

**Version No. 002**  
**Coroners Regulations 2009**

**S.R. No. 120/2009**

Version as at  
20 February 2013

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**1 Objectives**

The objectives of these Regulations are—

- (a) to provide forms and machinery provisions for—
  - (i) investigations and inquests into deaths;  
and
  - (ii) investigations and inquests into fires;  
and
- (b) to prescribe various matters necessary to be prescribed under the **Coroners Act 2008**.

**2 Authorising provision**

These Regulations are made under section 117 of the **Coroners Act 2008**.

**3 Commencement**

These Regulations come into operation on  
1 November 2009.

**4 Revocation**

The Coroners Regulations 2007<sup>1</sup> are **revoked**.

**5 Definition**

In these Regulations—

***person of Aboriginal or Torres Strait Islander origin*** means a person who—

- (a) is descended from an Aborigine or Torres Strait Islander; and

- (b) identifies as an Aborigine or Torres Strait Islander; and
- (c) is accepted as an Aborigine or Torres Strait Islander by an Aboriginal or Torres Strait Island community;

***the Act* means the Coroners Act 2008.**

## **6 Pathologist**

For the purposes of the definition of ***pathologist*** in section 3(1) of the Act, the following registered medical practitioners are prescribed—

- (a) a Fellow of the Royal College of Pathologists of Australasia; or
- (b) a registered medical practitioner with qualifications and experience which are approved in writing by the Director of the Institute.

## **7 Person placed in custody or care**

- (1) For the purposes of paragraph (1) of the definition of ***person placed in custody or care*** in section 3(1) of the Act, a prescribed person or a prescribed class of person is—
  - (a) a person held in detention in Victoria by an authorised person under the law of the Commonwealth or another jurisdiction; or
  - (b) a person in Victoria who an authorised person is attempting to take into custody or who is dying from injuries sustained when an authorised person attempted to take the person into custody; or
  - (c) a person who is dying from an injury incurred while—
    - (i) in the care, control or custody of an authorised person; and

- (ii) in detention in Victoria under the law of the Commonwealth or another jurisdiction.

(2) In this regulation and regulation 8, ***authorised person*** means a person authorised to—

- (a) take a person into custody in Victoria; and
- (b) keep a person in custody in Victoria—  
under the law of—
- (c) the Commonwealth; or
- (d) another jurisdiction and Victoria.

**8 Obligation to report death of a person placed in custody or care—responsible person**

For the purposes of section 11(2)(c) of the Act, the ***responsible person*** in relation to a person placed in custody or care referred to in regulation 7(1)(a), (b) or (c) is the authorised person referred to in the relevant paragraph of regulation 7(2).

**9 Particulars to be provided in certain reportable deaths that do not require investigation**

For the purposes of section 17(2) of the Act, the prescribed particulars the principal registrar must notify the Registrar of Births, Deaths and Marriages of are—

- (a) the deceased's full name;
- (b) the deceased's date of birth (or age at his or her last birthday);
- (c) the cause of death;
- (d) the date and place of death;
- (e) the gender of the deceased;

- (f) whether or not the deceased was a person of Aboriginal or Torres Strait Islander origin, if known.

#### **10 Information to be provided on the coronial process**

For the purposes of section 21 of the Act, the prescribed information in respect of the coronial process that must be provided by the principal registrar is—

- (a) the objectives of the **Coroners Act 2008**;
- (b) the meaning of a reportable death and a reviewable death;
- (c) what the purpose of a coronial investigation is including—
  - (i) what a coroner must find, if possible;
  - (ii) that recommendations might be made by a coroner following a coronial investigation which in turn may oblige certain parties receiving those recommendations to make a written response in relation to those recommendations;
  - (iii) that the findings, comments and recommendations made following an inquest may be published on the Internet in accordance with the Act;
- (d) what the identification process may involve;
- (e) rights in relation to viewing and touching the body of a deceased person and access to the place of death;
- (f) the meaning of a medical examination under the Act including a preliminary examination, an identification procedure and an autopsy;

