



Coroners Court of Victoria

Practice Direction 4 of 2011

Request for the Coroners Court In-House Solicitors Service

Background

1. This practice direction is issued to set out the criteria and procedure for obtaining the assistance of the In-House Solicitors Service. To date, the Coroners Court has had to brief external legal counsel in circumstances where there has been a conflict, which results in Victoria Police unable to be used as assistants. This Practice Direction is to support the trialling of an In-House Solicitors Service to provide expert legal advice and assistance to coroners in certain cases and circumstances in an endeavour to achieve an efficient and consistent approach in those matters, with the aim of retaining and developing internal knowledge of the jurisprudence of the coronial jurisdiction, supporting coroners across the state and significantly reducing the costs of obtaining external legal services required by the Court from time to time.

Request Criteria

2. A coroner may request the In House Solicitors Service to provide assistance with an investigation if the matter meets the following criteria:
 - a) an investigation involving police contact death, such as
 - i. a police shooting;
 - ii. a police pursuit;
 - iii. a death in police presence or in police custody; or
 - iv. in any circumstances where the police conduct associated with the death is likely to come under scrutiny;
 - b) Matters accepted as justifying in house legal assistance such as:
 - v. advice and assistance with a specific area of complex coronial law;
 - vi. advice and assistance with a complex medico-legal issue;
 - vii. a workplace death involving expert safety and/or regulatory or legal issues; or
 - viii. cluster inquests
 - ix. Any appeals or reviews of a coroner's determination, order, ruling or finding.

Process for requesting In-House Solicitors Service

3. If, having reviewed the brief of evidence or as a result of being made aware of the circumstances of a particular investigation, a referring coroner considers the file meets the above criteria, the referring coroner must complete a request, **in the attached form**, made to the Deputy State Coroner (or in the Deputy State Coroner's absence, the State Coroner) to authorise the request for the In-House Solicitors Service.
4. The request needs to set out:
 - a) The brief circumstances of the matter;
 - b) Why the In-House Solicitors Service is required to assist rather than the PCSU;
 - c) Recommendation for counsel (if appearance required)
 - d) Advise as to whether any other interested party is participating in the investigation.
5. The Deputy State Coroner (or in the Deputy State Coroner's absence, the State Coroner) will assess the request against the criteria set out in paragraph 2 above. At all times, the Deputy State Coroner (or in the Deputy State Coroner's absence, the State Coroner) retains the discretion to accept or reject the request based on the above criteria together with the current demands on the In-House Solicitors Service.
6. If approval is granted, a copy of the Deputy State Coroner's authorisation (or in the Deputy State Coroner's absence, the State Coroner's authorisation) will be forwarded to the investigating coroner and the Principal In-House Solicitor. The Principal In-House Solicitor will then arrange for the delivery of the file to the service and allocate the file. The allocated solicitor will thereafter communicate directly with the referring coroner. If Counsel is required, a further application will be made through the allocated in-house solicitor.

This Practice Direction is made pursuant to section 107 of the *Coroners Act* 2008.



Judge Jennifer Coate
State Coroner
30 September 2011



Coroners Court of Victoria

REQUEST FOR IN-HOUSE SOLICITORS SERVICE

Name of deceased:

Case No:

Coroner: Coroner

Court Location:

Outline of circumstances of matter:

Reasons why the In-House Solicitors Service is required:

Recommendation as to suitable Counsel (if appearance required):

Is any other interested party participating in the investigation?

Signed
Coroner

Date:



Coroners Court of Victoria

DEPUTY STATE CORONER RESPONSE FOR APPROVAL OF IN HOUSE SOLICITORS SERVICE

I Approve / Disapprove the request for In-House Solicitors Service.

Reasons for non/approval (If applicable)

The approval is subject to the following conditions:

Signed

Iain West
Deputy State Coroner

Date:

(in the absence of the Deputy State Coroner, approval must be obtain from the State Coroner)