



Coroners Court of Victoria

□ Public

Practice Direction 7 of 2014

Coronial briefs

Background

1. This practice direction is made pursuant to section 107 of the *Coroners Act 2008* (the Act) and is issued to ensure there is a clear and transparent process for the preparation, and receipt of, coronial briefs.
2. The Coroners Court of Victoria (the Court) does not employ its own investigators. Where a reportable or reviewable death requires a coronial brief, a coroner relies upon the Chief Commissioner of Police to nominate a member of the force to assist with them with their investigation.
3. The Court must actively monitor the receipt of coronial briefs to ensure coronial investigations are not unnecessarily lengthy or protracted and to maintain public confidence.
4. 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

5. Coroner's investigator¹ means a member of the police force nominated by the Chief Commissioner of Police or any other person nominated by the coroner to assist the coroner 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.
6. Coronial brief means the brief of evidence compiled by the coroner's investigator and may include an inquest brief as defined in section 115(7) of the Act.
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. Mention means a public hearing that is held by the Court in respect of a death (or a fire) for the purpose of providing interested parties with the opportunity to be heard as to the future direction of the investigation.

¹ Previously referred to as an investigating member.



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Preparation of coronial brief

9. Where a coroner directs that a coronial brief is required, the Court will provide the nominated coroner's investigator with a written request that includes the due date by which it must be filed.
10. Coroner's investigators requiring assistance on how to compile a coronial brief can:
 - (a) Access relevant information by navigating the Victoria Police intranet site as follows: Departments>Legals Services Department>Prosecutions Division>Police Coronial Support Unit.
 - (b) Telephone the Police Coronial Support Unit (PCSU) on (03) 86851131.

Extension of time for filing a coronial brief

11. A coroner's investigator requiring an extension of time for filing the coronial brief, beyond the initial due date, or an approved extension date must ensure that their supervisor emails the request to the position based email account: POLICE CORONIAL SUPPORT UNIT-MGR, at least 5 working days from the due date.
12. All requests for an extension of time must provide written reasons for the extension.
13. PCSU will advise the coroner's investigator, by email, as soon as reasonably practicable, whether the investigating coroner has granted the extension.

Overdue coronial brief

14. If a coronial brief is not received by the due date, or the approved extension date, the Court will deem it to be overdue and list the matter for Mention.
15. The Court will request the coroner's investigator and/or their respective Officer in Charge to attend the Mention to explain to the coroner why the coronial brief has not been filed, or an extension of time not sought.

Criminal proceedings relevant to a coronial investigation

16. In order to avoid unnecessary duplication of inquiries and investigation a coroner will not expect a coroner's investigator to file a coronial brief until all criminal proceedings relevant to the death are finalised.
17. Where a coroner has requested a coroner's investigator to prepare a coronial brief and there are active criminal proceedings relevant to the death it is the responsibility of the coroner's investigator to notify the Court of this fact.



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18. It is also the responsibility of the coroner's investigator to provide the coronial brief to the Court within 10 working days of the finalisation of any criminal proceedings relevant to the death.

Provision of the coronial brief when there is an inquest

19. Where a coroner directs that there will be an inquest, the principal registrar will provide a copy of the coronial brief to all approved interested parties.

Commencement

20. This practice direction takes effect immediately and retrospectively.

A handwritten signature in black ink, appearing to read 'I. Gray'.

Judge Ian Gray

State Coroner

24/6/2014