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- (g) inquests conducted under the Act—
    - (i) including circumstances where a coroner must conduct an inquest;
    - (ii) the rights of interested parties at an inquest;
    - (iii) assistance provided to a coroner at inquest;
    - (iv) how an inquest must be conducted;
  - (h) the meaning of senior next of kin under the Act and their rights in relation to an autopsy and an exhumation under the Act;
  - (i) a person's rights under the Act in relation to an exhumation, the release of a body, an inquest into a death and reopening an investigation;
  - (j) a person's right to seek legal representation;
  - (k) a person's obligation to report a death including a reviewable death and provide assistance to the coroner under the Act;
  - (l) the availability of services including—
    - (i) counselling services;
    - (ii) interpreting services and translated information;
    - (iii) legal services;
  - (m) access to documents under the Act;
  - (n) where to lodge a complaint in relation to the Coroners Court and appeals to the Supreme Court.
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**11 Person who may remove or assist in the removal of human tissue and preserving material**

For the purposes of section 28(1)(d) of the Act, a nurse, whose name is included in Division 1 of Part 2 of the register of nurses kept under the **Health Professions Registration Act 2005**, is a prescribed person.

**12 Restriction of access to place where death occurred or caused or incident occurred—Form 1 and Form 2**

For the purposes of section 37(4) of the Act, the prescribed form of notice restricting access to a place must (as appropriate) be in Form 1 or Form 2 of the Schedule.

**13 Restriction of access to fire area—Form 3**

For the purposes of section 38(2) of the Act, the prescribed form of notice restricting access to a place must be in Form 3 of the Schedule.

**14 Documents and prepared statements requested by coroner—Form 4**

For the purposes of section 42(2) of the Act, the prescribed form of a request must be in Form 4 of the Schedule.

**15 Particulars the principal registrar must notify the Registrar of Births, Deaths and Marriages**

For the purposes of section 49(2) of the Act, the prescribed particulars the principal registrar must notify the Registrar of Births, Deaths and Marriages of are—

- (a) the deceased's full name;
- (b) the deceased's date of birth (or age at his or her last birthday);
- (c) the cause of death;
- (d) the date and place of death;



- (e) the gender of the deceased;
- (f) whether or not the deceased was a person of Aboriginal or Torres Strait Islander origin, if known.

**16 Summons—Form 5**

For the purposes of section 55(3) of the Act, the prescribed form of a summons must be in Form 5 of the Schedule.

**17 Oath of office—Form 6**

- (1) For the purposes of section 95 of the Act, the prescribed form of the oath of office must be in Form 6 of the Schedule.
- (2) Subject to subregulation (3), an oath of office for a coroner must be administered by the State Coroner.
- (3) An oath of office for the State Coroner must be administered by the Chief Judge of the County Court.

**18 Warrant to arrest for contempt—Form 7**

For the purposes of section 103(2)(b) of the Act, the prescribed form of a warrant for arrest for contempt of the Coroners Court must be in Form 7 of the Schedule.

**19 Register of authorisations to investigate deaths**

- (1) For the purposes of section 116(2) of the Act, a register kept by the principal registrar under section 116(1)(a) of the Act is in the prescribed form if it contains the following details—
  - (a) full name of the deceased;
  - (b) date of the death;
  - (c) name of the coroner who made the order;

- (d) date of the order;
- (e) expiration date of the order.
- (2) A register kept by the principal registrar under section 116(1)(a) of the Act may be inspected by a person by order of the coroner.

## **20 Register of authorisations to investigate fires**

- (1) For the purposes of section 116(2) of the Act, a register kept by the principal registrar under section 116(1)(b) of the Act is in the prescribed form if it contains the following details—
  - (a) date of the fire;
  - (b) location of the fire;
  - (c) name of the coroner who made the order;
  - (d) date of the order;
  - (e) expiration date of the order.
- (2) A register kept by the principal registrar under section 116(1)(b) of the Act may be inspected by a person by order of the coroner.

