



Tuesday 22 September 2020

New protocol for coronial investigations into Indigenous deaths in custody

Victorian State Coroner, Judge John Cain has today released a practice direction outlining new protocols for the conduct of coronial investigations into Indigenous deaths in custody.

Features of the new practice direction include:

- Where practicable, the State Coroner and/or delegated coroner will always attend the scene of the death in custody of an Indigenous person, in consultation with the Coroners Koori Engagement Unit (CKEU).
- Within 48 hours of a death, the Court will contact the Victorian Aboriginal Legal Service to facilitate legal advice for senior next of kin on their rights in relation to the coronial process.
- A directions hearing will be convened within 28 days of the death, to confirm the coroner's investigator and due date for coronial brief and potential scope of inquiry.
- The CKEU will provide the deceased's family with ongoing advice on coronial process throughout the investigation.
- A cultural brief will be prepared for the investigating coroner by the CKEU to ensure awareness of relevant cultural issues specific to the deceased and their community.
- Hearings will be convened in a culturally appropriate manner with acknowledgement of country, smoking ceremonies, in court display and use of culturally significant items, and appropriate warnings when names of deceased persons are used.

Today's practice direction formalises a range of culturally safe practices and services implemented within Court processes since the establishment of the Koori led CKEU in 2019.

The new practice direction also strengthens the Court's response to recommendations made by the Royal Commission into Aboriginal Deaths in Custody regarding coronial process.

While the Royal Commission recommendations were handed down almost 30 years ago, the Court recognises significant improvements can still be made to enhance the investigation of Indigenous deaths in custody and make sure that the coronial process does not perpetuate cycles of grief and loss for Indigenous families.

In a practice direction released last week, Judge Cain also instructed that directions hearings must be held within 28 days of any death requiring a mandatory inquest – including deaths in custody or care, police contact deaths, suspected homicides and cases where the identity of the deceased is unknown.

Quotes from the State Coroner, Judge John Cain

The Court has an important role in independently investigating Indigenous deaths in custody – how we carry out this duty must recognise and respect the cultural needs of the families affected.

This new practice direction will make the Court a safer and more supportive place for Indigenous families.

Media Release



Coroners Court
of Victoria

The establishment of the Coroners Koori Engagement Unit has meant we now have the resources to clearly reflect the Royal Commission recommendations in our court processes.

Quotes from Troy Williamson, Manager Coroners Koori Engagement Unit

This practice direction gives Aboriginal people a voice in investigations into deaths in custody and ensures the Court is equipped with the cultural competency to support them.

These reforms will reduce the trauma experienced by Aboriginal families as they deal with the grief of losing a loved one while navigating the coronial system.

The Coroners Koori Engagement Unit will continue building on this work and expand services to better serve Indigenous families who come into contact with the jurisdiction.

A copy of the practice direction can be found at:

<https://www.coronerscourt.vic.gov.au/sites/default/files/2020-09/2020.09.21%20-%20Practice%20Direction%20on%20Indigenous%20Deaths%20in%20Custody%20-%20FINAL.pdf>

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