



ATTORNEY GENERAL

Our Ref: 67-02558

PERTH CORONERS COURT

11 DEC 2017
RECEIVED

Ms Dawn Wright
Manager Listings
Office of the State Coroner
Level 10, Central Law Courts
501 Hay Street
PERTH WA 6000

Dear Ms Wright

RECOMMENDATIONS STEMMING FROM INQUEST INTO THE DEATH OF SATWANT KAUR

Thank you for your letter dated 9 August 2017 in which you seek advice on behalf of the State Coroner as to any action which is proposed to be taken by government in respect to the recommendations of Deputy State Coroner Vicker following the inquest into the death of Satwant Kaur.

I apologise for the delay in replying to you, which has been necessitated by the desire to obtain the views of the Department of Justice and senior criminal court judicial officers to ensure that a fully informed response could be provided.

Please note that as Recommendation 2 falls exclusively within the remit of Western Australia Police, my advice is restricted to Recommendation 1.

Recommendation 1 proposes that:

“Bail should only be granted where the residents of the address at which the bailee intends to reside have been consulted and consent to the bailee residing at the address.”

Having not had the benefit of hearing the evidence in its entirety, I acknowledge that my conclusions are based solely on the written findings of the Deputy State Coroner. With this in mind I must note that it is not readily apparent to me how the Deputy State Coroner's recommendation relates to the circumstances surrounding the death of Ms Kaur.

The fundamental deficiency in the tragic death of Ms Kaur appears to have been the failure to communicate the threats made against her by her stepson. As Ms Kaur had no knowledge of those threats, had she been consulted, there is nothing to suggest that she would have objected to her stepson residing with her. In any event, no causal connection appears to have been established between the bail conditions imposed on the stepson and the circumstances surrounding the death of Ms Kaur.

In terms of the practical and financial implications that would follow such a proposal; I am advised that there are approximately 80,000 bail decisions made by Western Australia Police and courts (combined) each year. It is not clear from Recommendation 1 how many of these decisions the Deputy State Coroner believes should be informed by consultation with the occupants of the accused's designated address (and it is noted that more often than not bail is made with no residential condition). Even if it were a modest percentage, this would appear to be an undesirable outcome given the apparent lack of causality between the accused's designated address and the tragic outcome in this case.

The judicial officers consulted noted that the existing legislation allows for enquires to be made in respect to an accused's proposed lodgings prior to bail being granted and advise that, where appropriate, those enquiries are being made and incorporated into the bail decision making process.

For the above reasons, no action is proposed to be taken in relation to Recommendation 1.

Should information present which suggests that the provisions in relation to an accused's designated place of residence are not working effectively, further consideration will be given.

Yours sincerely

Hon. John Quigley MLA
ATTORNEY GENERAL
- 5 DEC 2017