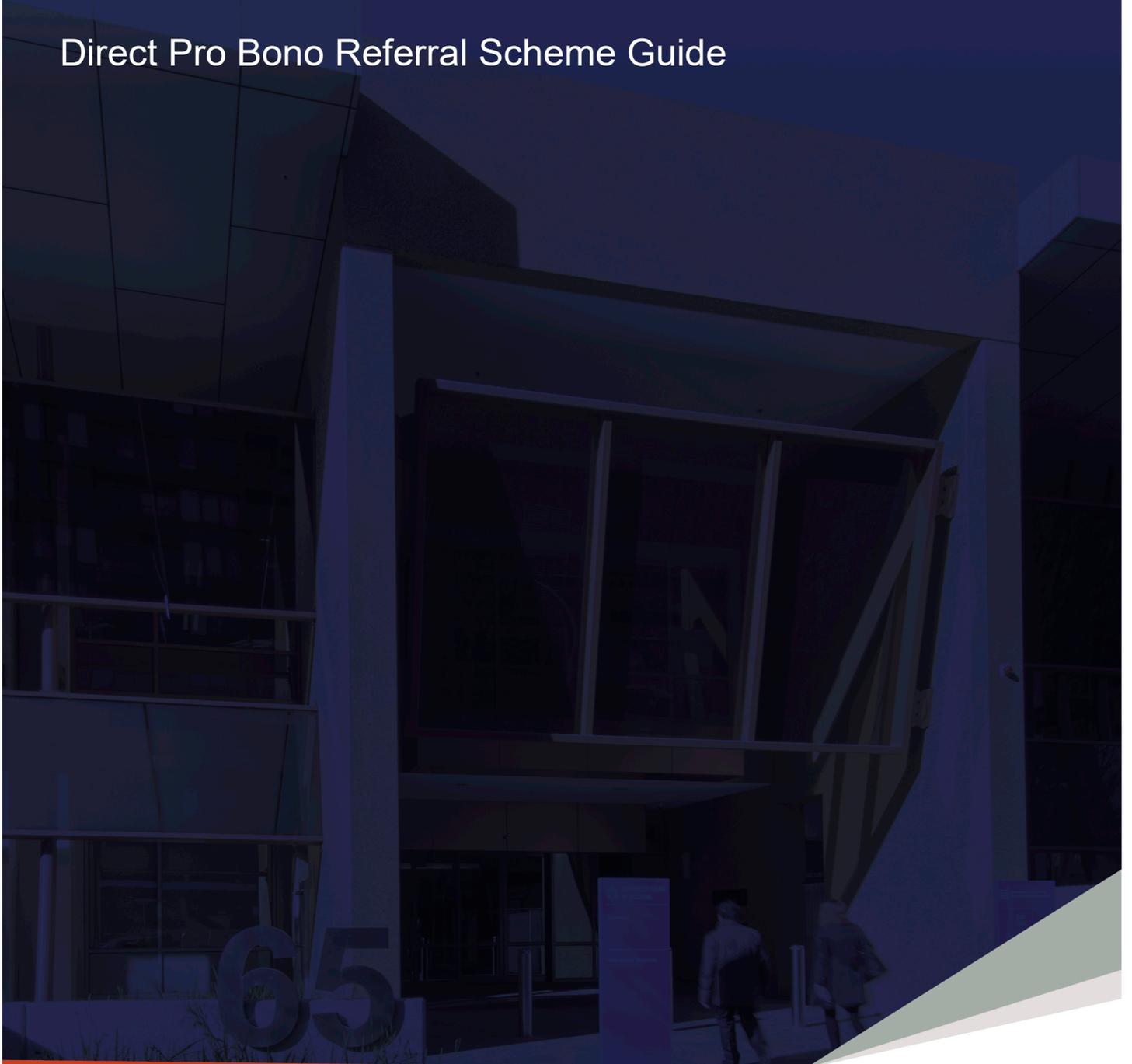


Coroners Court of Victoria

Direct Pro Bono Referral Scheme Guide



Coroners Court
of Victoria



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Introduction

This guide has been developed to assist barristers who accept referrals through the Coroners Court Direct Pro Bono Referral Scheme (**CCPB Scheme**). It contains links through to other legal resources.

