to VLA staff only. The training will take place by the end of October 2015.

For further information please contact Kate Bundrock, Senior Lawyer Practice Standards, on 9269 0289 or [kate.bundrock@vla.vic.gov.au](mailto:kate.bundrock@vla.vic.gov.au).

Yours faithfully



**TIM MARSH**

Acting Managing Director

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 Victoria Legal Aid

30 June 2015

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Dear Chief Commissioner

### **Coroner's investigation into the death of James Tomlinson**

On behalf of Victoria Legal Aid, I would like to congratulate you on your appointment as Chief Commissioner. We look forward to working with you as part of our strong and productive relationship with Victoria Police.

I refer to the coronial investigation into the death of James Tomlinson and the finding without inquest made by Coroner Caitlin English dated 20 April 2015.

Her Honour makes four recommendations aimed at reducing the risk of suicide among people charged with child related sexual offences. Recommendation 2 states:


*A pamphlet is currently provide by Victoria Police to suspects regarding support information. This pamphlet should also include information about the police investigation, the judicial process regarding police charges, the potential involvement of other agencies, and how to seek appropriate assistance for well-being and mental health.*

*Victoria Police is the obvious point of dissemination for such a pamphlet; however the material should be prepared in conjunction with relevant bodies, such as the Law Institute of Victoria, Victoria Legal Aid, and agencies such as Suicide Prevention Australia and Beyondblue.*

I am writing to offer our assistance in preparing content for the pamphlet. In particular, Victoria Legal Aid may be able to assist in relation to information about the judicial process and our services and contact details.

Please contact Helen Fatouros, Director of Criminal Law Services, to discuss the assistance we can provide. Ms Fatouros can be contacted on (03) 9269 0580.

Yours faithfully



**TIM MARSH**  
Acting Managing Director

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