



## Practice Direction 1 of 2021

### 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).<sup>1</sup> 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).<sup>2</sup>
3. On 10 July 2020, in light of the Victorian Government's 'Stay at Home Directions (Restricted Areas)', which came into effect on 8 July 2020, a third practice direction was issued by the State Coroner to further outline the ways in which health and safety advice was to be incorporated into hearings at the Coroners Court where the physical presence of certain participants was required (Practice Direction 3).<sup>3</sup>
4. On 6 August 2020, a fourth Practice Direction was issued following the imposition of 'Stage 4 Restrictions', whereby the physical attendance of participants at the Coroners Court hearings was precluded except where authorised by the State Coroner (Practice Direction 4, and together, 'COVID-19 Practice Directions').<sup>4</sup>

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<sup>1</sup> 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>

<sup>2</sup> 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>

<sup>3</sup> Practice Direction 3 of 2020 – COVID-19 Pandemic Response, 10 July 2020. Available: <https://www.coronerscourt.vic.gov.au/sites/default/files/2020-07/20200710%20-%20Practice%20Direction%20of%202020%20-%20COVID-19%20Pandemic.pdf>

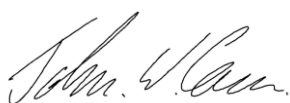
<sup>4</sup> Practice Direction 4 of 2020 – COVID-19 Pandemic Response, 6 August 2020. Available: <https://www.coronerscourt.vic.gov.au/sites/default/files/2020-08/2020.05.08%20->

5. The measures outlined in the COVID-19 Practice Directions 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**

6. The COVID-19 pandemic has continued to impact the Victorian community since the issuing of the COVID-19 Practice Directions in 2020. Throughout the pandemic, the Coroners Court has convened hearings via technological means and, where safe, via limited physical presence of participants. It is recognised that a flexible approach may continue to be required as the exigencies of the pandemic dictate. Accordingly, the present Practice Direction is issued to clarify the so-called 'COVID-normal' procedures for hearings at the Coroners Court.
7. **Preference to convene hearings via technological means:** Irrespective of the level of any restrictions related to COVID-19 at any given time, it remains the State Coroner's strong preference that hearings be conducted by technological means, without parties physically attending the Coroners Court, where this is feasible. If any participant has concerns in relation to matters proceeding by way of technological means, their views will be considered in determining the appropriate way to proceed.
8. **Physical presence at Coroners Court hearings to be authorised by State Coroner:** It is recognised that for some hearings, particularly for Inquests involving some complexity, the physical presence of certain participants, including witnesses and counsel, may be required to ensure the fair, efficacious and smooth running of proceedings. Hearings in which some or all participants are required to be physically present at the Coroners Court will proceed only upon the authorisation of the State Coroner, and where compatible with prevailing health and safety advice issued by State and Federal Governments. For all hearings, subject to approval by the State Coroner, coroners presiding over hearings and limited numbers of Coroners Court staff may physically attend the Coroners Court to assist with hearings, where operational requirements dictate.
9. **Media and the public:** The Coroners Court remains committed to the principle of open justice and to ensuring, except where otherwise authorised by law, that media and the public have access to proceedings at the Coroners Court. To this end, media and members of the public may continue to request to attend hearings remotely via technological means. Where physical presence of some or all participants at a hearing has been authorised by the State Coroner, media and/or members of the public may also request to attend in person, subject to strict compliance with health and safety advice issued by State and Federal Governments.
10. **Coroners Court website:** A schedule of upcoming hearings will be maintained on the Coroners Court website, and where feasible, it will be indicated on the website whether physical attendance at a hearing has been authorised under this Practice Direction. The website will also contain a list of health and safety measures required to be observed by any person physically attending a hearing, including counsel, in light of current health and safety advice (for example, the wearing of face coverings, requirements to physically distance etc).

11. The Coroners Court remains open and committed to the timely and efficient conduct of its hearings, and continues to serve the community by advancing safe, proactive and appropriate solutions to the ongoing challenges posed by COVID-19.
12. 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 4 of 2020** is rescinded; and
  - b) This Practice Direction takes effect on 22 February 2021.

A handwritten signature in black ink, appearing to read 'John W. Cain', written in a cursive style.

**Judge John Cain**  
State Coroner  
22 February 2021