The purpose of the CCPB Scheme is to provide time-critical pro bono legal assistance for certain categories of matters within, or appeals from, the Coroners Court.

The referral of a request for pro bono assistance can only be made by direction of a coroner. This can occur at the initial stages of the investigation from the Victorian Institute of Forensic Medicine (**VIFM**) Coronial Admissions & Enquiries office (**CA&E**) (at the direction of a Duty Coroner)¹ or later in the investigation, such as during inquest.

If practitioners require an interpreter service to give the contemplated assistance, they should contact the Manager of the CA&E using the details at the end of this guide, and one can be arranged for them at no cost to the barrister.

Practitioners should also refer to the [Coroners Court Practice Handbook](#). Practitioners should note that substantial changes have occurred since the publication of this document in 2011.

Pro bono need has been identified in the following **six** categories of matters. These categories of matters are time sensitive and fall outside the scope of pro bono assistance currently provided by Justice Connect. This scheme is not intended to encroach upon their sphere.

1. Senior next of kin disputes

A Duty Coroner may appoint a person as senior next of kin (**SNOK**) under section 3(3) of the *Coroners Act 2008* (Vic) (**the Act**).

The appointment of a SNOK can become contentious when the coroner makes a determination to appoint a person/s as the SNOK, insofar as this may impact upon the provision of information and/or access to coronial documents. However, a person's status as the SNOK is limited to matters relevant to the coronial investigation only, and does not provide them with:

- any legal status in disputes concerning the deceased's estate and entitlements to superannuation; or
- any decision-making power in relation to who may or may not receive information relating to the coronial investigation, including other family members.

The appointment of a SNOK will usually only become contentious where the coroner makes a subsequent decision to order an autopsy or release a body to the SNOK (see below).

¹ A Coroner is on "duty" at all times. In a majority of cases the Duty Coroner retains carriage of the death investigation following the initial report of the death to the Court.



2. Disputes regarding autopsy

Appeal against a decision to refuse an autopsy

An appeal may be made to a single judge in the Trial Division of the Supreme Court from a coroner's decision to refuse an autopsy, brought by the SNOK or the person who requested an autopsy (section 79(3)).

Appeal against a decision to order an autopsy

An appeal may be made to a single judge in the Trial Division of the Supreme Court from a Duty Coroner's decision to refuse a family's request for reconsideration of an earlier decision to order an autopsy (section 79(1)).

3. Disputes regarding release of a body

Section 47 of the Act requires a coroner to make an order specifying the person to whom a body is to be released. A person who applied to have a body released may appeal to the Trial Division of the Supreme Court against an order to release the body or the terms of an order to release a body.

4. Waiver of client legal privilege held by an unrepresented senior next of kin

The Act does not affect the operation of client legal privilege during a coronial investigation, including at inquest. A coroner may request or compel documents of a deceased person subject to client legal privilege. In these circumstances, a 'personal representative' of the deceased person (such as a SNOK), may waive privilege for the purposes of the investigation.

5. Suppression order applications during inquest

The Act and the *Open Courts Act 2013 (Vic)* provide powers to the Court to make proceeding suppression orders, pseudonym orders and closed court orders.

6. Exceptional circumstances

In certain exceptional circumstances, the Court may make a direct referral to the CCPB Scheme in relation to an issue outside of the five primary categories of matters referred to above.

Each of these categories of matters is described in more detail below.



1. Senior next of kin disputes

The senior next of kin (or their nominee) is the Court's main point of contact throughout the coroner's investigation. They will be notified about any medical procedures and will also be provided with updates on the progress of the investigation and any medical reports provided to the coroner.

