

Practice Direction 4 of 2020

COVID-19 Pandemic Response

Background

1. On 27 March 2020, a practice direction was issued by the State Coroner of the Coroners Court of Victoria (Coroners Court) addressing the impact of the COVID-19 pandemic on the health and safety of those participating in Coroners Court proceedings (Practice Direction 1).¹ The purpose of Practice Direction 1 was to adjourn all Inquests, remove the need for the physical attendance of any person at the Coroners Court for the purposes of hearings, and to instead convene certain hearings (including Inquest Findings, Summary Inquests, Directions Hearings and Mention Hearings) via technological means.
2. On 30 April 2020, a second practice direction was issued in light of the State Coroner's determination that there were some court hearings that may require the physical presence of persons at the Coroners Court (such as Inquests), and which could now be safely held, subject to strict adherence to the updated health advice issued by State and Federal Governments (Practice Direction 2).²
3. On 10 July 2020, in light of the Victorian Government's 'Stay at Home Directions (Restricted Areas)', which came into effect on 8 July 2020, a third practice direction was issued by the State Coroner to further outline the ways in which health and safety advice was to be incorporated into hearings at the Coroners Court where the physical presence of certain participants was required (Practice Direction 3).³
4. The measures outlined in Practice Directions 1, 2 and 3 were taken in accordance with action taken by other courts and tribunals across Victoria, and in light of the health advice given by State and Federal Governments at that time.

¹ Practice Direction 1 of 2020 – COVID-19 Pandemic Response, 27 March 2020. Available: <https://www.coronerscourt.vic.gov.au/practice-direction-1-2020-covid-19-pandemic-response-1>

² Practice Direction 2 of 2020 – COVID-19 Pandemic Response, 30 April 2020. Available: <https://www.coronerscourt.vic.gov.au/sites/default/files/2020-04/2020.04.29%20-%20Practice%20Direction%20of%202020%20-%20COVID-19%20Pandemic%20-%20final.pdf>


³ Practice Direction 3 of 2020 – COVID-19 Pandemic Response, 10 July 2020. Available: <https://www.coronerscourt.vic.gov.au/sites/default/files/2020-07/20200710%20-%20Practice%20Direction%20of%202020%20-%20COVID-19%20Pandemic.pdf>

Updated situation

5. The impact of the COVID-19 pandemic on the Victorian community has now increased significantly. On 2 August 2020, due to a marked increase in COVID-19 cases, the Premier declared a state of disaster in relation to the whole of Victoria. A suite of new directions outlining 'Stage 4 Restrictions' was subsequently issued with the authorisation of the Chief Health Officer, requiring, amongst other things, workplaces in metropolitan Melbourne to be closed unless the workplace constitutes 'Permitted Work Premises' (Directions).⁴
6. In light of these Directions, the only hearings that can proceed at the Coroners Court in which participants are required to be physically present will be 'urgent or priority [...] matters determined by the relevant head of jurisdiction'. Information about the State Coroner's determination in relation to any such matters will be made available on the Coroners Court website.
7. The State Coroner considers that, otherwise, hearings can continue to be convened via technological means (namely audio-visual or audio means), including Inquests, where feasible. A schedule of upcoming hearings will be maintained on the Coroners Court website. If any participant has concerns in relation to matters proceeding by way of technological means, their views will be considered in determining the appropriate way to proceed.
8. Subject to approval by the State Coroner, coroners presiding over hearings and limited numbers of Coroners Court staff may physically attend the Coroners Court to assist with hearings, where operational requirements dictate. Such attendance is contingent upon strict compliance with the Directions and adherence to current health and safety advice issued by State and Federal Governments. All other persons required to attend hearings, including counsel, will appear remotely.
9. The Coroners Court remains open and committed to the timely and efficient conduct of proceedings, and continues to serve the community by advancing safe, proactive and appropriate solutions to the ongoing difficulties posed by COVID-19.

This Practice Direction is made pursuant to section 107 of the *Coroners Act* 2008. To enable the above to take effect, the following directions are made:

- a) **Practice Direction No 3** of 2020 is rescinded; and
- b) This Practice Direction takes effect on 6 August 2020.



Judge John Cain
State Coroner
6 August 2020

⁴ See list of Directions available: <https://www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19>. See in particular the definition of 'Permitted Work Premises' contained in the table available here: <https://www.dhhs.vic.gov.au/sites/default/files/documents/202008/Permitted%20Work%20Premises%20for%20the%20purposes%20of%20the%20Restricted%20Activity%20Directions%20%28Restricted%20Areas%29%20%28No%206%29-05082020.pdf> (page 5 refers to Coroners, Courts Services Victoria, court support services and court registry services).