



Practice Direction 2 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).¹ The purpose of Practice Direction 1 was to adjourn all Inquests and to remove the need for the physical attendance of any person at the Coroners Court for the purposes of hearings.
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 (Practice Direction 2).²
3. On 10 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).³
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 Coroners Court hearings was precluded except where authorised by the State Coroner (Practice Direction 4).⁴
5. On 22 February 2021, a fifth Practice Direction was issued, confirming the State Coroner's preference for hearings to be conducted by technological means, and maintaining the requirement for the State Coroner's authorisation in relation to physical attendance at hearings (Practice Direction 1 of 2021, and together, 'COVID-19 Practice Directions').⁵

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%202%20of%202020%20-%20COVID-19%20Pandemic%20-%20final.pdf>

³ 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%203%20of%202020%20-%20COVID-19%20Pandemic.pdf>

⁴ Practice Direction 4 of 2020 – COVID-19 Pandemic Response, 6 August 2020. Available: https://www.coronerscourt.vic.gov.au/sites/default/files/2020-08/2020.08.08%20-%20Practice%20Direction%204%20of%202020%20-%20COVID-19%20Pandemic%20Response%20-%20rev_0.pdf

⁵ Practice Direction 1 of 2021 – COVID-19 Pandemic Response, 22 February 2021. Available: <https://www.coronerscourt.vic.gov.au/sites/default/files/2021-02/2021.02.22%20-%20Practice%20Direction%201%20of%202021%20-%20COVID-19%20Pandemic%20Response.pdf>

6. 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

7. Fortunately, since the issuing of Practice Direction 1 of 2021, the advice of State and Federal Governments in relation to COVID-19 has been updated, and the level of restrictions in place, both in the community and in workplaces, has eased. On this basis, while Practice Direction 1 of 2021 was issued to clarify the so-called 'COVID-normal' procedures for hearings at the Coroners Court, the current Practice Direction will amend these procedures, as follows:
8. **Hearings may be conducted: (i) in person; (ii) by technological means; or (iii) a combination of both:** It is now open to participants to attend all hearings physically, which will be the default position, and this may indeed be required by the presiding coroner for certain hearings. The Coroners Court will continue to convene certain hearings via technological means where this is feasible and convenient. In some circumstances, a hybrid of both technological and physical presence will be appropriate. If any participant has concerns in relation to matters proceeding by technological or in-person means, their views will be considered in determining the appropriate way to convene the proceedings.
9. **Physical presence at Coroners Court hearings no longer required to be authorised by the State Coroner:** Subject to the prevailing health and safety advice issued by State and Federal Governments, physical presence at hearings at the Coroners Court no longer requires authorisation by the State Coroner.
10. **Media and the public:** As always, 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, and may also attend in person without seeking prior authorisation, subject to compliance with health and safety advice issued by State and Federal Governments. A schedule of upcoming hearings will continue to be maintained on the Coroners Court website.
11. 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 2021** is rescinded; and
 - b) This Practice Direction takes effect on 5 May 2021.



Judge John Cain
State Coroner
5 May 2021