The decision to appoint a person as a senior next of kin is made by the Duty Coroner at the same time as they determine whether there is to be an autopsy before release of the body.

The senior next of kin is determined by the hierarchy set out in section 3 of the Act. At the top of the hierarchy is a spouse or domestic partner. To determine whether the deceased was in a domestic relationship, the Court must consider the circumstances of the relationship, including the matters listed in section 35(2) of the *Relationships Act 2008* (Vic).

If there is more than one potential senior next of kin (of even joint senior next of kin), the Court may communicate with each potential senior next of kin and make a decision as to which will take precedence. These communications may involve an invitation to make submissions and/or file evidence.

The issue of senior next of kin is usually only relevant when the coroner decides whether to order an autopsy, and to whom to release the body (as discussed in the next sections). However, the dispute may relate to the allocation of senior next of kin status alone.

The senior next of kin also has other rights. This includes the right to appeal to the Supreme Court in respect of a decision by a coroner not to hold an inquest into a death, or in respect of a refusal by the Coroners Court to re-open an investigation into a death.

Main principles

See 'main principles' under 'Disputes regarding autopsy' below and 'Disputes regarding release of a body' below.

Relevant legislation

[Coroners Act 2008](#) sections 3, 115, 87A

[Coroners Regulations 2019](#) regulation 11

[Coroners Court Rules 2019](#) rule 41

[Relationships Act 2008](#) sections 3, 35

Practice directions

[Practice Direction 1 of 2014 – Access to documents provided to senior next of kin](#)

[Practice Direction 3 of 2014 – Communications with the Court](#)



Relevant case law

See 'Relevant case law' under 'Disputes regarding release of a body' below.

See in particular *Lawrence v Coroners Court of Victoria* [2013] VSC 77 and *Trinh v The Coroners Court of Victoria* [2019] VSC 133.

Online information

[Senior Next of Kin](#)

Application forms

[Form 45 - Application for Access to Coronial Documents or Inquest Transcript](#)

Further reading

See 'Further reading' under 'Disputes regarding release of a body' below and 'Disputes regarding autopsy' below.



2. Disputes regarding autopsy

When the coroner is notified of a death, the coroner will make a direction (**Form 9**) about whether to conduct an autopsy, which is an invasive bodily process.

An autopsy includes an internal examination and is distinct from a 'preliminary examination' (section 3(1)).

The coroner must direct an autopsy if they believe that it is both necessary for the investigation of the death and appropriate. In determining whether or not to direct an autopsy, coroners take into account:

- what the pathologist who conducted a preliminary examination of the deceased says about the need for an autopsy;
- any relevant medical records; and
- any medical deposition made by a doctor that explains what happened to the deceased person immediately before death.

In most cases, an autopsy will determine the actual cause of death and may allow consideration of any relevant medical treatment that the deceased underwent before death.

A coroner may order a 'partial autopsy' rather than a full autopsy, and/or impose conditions on the manner in which any autopsy is performed.

The coroner will take reasonable steps to notify the senior next of kin of a direction to perform an autopsy.

Request to have an autopsy performed

Any person may ask the coroner to direct that an autopsy be performed. Unless the coroner otherwise orders, if the person making a request is not the senior next of kin, a registrar must notify the senior next of kin of the request and the decision of the coroner in respect of that request.

The coroner will give the person who requested the autopsy written notice of the coroner's determination (**Form 11**).

If a coroner refuses to conduct an autopsy after a request for a direction that an autopsy be performed, the senior next of kin or the person who requested the autopsy may appeal against that refusal to the Trial Division of the Supreme Court constituted by a single judge. An appeal must be made within 48 hours after the person receives notice of the refusal to perform an autopsy.

Objections to an autopsy being performed

Within 48 hours of receiving the notice of the direction to perform an autopsy, the senior next of kin may ask the coroner to reconsider the direction that an autopsy be performed.

