



Coroners Court of Victoria

Practice Direction 2 of 2011


Access to Documents provided to Senior Next of Kin pursuant to Section 115 of the *Coroners Act* 2008

Background

1. Following the introduction of the *Coroners Act* 2008 ("the Act") on November 1, 2009, the regime for access to documents for senior next of kin has changed.
2. Pursuant to Section 115(1)(a) of the Act, unless the coroner otherwise orders, the Principal Registrar must provide the senior next of kin of a deceased person with any reports given to a coroner as a result of a medical examination performed on the deceased.
3. 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. A coroner may also release document(s) pursuant to section 115(2) of the Act.
4. This practice direction is to ensure that the further dissemination of the document(s) provided to the senior next of kin is contained unless the coroner otherwise orders.

To enable the above to take effect, the following direction is made:

- (a) Practice Direction No 5 of 2009 is rescinded.
- (b) This Practice Direction is made pursuant to section 107 of the *Coroners Act* 2008.
- (c) Unless otherwise ordered by the investigating coroner, document(s) provided to the senior next of kin during an open investigation, pursuant to Section 115 shall be accompanied by a copy of a notice in the form of Attachment A.



Judge Coate
State Coroner
30 September 2011



Coroners Court of Victoria

Attachment A

Publication or dissemination of document(s) under Section 115 of the *Coroners Act 2008*

1. As the senior next of kin, you have been provided with the enclosed document(s) under Section 115 of the *Coroners Act 2008*.
2. The investigating coroner has directed, as a condition of the provision of the document(s) that you are not permitted to provide copies of or publish in any form whatsoever the document(s) to any other person or persons or entity apart from your family members unless for the purpose of obtaining medical or legal advice or opinion.
3. If you wish to use the document(s) for any other purpose other than for obtaining medical or legal advice, you must first seek permission from the investigating coroner.

NOTE:

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*