## **21 Register of exhumations**

- (1) For the purposes of section 116(2) of the Act, a register kept by the principal registrar under section 116(1)(c) of the Act is in the prescribed form if it contains the following details—
  - (a) full name of the deceased;
  - (b) date of the death;
  - (c) name of the coroner who made the order;
  - (d) date of the order.
- (2) A register kept by the principal registrar under section 116(1)(c) of the Act may be inspected by a person by order of the coroner.

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## **22 Register of witness certificates**

- (1) For the purposes of section 116(2) of the Act, a register kept by the principal registrar under section 116(1)(d) of the Act is in the prescribed form if it contains the following details—
  - (a) full name of the deceased;
  - (b) date of the death;
  - (c) name of the coroner who made the order;
  - (d) date of the order;
  - (e) full name of the witness.
- (2) A register kept by the principal registrar under section 116(1)(d) of the Act may be inspected by a person by order of the coroner.

## **23 Register of orders restricting publication**

- (1) For the purposes of section 116(2) of the Act, a register kept by the principal registrar under section 116(1)(e) of the Act is in the prescribed form if it contains the following details—
  - (a) full name of the deceased or Coroners Court reference number;
  - (b) name of the coroner who made the order;
  - (c) date of the order;
  - (d) details of the order.
- (2) A register kept by the principal registrar under section 116(1)(e) of the Act may be inspected by a person during ordinary business hours unless the coroner otherwise orders.

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## **24 Fees payable for copies of documents**

The fees payable in respect of the provision of copies of documents by the Coroners Court to a person are as follows—

- (a) a fee of no more than \$1.00 per page for a black and white copy; and
- (b) a fee of no more than \$2.00 per page for a colour copy.

### **Note**

Prescribed fees may be waived, reduced or refunded in accordance with section 118 of the Act.

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**SCHEDULE**

**FORM 1**

Regulation 12

**NOTICE RESTRICTING ACCESS TO PLACE WHERE  
DEATH OCCURRED OR CAUSED**

(Sections 37(2) and 37(4) of the **Coroners Act 2008**)

**YOU MUST NOT ENTER THE RESTRICTED PLACE WITHOUT  
AUTHORITY OF THE CORONER OR THE CHIEF  
COMMISSIONER OF POLICE**

**THE RESTRICTED PLACE IS:**

*[Description of restricted place/area]*

**Penalty:** A person who enters a restricted place without lawful excuse may be liable to a fine of 60 penalty units or imprisonment for 6 months.

This notice is made pursuant to the order of the \*State Coroner/\*Deputy State Coroner/\*Coroner/\*Chief Commissioner of Police made on *[date]*.

*\*Delete if inapplicable*

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Form 2

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**FORM 2**

Regulation 12

**NOTICE RESTRICTING ACCESS TO PLACE WHERE  
INCIDENT OCCURRED**

(Sections 37(3) and 37(4) of the **Coroners Act 2008**)

**YOU MUST NOT ENTER THE RESTRICTED PLACE WITHOUT  
AUTHORITY OF THE CHIEF COMMISSIONER OF POLICE**

**THE RESTRICTED PLACE IS:**

*[Description of restricted place/area]*

**Penalty:** A person who enters a restricted place without lawful excuse may be liable to a fine of 60 penalty units or imprisonment for 6 months.

This notice is made pursuant to the order of the Chief Commissioner of Police made on *[date]*.

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**FORM 3**

Regulation 13

**NOTICE RESTRICTING ACCESS TO FIRE AREA**

(Section 38(2) of the **Coroners Act 2008**)

**YOU MUST NOT ENTER THE RESTRICTED PLACE WITHOUT  
AUTHORITY OF THE CORONER OR THE CHIEF  
COMMISSIONER OF POLICE**

**THE RESTRICTED PLACE IS:**

*[Description of restricted place/area]*

**Penalty:** A person who enters a restricted place without lawful excuse may be liable to a fine of 60 penalty units or imprisonment for 6 months.

This notice is made pursuant to the order of the \*State Coroner/\*Deputy State Coroner/\*Coroner/\*Chief Commissioner of Police made on *[date]*.