Objections may be made by telephone but must be confirmed in writing to the Court and accompanied by reasons.



Objections may address some or all of the following matters:

- any distress or anxiety that an autopsy may cause the senior next of kin or family members;
- any wishes that the senior next of kin or the deceased have/had about an autopsy being conducted; and/or
- any relevant cultural, religious or spiritual beliefs or practices surrounding the deceased person's death dealing explicitly with an autopsy.

The coroner will consider the senior next of kin's objection and give written notice of the determination to the senior next of kin (**Form 10**).

If a coroner gives a direction that an autopsy be performed, the senior next of kin may appeal against that direction to the Trial Division of the Supreme Court constituted by a single judge. The appeal must be made before the coroner's direction takes effect.

Main principles

- The autopsy must be necessary for the investigation of the death, and it must be appropriate. This is a conjoint test.
- An autopsy will be necessary for the investigation of a death where the cause of death is uncertain and/or the circumstances in which the death occurred are uncertain and in either or both of those cases an autopsy is likely to provide useful information to assist the coroner to reach a finding as to the cause and/or circumstances of the death.
- Whether an autopsy is necessary for the investigation of a death will also depend upon the extent to which other investigations by the coroner provide, or are likely to provide, relevant information to enable the coroner to perform his or her functions, including the making of findings.
- An autopsy will not be necessary if the coroner can make the findings required under section 67 without the autopsy. This will depend on the evidence available and what conclusions are reasonably open on the available evidence. It is not necessary or appropriate to order an autopsy to exclude possibilities which do not arise on the evidence.
- The mere fact that an autopsy is necessary to determine the cause of death does not mean that it will always be appropriate to undertake one, although in many cases it may be.
- Whether an autopsy is appropriate requires a consideration of a broad range of potentially relevant matters, including public interest or public health issues, likely distress to the family and likely distress which may arise as a result of cultural, religious and spiritual beliefs, laws and practices if an autopsy is to be carried out.
- In deciding whether to direct an autopsy, a coroner is required to balance the competing interests in order to best achieve the objects of the *Coroners Act 2008* (Vic).

Relevant legislation

[Coroners Act 2008](#) sections 3, 8, 25, 26, 27, 28, 79, 87, 88



[Coroners Regulations 2019](#)

[Coroners Court Rules 2019](#) rules 36, 37, 38, 39, 40, 41

Practice directions

[Practice Direction 3 of 2014 - Communications with the court](#)

Relevant case law

[Rosenbaum v West \[2014\] VSC 583](#)

Bendet v State Coroner (Unreported, Supreme Court of Victoria, 22 August 1999)

[Green v Johnstone \[1995\] 2 VR 176](#)

[Horvath v State Coroner of Victoria \[2004\] VSC 452](#)

[Magdziarz v Heffey \[1995\] VSC 201](#)

[Mapapalangi & Anor v State Coroner of Victoria \[2008\] VSC 535](#)

[Mortimer v West \(in his role as Deputy State Coroner\) \[2015\] VSC 150](#)

[Resetar v The State Coroner of Victoria \[2006\] VSC 211](#)

[Saunders v State Coroner of Victoria \[2005\] VSC 460](#)

[Traynor v Spooner \[2012\] VSC 651](#)

Online information

[Forensic process](#)

Example forms



Example Form 9.pdf



Example Form
11.pdf



Example Form
10.pdf

Further reading

[Belinda Carpenter et al *Arguing the Autopsy: mutual suspicion, jurisdictional confusion and the socially marginal* \(Paper presented at the Crime, Justice and Social Democracy: Proceedings of the 2nd International Conference, Brisbane, 2013\)](#)

Belinda Carpenter et al 'Increasing the information available to Coroners: the effect on autopsy decision making' (2009) 49(2) *Medicine, Science and the Law* 101

[Belinda Carpenter et al 'The Body in Grief: Death Investigations, Objections to Autopsy and the](#)

