

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the Coroners Act 2009 to establish the Domestic Violence Death Review Team (the Team) and to provide for its membership and functions,
- (b) to exempt the Team from the operation of legislation relating to public access to government information,
- (c) to amend the Commission for Children and Young People Act 1998 to enable the Child Death Review Team to exercise functions relating to a child death that may also be the subject of review by the Domestic Violence Death Review Team.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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Schedule 1 Amendment of Coroners Act 2009 No 41

Schedule 1 [1] inserts a definition of Domestic Violence Death Review Team for the purposes of the Coroners Act 2009.

Schedule 1 [2] inserts the State Coroner's and Deputy Coroners' functions relating to the Team in the list of their functions. The functions include supporting and assisting the Team in the exercise of its functions.

Schedule 1 [3] inserts proposed Chapter 9A (proposed sections 101A–101P) into the Coroners Act 2009.

Proposed Part 9A.1 of Chapter 9A (proposed sections 101A–101C) sets out the object of the proposed Chapter and defines words and expressions used in the proposed Chapter.

Proposed Part 9A.2 of Chapter 9A (proposed sections 101D and 101E) constitutes the Team, which is to consist of the Convenor of the Team and other members appointed by the Attorney General. The Convenor appointed by the Attorney General is to be the State Coroner, a Deputy State Coroner or a former State Coroner or Deputy State Coroner. The other members are to consist of representatives of specified State government agencies, including the Departments of Human Services (and agencies within that Department), Premier and Cabinet, Health, Education and Training and Justice and Attorney General and the NSW Police Force. There are also to be other non-government service provider and expert representatives. The total membership of the Team (in addition to the Convenor) is to be not less than 15 members and not more than 19 members.

Division 1 of proposed Part 9A.3 of Chapter 9A (proposed sections 101F–101I) confers on the Team the functions of reviewing closed cases of domestic violence deaths, analysing data relating to such cases, making recommendations as to legislation, policies, practices and services for preventing or reducing domestic violence deaths, maintaining a database of such deaths and undertaking research. The Team can review a case of a domestic violence death even if it is the subject of action by the Child Death Review Team. The proposed Division requires the Team, when reviewing cases, to consider the effectiveness of support and other services for victims and perpetrators of domestic violence and to look at the availability and failures of such services and related systems. The Team is to select the domestic violence deaths that are to be the subject of a review.

Division 2 of proposed Part 9A.3 of Chapter 9A (proposed sections 101J and 101K) requires the Team to report to Parliament each year on domestic violence deaths

reviewed in the previous year.

Proposed Part 9A.4 of Chapter 9A (proposed sections 101L and 101M) places a duty on specified persons, including heads of government Departments and agencies, the Commissioner of Police, coroners and medical professionals, to provide the Team with access to records that are required by the Team for the purpose of exercising its functions. Members of the Team and persons assisting the Team are prohibited from

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making a record of, or directly or indirectly disclosing, information acquired in Team related functions, except for specified purposes. Such persons are also protected from having to produce documents or reveal information to a court if the documents or information are acquired because of the person's Team related functions.

Proposed Part 9A.5 of Chapter 9A (proposed sections 101N–101P) provides for Team documents to be signed by the Convenor or a person authorised by the Convenor and protects Team members or persons acting under their direction from liability for matters done or omitted in good faith for the purposes of executing the Coroners Act 2009 or any other Act. Liability for such actions will attach to the Crown. The proposed Part also provides for the proposed Chapter to be reviewed 3 years after it commences and for a report on the outcome of the review to be tabled in Parliament within a further 12 months.

Schedule 1 [4] enables regulations to be made for or with respect to the constitution, functions, procedure and other matters relating to the Team.

Schedule 1 [5] enables regulations to be made containing savings or transitional provisions consequent on the enactment of the proposed Act.

Schedule 1 [6] inserts provisions relating to the members and procedure of the Team.

Schedule 2 Amendment of other Acts

Commission for Children and Young People Act 1998 No 146

Schedule 2.1 [1] amends the Commission for Children and Young People Act 1998 to provide that the Child Death Review Team may exercise its functions with respect to the death of a child even though the death is the subject of a review by the Domestic Violence Death Review Team.

Schedule 2.1 [2] amends the Commission for Children and Young People Act 1998 to permit a person engaged in exercising functions in relation to the Child Death Review Team to provide information to the Domestic Violence Death Review Team.

Government Information (Public Access) Act 2009 No 52

Schedule 2.2 amends the Government Information (Public Access) Act 2009 to prohibit applications being made for access to information of the Team in respect of all of its functions.