



Department of Justice

Acting Secretary



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Her Honour Judge Jennifer Coate
Victorian Coroner
222 Exhibition Street
MELBOURNE VIC 3000

Dear Judge Coate

Response to Recommendation 8 arising from the Inquest into the Death of Tyler Jordan Cassidy and Recommendation 6 arising from the Inquest into the Death of Shane Bennett

The purpose of this letter is to provide final responses to recommendation 8 arising from the Inquest into the Death of Tyler Jordan Cassidy (Court Reference 5542/08) and recommendation 6 arising from the Inquest into the Death of Shane Bennett (Court Reference 1132/08).

I note that the wording of recommendation 6 by Coroner White in the Shane Bennett matter is identical to the wording of your recommendation in the Tyler Cassidy matter.

I have given consideration to those recommendations and do not at this time propose to adopt the recommendations but will keep the issue identified under review for future consideration.

The reasons that I do not propose to adopt the recommendations at this time are that the recommendations:

- are based on a perception that collusion or bias may occur in the interview process although both you and Coroner White do not identify any actual collusion or bias during the interviews of police members in either inquest;
- have been rendered less necessary with the changes made to the Victoria Police oversight and conflict of interest rules in relation to such investigations; and
- risk interfering in the operational independence of Victoria Police in conducting these investigations in a timely manner.

The Department will continue to monitor recommendation in future Inquests into similar matters and, in the event that substantiated incidents of collusion or bias occur, will give further consideration to the recommendation.

In the event that the Government undertakes the consultation proposed in recommendation 3 to the Report by the Director, Police Integrity titled *Review of the investigative process following a death associated with police contact*, that is, 'the Victorian Government consults with key stakeholders regarding an optimal legislative framework for the investigation and oversight of deaths associated with police contact in Victoria', this recommendation will be given further consideration as part of that consultation.

Recommendations 7, 8 and 9 in the findings of the Bennett Inquest are dependent upon the adoption of recommendation 6 which, as already discussed, I have decided not to implement at this time. In the event that it is necessary to revisit this recommendation in the future, further consideration will be given to recommendation 9. Recommendations 7 and 8 are operational matters and would require implementation by the Chief Commissioner of Police.

Yours sincerely



Dr Claire Noone
Acting Secretary