1



[Religious and Cultural 'Other' \(2014\) 5 Religions 165](#)

David Ranson 'The role of post-mortem imaging in preliminary examinations under the *Coroners Act 2008* (Vic): A Forensic Pathologist's perspective' (2014) 21(4) *Journal of Law and Medicine* 774

Graham Segal, 'Religion/ custom and coronial practice: How to avoid either being compromised' (Paper presented at the Asia-Pacific Coroner's Conference, Queensland, 7-10 November 2011)

Ian Freckelton and David Ranson, *Death Investigation and the Coroner's Inquest* (Oxford University Press, 2006)

Ian Freckelton, 'Autopsy Law: Multiculturalism Working Successfully' (1998) 6 *Journal of Law and Medicine* 5

Matthew J Lynch and Noel WF Woodford, 'Objections to medico-legal autopsy – Recent developments in case law' (2007) 14 *Journal of Law and Medicine* 463

Michael Barnes and Belinda Carpenter, 'Reliance on internal autopsies in coronial investigations: a review of the issues' (2011) 19(1) *Journal of Law and Medicine* 88

Prue Vines, 'Objections to Post Mortem Examination: Multiculturalism, Psychology and Legal Decision-making' (2000) 7 *Journal of Law and Medicine*, 422

[Victorian Parliament Law Reform Committee, Coroners Act: Final Report, Parliamentary Paper No 229 of Session 2003-2006](#)



3. Disputes regarding release of a body

A body is under the control of the coroner until the coroner releases it.

Section 47(2) provides that the coroner must make an order (**Form 24**) specifying the person to whom the body is to be released. The order may contain any other necessary terms and conditions.

Any person may apply for release of a body. If two or more persons apply for release of a body, each person must complete an application (**Form 25**) outlining reasons for their application. The coroner will then determine who has the better claim. Section 48(3) sets out the principles that the coroner must have regard to when determining which applicant has the better claim for having the body released to them.

An unsuccessful applicant may appeal to the Trial Division of the Supreme Court constituted by a single judge, against a coroner's order to release the body to another applicant, or against the terms of that order. The appeal must be made within 48 hours after the determination of the coroner is made.

Main principles

- The coroner should apply the natural justice Hearing Rule when making a decision as to senior next of kin. This means that where material before the Court is in dispute, such material should be exchanged so that each applicant is given a reasonable opportunity to respond to the material before a decision is made. What is required to accord procedural fairness in a particular case will turn on the particular facts and the need to have regard to the principles in sections 8 and 9 of the *Coroners Act 2008* (Vic).
- At common law, the right to receive a body for burial lies with the executor of the will of the deceased or, if there is no will, by those in order of precedence entitled to letters of administration. However, the order of precedence is also subject to the circumstances of each case. Common law principles regarding precedence for letters of administration are therefore not applied inflexibly.
- Applying common law principles, the coroner should first determine who has priority in terms of the entitlement to a grant of letters of administration of the estate of the intestate deceased. The body should be released to that person unless it is demonstrated that this is not an appropriate course. The decision is one which must be made in a pragmatic way, having regard to the competing relationships of the claimants and to any social, cultural and practical considerations and, further, having regard to the requirement that the body be buried or otherwise dealt with in accordance with law without unnecessary delay.

Relevant legislation

[Coroners Act 2008](#) sections 3, 8, 22, 47, 48, 85, 87, 88

[Coroners Regulations 2019](#)

[Coroners Court Rules 2019](#) rules 50, 51



[Relationships Act 2008](#) sections 3, 35

Practice directions

[Practice Direction 3 of 2014 – Communications with the court](#)

Relevant case law

[Trinh v The Coroners Court of Victoria \[2019\] VSC 133](#)

[Smith v Coroners Court of Victoria \[2018\] VSC 307](#)

[Carter v The Coroners Court of Victoria & Anor \[2012\] VSC 561](#)

