



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair), Mr Andrew Braddock MLA

Inquiry into Annual and Financial Reports 2020-2021
ANSWER TO QUESTION TAKEN ON NOTICE
23 February 2022

Asked by Mr Peter Cain MLA on 23 February 2022: Mr Shane Drumgold took on notice the following question(s):

[Ref: Hansard Uncorrected Proof Transcript 23 February 2022 [PAGE 14]]

In relation to:

THE CHAIR: Thank you and as we are not inviting opening statements, we will now proceed to questions. I will lead us off here. So regarding statutory reform, page 55 to 56 you refer to the R v Daniel case where the offender did not receive a custodial sentence despite permanent damage done to the victim as a result of the crime. I note you reference that you have written to the Victims Advisory Board regarding statutory reform in this area. Will you be looking at statutory reform—what sort of statutory reform are you looking for and what response have you had thus far?

Mr Drumgold: I will have to take that on notice. I would need—for the latter part of that. The primary reform relates to the test for grievous bodily harm and the relevant state of mind. There was some law reform in New South Wales that broadened the test. We have not engaged in that reform and we wrote to the Victims Advisory Board identifying this as an issue. I have not checked whether or not we have received a response to that, but I can certainly take that on notice and advise if there has been a response.

THE CHAIR: Thank you and what preferred reform do you think needs to take place or are you in a position to say at the moment?

Mr Drumgold: No, I am not in a position to say at the moment, but it specifically—broadly, it relates to what the state of mind is at the time of the conduct and the nature of the harm.

THE CHAIR: Okay.

Mr Drumgold: Whether or not it has to be of a general type or a specific type.

THE CHAIR: Thank you. Well, we look forward to tracking the progress of that.

Mr Shane Drumgold, Director of Public Prosecutions:

The answer to the Member's question is as follows:—

On 6/7/21 my Office sent a letter to the victim's advisory board (VAB) (Att 1)

On 12/7/21 we received an email from the Chair of VAB (Att 2)

On 15/11/21 we received an email from the Secretariate of the VAB with 2 attachments (Att 3) –

- (Attachment 3a) Copy of original letter
- (Attachment 3b) VAB out of session questionnaire

The out of session questionnaire was completed by by Deputy Director Anthony Williamson (Att 4)

As at 23 February 2022, the VAB have not further progressed the issue, and we are not aware of a date having been set for the Board to next meet.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 4/3/22

By the Director of Public Prosecutions, Mr Shane Drumgold