



# Coroners Court of Victoria

Public

## Practice Direction 3 of 2014 Communications with the Court

### Background

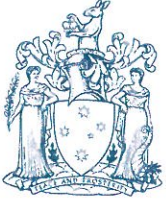
1. Communication with persons, including senior next of kin, interested parties and/or their legal representatives, is necessary for the smooth running of Coroners Court of Victoria (the Court).
2. This practice direction is made pursuant to section 107 of the *Coroners Act 2008* (the Act) and is issued to ensure communications with the Court are impartial and the integrity of the Court is not seen to be compromised or undermined.
3. 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

4. Coroner's assistant means a member of the police force, an Australian lawyer, the Director of Public Prosecutions or another person appointed by a coroner (s 60 of the Act) to assist the Coroner. The coroner's assistant retains professional independence, but takes instructions directly from a coroner and carries out the role subject to the direction of a coroner.
5. 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>
6. Coroner's solicitor means a legally qualified person who takes instructions directly from a coroner and carries out the role subject to the direction of a coroner.
7. Member of the police force includes *Police Regulation Act 1958* (Vic) definitions
  - member of the force shall apply to every person (whether male or female) employed in the force; and
  - the force means officers and other members of the police force of Victoria whether employed upon land or upon water.
8. Interested party in relation to an inquest, means a person granted leave to appear at an inquest under section 56 of the Act.

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



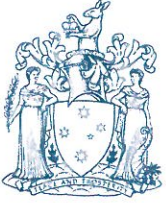
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9. Registry provides administrative and non-judicial support to coroners during the investigation of a death or fire. The Act sets out the following registrar functions:
- (a) on behalf of a coroner, receive information about a death or fire that a coroner is investigating;
  - (b) administer an oath or affirmation to a person in relation to a death or fire that a coroner is investigating;
  - (c) swear an affidavit relating to an investigation by a coroner;
  - (d) obtain medical records and other information on behalf of a coroner; for example, reports from the medical investigator;
  - (e) process any directions made by a coroner and ensure that relevant people or organisations are advised of them, for example, requesting statements/expert opinions on behalf of a coroner;
  - (f) list a case for hearing;
  - (g) advise interested parties when matters are listed for hearing;
  - (h) ensure any witnesses are issued with a summons to attend court;
  - (i) act as the bench clerk in court;
  - (j) provide bereaved families and interested parties with relevant information on the coronial process as well as status updates at key decision points in the coroner's investigation.

### Procedure

#### Communications with the Court where no inquest has been directed by a Coroner

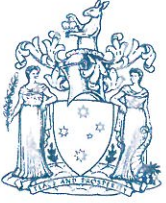
10. All persons seeking to be an interested party must file a signed Form 31 for consideration by the investigating coroner.
11. All persons granted interested party status will be required to follow the procedures contained in this practice direction.
12. Interested parties should communicate with the Court, in writing, preferably via e-mail, with all known interested parties included (or cc'd) as recipients, and be directed to the relevant registrar and, if known, coroner's assistant.
13. Interested parties should be aware that any correspondence, including e-mails forwarded to the Court, may be disseminated to other interested parties at the coroner's discretion.
14. All communications with a registrar, coroner's solicitor and/or a coroner's assistant must be open and be in a manner that can be shared with all interested parties.



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15. The Court will not accept communications on a 'without prejudice' basis.
16. Where an interested party is legally represented all communications to and from the Court must be through the legal representative only.
17. Interested parties, or their legal representatives must provide an appropriate e-mail contact address(es) to the Court when applying to be an interested party (Form 31).
18. The Court will maintain a contact list of all interested parties and their legal representatives for each matter.
19. All communications, including e-mails, to the Court must quote the court COR number (e.g. COR 20XX XXXX) and name of the deceased.
20. Where the relevant registrar is unknown contact should be made to the Court's general enquiries telephone number 1300 309 519 to determine whether the matter is being handled by:
  - coronersteam1@coronerscourt.vic.gov.au
  - coronersteam2@coronerscourt.vic.gov.au
  - coronersteam3@coronerscourt.vic.gov.au
  - coronersteam4@coronerscourt.vic.gov.au
  - coronersteam5@coronerscourt.vic.gov.au
  - coronersteam6@coronerscourt.vic.gov.au
  - coronersteam7@coronerscourt.vic.gov.au
  - coronersteam8@coronerscourt.vic.gov.au
  - coronersteam9@coronerscourt.vic.gov.au
  - coronersteam10@coronerscourt.vic.gov.au
21. The onus is on each interested party to ensure their details are current and if they change to update the relevant registrar.
22. A registrar, coroner's solicitor and/or a coroner's assistant is/are not permitted to give legal advice, and legal practitioners or unrepresented interested parties should not request such advice.
23. Documents that are directed to be filed may, unless the coroner otherwise requires, be filed electronically with the appropriate registry team.





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24. Communication by telephone with a registrar, coroner's solicitor and/or a coroner's assistant should be avoided in all but administrative or routine matters; but even in relation to these matters, communication in writing (by email or letter) is preferable to avoid any misunderstanding or misapprehension in relation to the communication.

### Communications with the Court where a directions hearing or an inquest has been directed by a coroner

25. Where a matter is listed for directions hearing or inquest the onus is upon each interested party to fill out the appearance sheet, including e-mail address, to ensure communication can be maintained with the relevant persons.
26. A registrar, coroner's solicitor and/or a coroner's assistant will not receive out of court communications regarding a hearing unless the other interested parties are included in any email correspondence.
27. Interested parties or their legal representatives should not attempt to lodge/submit further evidence or submissions for a coroner unless explicitly requested to do so by the coroner or a representative of the coroner.
28. Any requests for further investigation to be undertaken by the coroner's investigator during an inquest must be made through the coroner or counsel assisting the coroner.

### Virtual Tour of the Court of Victoria

29. All persons communicating with the Court are encouraged to view the short videos at:

<http://www.coronerscourt.vic.gov.au/home/about+us/virtual+tour/>

### Commencement

30. This practice direction takes effect immediately and retrospectively.



Judge Ian Gray

State Coroner

9/4/14