[Gillott v Woodlands \[2006\] VSCA 46](#)

[Keller v Keller \[2007\] VSC 118](#)

[Lawrence v Coroners Court of Victoria \[2013\] VSC 77](#)

[Meier v Bell \(Unreported, Supreme Court of Victoria, 3 March 1997\)](#)

[Threlfall v Threlfall \[2009\] VSC 283](#)

Online information

[Funeral and release of body](#)

Application forms

[Application for Release of a Deceased Person](#)

Example forms



Example Form
24.pdf



Example Form
25.pdf



4. Waiver of client legal privilege held by an unrepresented senior next of kin

Coroners are not bound by the rules of evidence.

However, section 42A of the Act provides that Part 3.10 of the *Evidence Act 2008* (**Evidence Act**) (except sections 128, 128A and 131A) applies to the *investigation* of deaths and section 58 of the Act provides that Part 3.10 of the Evidence Act applies to an *inquest*.

The effect of these provisions is that client legal privilege can be claimed in respect of documents or other material sought by a coroner during an investigation, including at inquest.

Client legal privilege can continue after death.² Accordingly, the privilege would apply where a coroner requests documents or other material of a deceased person subject to client legal privilege. This could prevent disclosure of documents or other material concerning a deceased person the subject of the coronial investigation, or another deceased person.

In these circumstances, it may be necessary for a personal representative of the deceased person (such as a SNOK who has been granted Letters of Administration for the deceased's estate) to waive privilege before the material can form part of the evidence before the coroner. In some cases, the personal representative may sign a waiver to permit release of the privileged material (see, for example, the Finding with inquest into the death of Darren Brandon).

Pro bono legal assistance scheme may also assist in the identification of a personal representative for the purposes of the Evidence Act. This may be the case especially where the deceased person is not the person the subject of the coronial investigation, and the question of who should be the personal representative requires consideration. For example, in one investigation involving a murder/suicide, the perpetrator was subject to a full intervention order at the time that he killed his partner and received legal advice prior to the intervention order hearing. The coroner investigating the death of the victim sought access to materials that formed part of the perpetrator's legal file and the legal advisers asserted a claim to client legal privilege.

Main principles

- The Act does not affect the operation of client legal privilege.
- Part 3.10 of the Evidence Act applies to coronial investigations, including inquests, with some limited exceptions.
- In circumstances where a coroner requests documents or materials subject to client legal privilege and the client legal privilege is preserved after death (such as by a 'personal representative') that person can waive privilege to allow the material to form part of the evidence relied upon by the coroner.

Relevant legislation

[Coroners Act 2008](#) sections 42, 42A, 55, 58, 62

² The Evidence Act defines 'client' to include if a client has died—a personal representative of the client. 15



[Evidence Act 2008](#) Part 3.10, sections 117 -126

Relevant case law

[Danne v Coroner \[2012\] VSC 454](#) (in relation to professional privilege in the coronial jurisdiction generally)

See generally the *Finding into the death of Darren Brandon* (COR 2018 2778)



5. Suppression order applications during inquest

Suppression orders prohibit or restrict the publication or other disclosure of certain information.

The *Open Courts Act 2013* (**Open Courts Act**) and the Act provide powers to the Coroners Court of Victoria to make the following types of suppression orders:

- proceeding suppression orders;
- pseudonym orders; and
- closed court orders.

The power to make broad suppression orders under the *Open Courts Act* does not apply to the Coroners Court.

Proceeding suppression order

Section 17 of the *Open Courts Act* gives the Court the power to prohibit or restrict the disclosure of a report of the whole or any part of a proceeding or any information derived from a proceeding.

Section 18(1) sets out five general grounds for making a proceeding suppression order:

- to prevent a real and substantial risk of prejudice to the proper administration of justice that cannot be prevented by other reasonably available means;
- to prevent prejudice to the interests of the Commonwealth or a State or Territory in relation to national or international security;
- to protect the safety of any person;
- to avoid causing undue distress or embarrassment to a complainant or witness in any criminal proceeding involving a sexual offence or a family violence offence; and
- to avoid causing undue distress or embarrassment to a child who is a witness in any criminal proceeding.

