



Jaclyn Symes MP

Attorney-General
Minister for Emergency Services

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Our ref: EBC 24086880

Your ref: COR 2020 006727

Coroner Ingrid Giles
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006
TEAM11@COURTS.VIC.GOV.AU

Dear Coroner Giles

Thank you for your office's letter of 29 August 2024 regarding the investigation into the death of Bridget Flack.

Bridget's death was an immense tragedy. I extend my sincere condolences to her loved ones.

Recommendation

Pursuant to section 72(2) of the *Coroners Act 2008 (Vic)*, you recommended:

That the Attorney-General of Victoria, the Honourable Jaclyn Symes, consider (or refer for the consideration of the Victorian Law Reform Commission) whether the current definition of 'senior next of kin' in section 3 of the Coroners Act 2008 can be reformulated to reduce the hurdles and distress it can create for the loved ones of LGBTIQ+ Victorians who die in reportable circumstances, including where they may be estranged from family members, while still allowing for the 'senior next of kin' to be 'identified quickly and with certainty'.

Response to the recommendation

I have taken the recommendation under consideration.

The senior next of kin hierarchy is an important feature of the Coroners Act. It provides coroners with clear guidance on how to resolve disputes between relatives. This minimises delay and enables coroners to focus on the important work of investigating the circumstances of a person's reportable death. However, I understand that the hierarchy is not always reflective of the experiences of LGBTIQ+ Victorians who may be estranged from their biological families at the time of their death.

In considering whether the senior next of kin hierarchy can be reformulated to better reflect the diversity of Victorians, significant care will need to be taken to ensure that any reformulation does not create uncertainty with the hierarchy. Uncertainty may cause delays and create further distress for loved ones in already difficult circumstances. Further policy work is needed to consider how best to balance the need for certainty within the hierarchy against the need for flexibility in some circumstances.

I have instructed the Department of Justice and Community Safety to commence policy work on this recommendation, which will include consultation with the Court and other key stakeholders.

If you wish to discuss this recommendation further, please contact Marian Chapman, Deputy Secretary, Courts, Civil and Criminal Law, Department of Justice and Community Safety on



I thank the Court for its dedication to protecting the dignity of Victorians who die in reportable circumstances, and to reducing distress and trauma for friends and family engaging with the coronial system.

Yours sincerely

A handwritten signature in blue ink that reads "Jaclyn Symes".

Jaclyn Symes MP
Attorney-General
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4/12/2024