

Coroners Court of Victoria

PRACTICE DIRECTION 1 OF 2025 REDACTIONS PURSUANT TO PUBLIC INTEREST IMMUNITY, SUPPRESSION, PSEUDONYM (AND LIKE) APPLICATIONS

1. Introduction

- 1.1 The Coroners Court of Victoria (**Court**) recognises that in certain circumstances, it is appropriate to redact a document (most commonly a coronial brief, finding or ruling) to remove confidential, sensitive or private information prior to disclosure or publication.
- 1.2 Such redactions are only applied at the direction of a coroner.
- 1.3 The State Coroner has authorised the following Practice Direction to:
 - (a) provide guidance to families, interested parties, legal representatives and other entities regarding the process and grounds upon which an application may be made to the Court for having confidential, sensitive or private information redacted from a document prior to disclosure or publication.

2. Commencement

- 2.1 This Practice Direction commenced on the date of issuance, 30 June 2025.

3. Redaction on basis of statutory prohibition against disclosure or publication

- 3.1 Where an interested party or other entity (other than the coronial investigator) files a document with the Court or provides a document to the coronial investigator *and* there exists a statutory prohibition preventing either the disclosure or publication of information contained within the document, the party filing the document bears the onus of notifying the Court of the applicable statutory prohibition.

4. Redaction on basis of a claim for public interest immunity (PII)

- 4.1 Where an interested party or other entity seeks to make a claim of PII over whole, or part, of a document, the application must be supported by affidavit evidence.
- 4.2 An affidavit must be sworn or affirmed by a person of sufficient organisational seniority that addresses, with specificity, the grounds on which the claim is made, including the confidential nature of the information and the harm that will be caused by disclosure. An affidavit may be either open or confidential depending on its contents.

5. Redaction on basis of a pseudonym order

- 5.1 Where an interested party seeks to make an application for a pseudonym order the application may, at the direction of the coroner, be required to be supported by affidavit evidence which addresses, with specificity, the basis upon which a pseudonym is sought, that is the reasons the order is necessary to avoid harm to that person were they to be identified in relation to the proceeding.

6. Redaction on basis of a suppression order

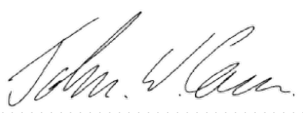
- 6.1 Suppression order applications are governed by the *Open Courts Act 2013*. Rule 66 *Coroners Court Rules 2019* requires that for the purposes of s.10 *Open Courts Act 2013*, a notice of an application for a suppression order must be in Form 42B which requires:
- (a) the applicant to specify the precise details of the documents, materials, names or other information and the extent to which suppression is sought; and
 - (b) the applicant to specify the factual and legal basis to support the grounds for application which is normally supported by affidavit evidence.
- 6.2 A suppression order, where granted, prohibits publication. Accordingly, material subject to suppression will only be redacted where it forms part of a published document, normally publication of a ruling or finding (to be contrasted with disclosure of a coronial brief to interested parties).

7. Application to be accompanied by ‘marked-up’ version of material

- 7.1 Any interested party or entity that files an application under points 3 to 6 above, must include with the application both an unredacted version of the document and a ‘marked-up’ version of the relevant document clearly identifying the information to which the application applies.
- 7.2 Where possible, this should be provided in electronic form using the Adobe Acrobat Pro Redaction markup function (where redactions are marked but *not* applied) or equivalent.

8. Documents marked ‘confidential’, ‘in-confidence’ or similar

- 8.1 Documents filed with the Court marked ‘confidential’, ‘in-confidence’ or similar terms *do not* form a sufficient basis to either withhold as evidence, or for the Court to redact the document (either wholly or in part).
- 8.2 Accordingly, the party filing the document should set out the grounds of any application as expressly identified within points 3 to 7 above.


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Judge John Cain
State Coroner of Victoria

Dated: 30 June 2025