Common to all grounds is the test of necessity – the Court must be satisfied that a proceeding suppression order is necessary on the applicable ground. Some of the cases in ‘Relevant case law’ discuss the test of necessity.

Under section 18(2), the Coroners Court may make a proceeding suppression order in the case of an investigation or inquest into a death or fire, provided disclosure would be likely to prejudice the fair trial of a person or be contrary to the public interest.

Section 14 requires the Court to be satisfied on the basis of evidence, or sufficient credible information that is satisfactory to the Court that the grounds for making the order are established.

The Court’s order is captured in **Form 42**.



Application process

Section 19(1) of the *Open Courts Act* allows the Court to make a proceeding suppression orders:

- on the court or tribunal's own motion; or
- on the application of a party to the proceeding or any other person considered by the court to have a sufficient interest in the making of the order.

Section 10(1) requires applicants for a suppression order to give three business days' notice of the application to the court and the parties on the record. Applicants must complete a **Form 42B Notice of Application for Suppression Order**.

Section 10(3) allows the Court to hear an application for a suppression order without notice if satisfied there was good reason for notice not being provided and it is in the interests of justice to hear it.

The notice period does not apply to own motion suppression orders.

Notification to media

On receiving a notice of application for suppression order, the Court will take reasonable steps to ensure that any relevant news media organisation is notified of the application for a suppression order.

Subject to coronial direction, media organisations will usually be provided with a copy of the notice of application for suppression order and any supporting affidavits.

Media may seek to be heard on the application and provide oral and/or written submissions in response.

Interim orders

Pursuant to section 20 of the *Open Courts Act*, the Court may make an interim order in respect of an application for a proceeding suppression order before determining the merits of the application (**Form 42A**).

The interim order has effect until the substantive application is determined or the interim order is revoked by the Court.

If an interim order is made, the Court must determine the substantive application for the proceeding suppression order as a matter of urgency.

Closed Court orders

Pursuant to section 30 of the *Open Courts Act*, the Court may order (**Form 30**) that:

- the whole or any part of a proceeding be heard in closed court; or
- only persons or classes of persons specified by it may be present during the whole or any part of a proceeding.



The provisions in the *Open Courts Act* do not affect any jurisdiction or power of the Court to regulate its proceedings, including any power at common law (section 29).

Section 30(3) of the *Open Courts Act* provides that the Coroners Court should only make a closed court order if the coroner reasonably believes that the order is necessary in the public interest, having regard to the matters in Part 2 of the *Coroners Act 2008*.

Part 2 of the *Coroners Act* sets out the objectives and relevant factors to consider for the purpose of the Act which includes:

- avoiding unnecessary duplications of inquiries and investigations (section 7);
- expediting the investigation of deaths and fires (section 7);
- that the death of a family member, friend or community member is distressing and distressed persons may require referral for professional support or other support (section 8(a));
- that unnecessarily lengthy or protracted coronial investigations may exacerbate the distress of family friends and others affected by the death (section 8(b));
- that different cultures have different beliefs and practices surrounding death that should, where appropriate, be respected (section 8(c));
- that family members affected by a death being investigated should, where appropriate, be kept informed of the particulars and progress of the investigation (section 8(d));
- that there is a need to balance the public interest in protecting a living or deceased person's personal or health information with the public interest in the legitimate use of that information (section 8(e));
- the desirability of promoting public health and safety and the administration of justice (section 8(f)); and
- that the coronial system should operate in a fair and efficient manner (section 9).

If a closed court order is made, the Court must post a copy of the order on a door of the Court, or in another conspicuous place where notices are usually posted at the place where the court is being held (section 31).

