

Practice Direction 2 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
2. The purpose of Practice Direction 1 was to 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. Inquests were adjourned to a date to be fixed, and it was directed that adjourned Inquests would be rescheduled.
3. These precautionary measures 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.

Updated situation

4. The COVID-19 pandemic continues to affect our community. The Coroners Court will therefore continue to focus on convening hearings via technological means where feasible. However, since issuing Practice Direction 1, and following the approach of other courts and tribunals, the Coroners Court has determined that there are some court hearings that may require the physical presence of persons at the Coroners Court (such as Inquests), and that these hearings may now be safely held.
5. Convening hearings which require the physical presence of persons at the Coroners Court will require strict adherence to the health advice issued by State and Federal Governments. This includes all persons remaining 1.5 metres away from one another, engaging in good hand hygiene practices, and refraining from attendance at hearings when unwell.

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>

6. The Coroners Court will ensure that courtrooms are set up in a manner that respects current health advice (such as maintaining a maximum of 1 person per 4 square metres) and that will allow practitioners and Interested Parties to participate safely in hearings.
7. It remains the Coroners Court's strong preference that hearings, to the extent possible, be conducted by technological means without parties physically attending the Court.

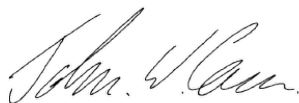
Relisting of Inquests

8. In light of this practice direction, where feasible and on a case-by-case basis, Inquests that were previously adjourned to a date to be fixed will now be rescheduled.
9. Participants will be consulted by Coroners Court staff in relation to dates for the re-listing of adjourned hearings and arrangements for use of technology, or if required, physical attendance. A schedule of upcoming hearings will be maintained on the Coroners Court website.
10. If any participant has concerns in relation to matters proceeding by way of physical attendance, their views will be considered in determining the appropriate way to proceed.
11. The Coroners Court remains open. Coroners and staff remain committed to the timely and efficient conduct of proceedings, and to continuing to serve the community by advancing safe, creative and appropriate solutions to the difficulties posed by COVID-19 in convening court proceedings.

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 1** of 2020 is rescinded; and
- b) This Practice Direction takes effect on 30 April 2020.



Judge John Cain
State Coroner
30 April 2020