

# Coroners Court of Victoria

□ Public

## Practice Direction 2 of 2014

Access to documents provided to parties other than the senior next of kin pursuant to section 115(2) of the *Coroners Act 2008*

### Background

1. This practice direction is made pursuant to section 107 of the *Coroners Act 2008* (the Act) and is issued to ensure that the provision of coronial documents to parties other than the senior next of kin is done in an ordered, controlled and protected manner.
2. The Act provides that a coroner should have regard to sections 7, 8 and 9 of the Act when investigating any reportable death or reviewable death.

### Definitions

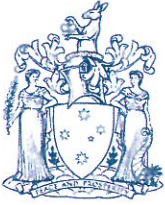
3. Coronial brief means the brief of evidence compiled by the coroner's investigator and may include an inquest brief as defined in section 115(7) of the Act.
4. Coroner's investigator means a member or members of the police force nominated by the Chief Commissioner of Police or any other person nominated by the coroner to assist them with his/her investigation into a reportable death. The coroner's investigator takes instructions directly from a coroner and carries out the role subject to the direction of a coroner.<sup>1</sup>
5. Document<sup>2</sup> means any record of information, and includes—
  - (a) anything on which there is writing; or
  - (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; or
  - (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or
  - (d) a map, plan, drawing or photograph;

*Note-* A document includes a reference to—

  - (a) any part of the document; or
  - (b) any copy, reproduction or duplicate of the document or of any part of the document; or
  - (c) any part of such a copy, reproduction or duplicate.
6. Interested party in relation to an inquest, means a person granted leave under section 56 of the Act to appear at the inquest.

<sup>1</sup> Previously referred to as an investigating member.

<sup>2</sup> *Evidence Act 2008* (Vic).



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7. Inquest brief means a brief of evidence that is prepared for an inquest and contains the following (if available)—
- (a) a statement of identification by an appropriate person;
  - (b) any reports given to a coroner as a result of a medical examination;
  - (c) reports and statements that the coroner investigating the death or fire believes are relevant to an inquest;
  - (d) other evidentiary material that the coroner investigating the death or fire believes is relevant to the inquest;
  - (e) any material prescribed by the rules or the regulations.

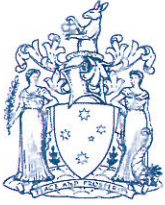
An inquest brief does not include any part of a medical file that the coroner considers to be irrelevant to the inquest.

### Access to documents by persons other than the senior next of kin

8. Pursuant to section 115(1)(b) of the Act, unless the coroner otherwise orders, the principal registrar must provide an interested party with a copy of the inquest brief.
9. The coroner may direct that an interested party not be provided with certain documents.
10. A coroner may release document(s) to other persons, other than the senior next of kin, and other than an interested parties, pursuant to section 115(2) of the Act.

### Conditions on release of documents

11. The coroner may impose conditions on the release of any document.
12. Unless otherwise ordered by the coroner, document(s) provided to parties other than the senior next of kin during an open investigation, pursuant to section 115 of the Act shall be accompanied by a copy of a notice in the form of **Attachment A**.
13. A person who fails to comply with any condition placed on the release of a document, knowingly or recklessly, commits a summary offence, pursuant to sections 115(4) and 115(5) or 103 of the Act.



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## Fees for documents

14. The fees payable<sup>3</sup> in respect of the provision of copies of documents by the Coroners Court of Victoria (the Court) to a person, other than the senior next of kin or an interested party to an inquest, are as follows—
- (a) a fee of no more than \$1.00 per page for a black and white copy; and
  - (b) a fee of no more than \$2.00 per page for a colour copy.

## Dissemination of documents


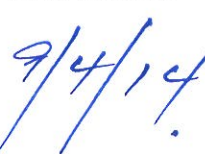
15. The Court will, where appropriate, provide to parties, including interested parties other than the senior next of kin a copy of all documents, including an inquest brief, in electronic format.

## Revocation of previous Practice Directions

16. Practice Direction No 2 of 2013 is rescinded.

## Commencement

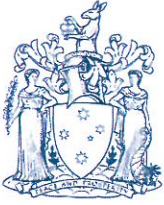
17. This Practice Direction takes effect immediately and retrospectively.

  
Judge Ian Gray  
State Coroner  


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<sup>3</sup> Coroners Regulations 2009 (Vic) reg 24.





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Attachment A

Authority of Coroner for access to document(s) for open investigation under Section 115 of the  
*Coroners Act 2008*

Deceased:

Court Ref:       /

The coroner has authorised the release of the following documents:

- 1.
- 2.
- 3.

The enclosed document(s) has/have been provided to you following your application and pursuant to the direction of the coroner. The document(s) form part of an open coronial investigation.

The coroner has directed, as a condition of the provision of the document(s), that you are not permitted to provide copies of or publish any document, or part thereof, to any other person or persons or entity unless for the purpose of obtaining medical or legal advice or opinion (non publication condition).

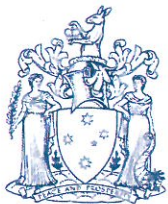
It is your responsibility to store the documents in a secure location. You are permitted to store the documents electronically provided you ensure there is adequate security and controlled access to the documents and you comply with the non-publication condition imposed by the coroner.

Hospitals relevant to the death (for example where the death occurred) are permitted to use de-identified document(s) provided under section 115 of the *Coroners Act 2008* for the purpose of learning and quality improvement.

If you wish to use the document(s) for any other purpose, you must first seek permission from the coroner.

The following further conditions are imposed (delete if not applicable):

- 1.
- 2.
- 3.



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Failure to comply with the above condition is subject to:

- (i) 60 penalty units under section 115(3) and (4) of the *Coroners Act 2008*, and/or
- (ii) Contempt under section 103 of the *Coroners Act 2008*