Contravening a closed court order carries a penalty of up to 5 years imprisonment and/or 600 penalty units for an individual and up to 3000 penalty units for a body corporate (section 32).

Pseudonym Orders

Section 7 of the *Open Courts Act* does not limit or otherwise affect the making of an order:

- that requires the disclosure of information in the course of or in relation to a proceeding;
- regarding the admission into evidence of information;
- that conceals the identity of a person by restricting the way the person is referred to in open court;



- that restricts the way an event or thing may be referred to in open court; or
- that prohibits or restricts access to a court file.

Accordingly, the *Open Courts Act* does not displace the power of the Court to make pseudonym orders and other orders that, in effect, restrict the availability or preserve the unavailability of information ordinarily derived from court processes.

Under section 55(2)(e) of the *Coroners Act 2008*, coroners are empowered to give any other directions and do anything else the coroner believes necessary. This power extends to the making of 'pseudonym' orders and other such orders as required to preserve as confidential particular information in the public interest.

Main principles

- Open justice is the default position for courts and tribunals considering whether to make suppression or closed court orders. Sections 4 and 28 of the *Open Courts Act* establish an obligation to consider the primacy of the open justice principle and to not make a suppression order or closed court order unless necessary to override that principle.
- In exceptional circumstances, orders may be made qualifying the open justice principle.
- All statutory grounds reflect the common law position that an order must be 'necessary' to achieve a particular end.
- What is 'necessary' will differ depending on what ground is relied upon and the circumstances of each case.
- Necessity must be reasonably demonstrated on the available evidence.
- Mere embarrassment, shame or humiliation do not amount to necessity.
- The order must do no more than is necessary.

Relevant legislation

[Coroners Act 2008](#) Part 2, sections 55, 72, 73

[Coroners Regulations 2019](#) regulation 25

[Coroners Court Rules 2019](#) Order 2, rules 15, 55, 66, 67, 68, 69

[Open Courts Act 2013](#)

Practice directions

[Practice Direction 3 of 2014 – Communications with the Court](#)



Relevant case law

John Fairfax & Sons Ltd v Police Tribunal (NSW) (1986) 5 NSWLR 465

[*Re Applications by Chief Commissioner of Police \(Vic\) for Leave to Appeal* \(2004\) 9 VR 275](#)

[*News Digital Media Pty Ltd v Mokbel* \(2010\) 30 VR 248](#)

[*Hogan v Hinch* \(2011\) 243 CLR 506](#)

Scott v Scott [1913] AC 417

[*Herald & Weekly Times Ltd v Magistrates' Court of Victoria* \[2004\] VSC 194](#)

John Fairfax Group v Local Court of New South Wales (1991) 26 NSWLR 131

[*Chaarani v Director of Public Prosecutions* \[2018\] VSCA 299](#)

See generally the orders and rulings made in the Inquest into the deaths of Matthew Poh Chuan Si, Thalia Hakin, Yosuke Kanno, Jess Mudie, Zachary Matthew Bryant and Bhavita Patel, COR 2017 0325

Application forms

[Form 42B Notice of application for suppression order](#)

Example forms



Example Form
30.pdf



Example Form
42.pdf



Example Form
42A.pdf

Further reading

[Second Reading Speech of Attorney-General Robert Clark dated 27 June 2013](#)

[Open Courts Act Review, The Hon, Frank Vincent AO QC, September 2017](#)



6. Exceptional circumstances

The Court may become aware that a person is experiencing difficulties in their ability to navigate the coronial process and/or has a legal issue related to the coronial investigation which is time critical and does not fall into one of the five categories of matters outlined above.

In these circumstances the Court may refer such a person to the CCBS for pro bono legal assistance. For example, this may arise where two parties are in dispute with regards to SNOK status. Coroners Court or VIFM staff may identify that one party is at an extreme disadvantage (be it financial or otherwise), vis-à-vis another, such that pro bono legal assistance is deemed necessary.