



Practice Direction 3 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 The purpose of Practice Direction 1 was to adjourn all Inquests, 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.
2. On 30 April 2020, a second practice direction was issued in light of the State Coroner's determination that there were some court hearings that may require the physical presence of persons at the Coroners Court (such as Inquests), and which could now be safely held, subject to strict adherence to the updated health advice issued by State and Federal Governments (Practice Direction 2).²
3. These 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. On 8 July 2020, due to a marked increase in COVID-19 cases, the Victorian Government's 'Stay at Home Directions (Restricted Areas)' (Directions)³ came into effect, requiring all persons living in the Melbourne metropolitan area or the Mitchell Shire to leave their homes only for certain reasons. Noting that attendance at the Coroners Court for scheduled

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>

² Practice Direction 2 of 2020 – COVID-19 Pandemic Response, 30 April 2020. Available: <https://www.coronerscourt.vic.gov.au/sites/default/files/2020-04/2020.04.29%20-%20Practice%20Direction%20of%202020%20-%20COVID-19%20Pandemic%20-%20final.pdf>

³ Issued on 8 July 2020 pursuant to section 200 of the *Public Health and Wellbeing Act 2008* (Vic). Available: <https://www.dhhs.vic.gov.au/sites/default/files/documents/202007/Stay%20at%20Home%20Directions%20%28Restricted%20Areas%29%20%28signed%29%208%20July%202020.pdf>

hearings is permitted under the Directions, the current practice direction is being issued to address the ways in which proceedings can be safely held at the present stage of the pandemic.

5. The Coroners Court will continue to focus on convening hearings via technological means where feasible.
6. Where the physical presence of persons at hearings at the seat of the Coroners Court is required, the Coroners Court has determined that these hearings may continue to be safely held, subject to strict adherence to current health and safety advice issued by State and Federal Governments. This includes all persons ensuring they remain 1.5 metres away from one another, engaging in good hand hygiene practices, and refraining from attendance at hearings when unwell. Specific information on any particular health and safety measures required to be observed will be provided to persons physically attending hearings at the Coroners Court.
7. The Coroners Court has ensured that courtrooms are set up in a manner that respects current health advice (such as maintaining the density quotient, being a maximum of 1 person per 4 square metres) and that will allow practitioners and interested parties to participate safely in hearings. In addition, to further minimise risk, hearings will be structured so that each sitting runs for a maximum of two hours.
8. It remains the Coroners Court's strong preference that hearings, to the extent possible, be conducted by technological means without parties physically attending the Coroners Court.
9. Participants will be consulted by Coroners Court staff in relation to currently listed 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. If any participant has concerns in relation to matters proceeding either by way of physical attendance or via technological means, their views will be considered in determining the appropriate way to proceed.
10. 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 2** of 2020 is rescinded; and
- b) This Practice Direction takes effect on 10 July 2020.



Judge John Cain
State Coroner
10 July 2020