

The Hon Michael Daley MP
Attorney General



Ref: EAP24/15789

Petition Ref: 1582

Ms Helen Minnican
Clerk of the Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

30 OCT 2024

By email:

LAClerk@parliament.nsw.gov.au and Table.LA@parliament.nsw.gov.au

Dear Ms Minnican,

Petition –Justice for Bidy Porter

I write in response to the petition presented by the Member for Orange, Mr Philip Donato MP, on behalf of Rebekah and Dominic Porter, seeking:

1. Parliamentary Inquiries into:
 - a) the Office of the Director of Public Prosecution (ODPP)'s handling of the Bidy Porter matter, and
 - b) the Mental Health Review Tribunal (MHRT) and its accountability to victims.
2. Reform of the Victims Support Scheme.
3. A coronial inquest into Bidy's death.

I am profoundly sorry to hear about the continued distress that the Porters have experienced as a result of the tragic loss of their daughter and the challenges they have faced, and continue to face, as victims of crime. No parent should ever have to experience the heart-wrenching grief of losing a child.

I note the Hon. Rose Jackson MLC, Minister for Mental Health met with Rebekah Porter in 2023 to better understand the challenges people face when interacting with the mental health system and forensic proceedings.

A key priority of the NSW Government is to learn from the past to strengthen our systems, ensuring that victims, families, and affected individuals feel heard and understood throughout this process. As a Government, we recognise the importance of having reforms guided by those with lived experience and actively review all options presented to us.

We are committed to creating transparent and robust systems that provide the necessary support to victims during these deeply vulnerable times.

Concerning the specific items raised in the petition:

1. a) The ODPP's handling of this matter

I appreciate the concerns raised about the ODPP's management of the matter. I note that the ODPP is an independent prosecuting authority established under the *Director of Public Prosecutions Act 1986*. It would not be appropriate for me to attempt to direct the ODPP in relation to its decisions, or for me to comment on the conduct of any proceedings. I understand that the ODPP has had regular and ongoing contact with the Porter family over the course of this matter and issued a media release responding to concerns about the handling of the case on 8 July 2024.

1. b) The MHRT and its accountability to victims

I acknowledge the matters relating to the MHRT within the petition. Please note that I cannot comment on these matters as they are not within my portfolio, however I am informed that these matters have been referred to the Hon. Rose Jackson MLC, Minister for Mental Health.

2. Reform of the Victim Support Scheme

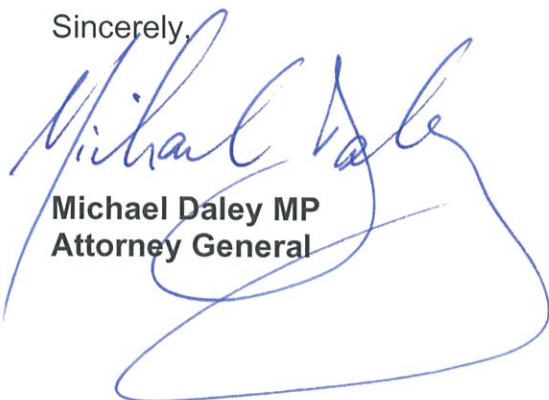
I am sorry the Porters have not found the Victim Support Scheme to be adequate for their needs. The *Victims Rights and Support Act 2013* (VRSA) establishes the Charter of Victims Rights and the Victims Support Scheme, which provides counselling, financial support and recognition payments to victims of an act of violence in NSW. The Department of Communities and Justice (DCJ) is currently reviewing the VRSA. A Background Paper was released for public consultation in March 2022 and DCJ received over 50 submissions to the Paper. DCJ is closely considering the stakeholder submissions made in response to the Background Paper.

3. Request for a coronial inquest to prevent similar knife killings

I am advised that the State Coroner is currently reviewing the decision to dispense with the holding of an inquest, in accordance with a request made by the Porters. The State Coroner will be able to uphold the decision to dispense with an inquest, direct a coroner to hold an inquest or hold an inquest herself. This is a matter for the State Coroner and it would not be appropriate for me to seek to influence the State Coroner's decision.

Again, I acknowledge the tragic circumstances involving the death of the Porters' daughter and the ongoing trauma this has caused and I would like to thank them for their advocacy. I would also like to thank those who have taken the time to sign the petition.

Sincerely,



Michael Daley MP
Attorney General