*\*Delete if inapplicable*

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Form 4

**FORM 4**

Regulation 14

**REQUEST BY THE CORONER FOR DOCUMENT OR  
PREPARED STATEMENT**

(Section 42 of the **Coroners Act 2008**)

**IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

As soon as you receive this request, you should seek legal advice to help you understand the request and your obligations under the request. Contact your lawyer or Victoria Legal Aid or a community legal centre for advice.

*(Information to the effect of the above advice to be printed in the English, Arabic, Cambodian, Chinese, Croatian, Greek, Hindi, Italian, Macedonian, Polish, Russian, Serbian, Somali, Spanish, Turkish and Vietnamese languages.)*

To: *[Name]*

of: *[address]*

You have received this request because the coroner is of the opinion that a document or prepared statement is required for the purposes of the investigation into **\*the death of the person** described below.

Details of the deceased—

Name of the deceased:

Date of birth (if known):

Date of the death/suspected death:

Place of death/suspected death:

**\*a fire** which occurred at *[address]* on *[date]*.

**WHAT YOU MUST DO**

\*You are requested to produce the documents or types of documents specified below to the coroner: *[Specify documents]*

\*You are requested to prepare a statement addressing the matters specified below by the coroner and give the statement to the coroner: *[Specify matters to be addressed in statement]*

**OR** you are requested to advise the coroner in writing that you intend to rely on section 50 of the **Coroners Act 2008** and will not comply with this request.



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**Form 4**

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You are required to comply with this request within [*number*] days after the day on which the request is served on you.

The address for delivery of documents or prepared statement is: [*Address*]

You can contact the Registry of the Coroners Court on 1300 309 519 if you have any questions about this request.

**WARNING** It is an offence for a person who is given a request under section 42(3) of the **Coroners Act 2008** to fail, without lawful excuse, to comply with the request within the period specified by the coroner.

The maximum penalty for this offence is a fine of 20 penalty units.

You are not required to give information in a statement to the coroner if the information provided in the statement would tend to incriminate you (section 50 of the **Coroners Act 2008**).

*\*Delete if inapplicable*

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Form 5

**FORM 5**

Regulation 16

**SUMMONS TO ATTEND AS A WITNESS OR PRODUCE  
DOCUMENTS**

(Section 55(2)(a) and 55(3) of the **Coroners Act 2008**)

To the witness: *[Name]*

of: *[address]*

**An inquest or preliminary hearing is to be held \*into the death of the person described below.**

\*Details of the deceased—

Name of the deceased:

Date of birth (if known):

Date of the death/suspected death:

Place of death/suspected death:

**\*a fire** which occurred at *[address]* on *[date]*.

**What you must do:**

You must bring this summons with you and—

- ☐ come to court to give evidence as a witness
- ☐ come to court to give evidence and also produce at the court the following documents or material: *[specify documents or material]*
- ☐ produce at the court the following documents or material: *[specify documents or material]*

**Where you must go:**

The Coroners Court at *[venue]*

Address

Phone

When

Time

Day

Month

Year

**Issued at the Coroners Court, *[venue]* on the *[date]*.**

\*State Coroner/\*Deputy State Coroner/\*Coroner

*\*Delete if inapplicable*

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**FORM 6**

Regulation 17

**OATH OF OFFICE**

(Section 95 of the **Coroners Act 2008**)

I, [*full name*], \*do swear/\*declare and affirm that I will faithfully perform the office of Coroner without fear or favour to the best of my judgement and ability according to law.

*\*Delete if inapplicable*

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Form 7

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**FORM 7**

Regulation 18

**WARRANT TO ARREST FOR CONTEMPT**

(Section 103 of the **Coroners Act 2008**)

**TO ALL MEMBERS OF THE POLICE FORCE OF THE STATE OF  
VICTORIA**

Arrest [*Name*] and bring him or her before the Coroners Court to answer a charge of contempt of the Court as follows [*insert details of the charge*], and if it is not practicable to bring him or her before the Court as soon as practicable to release him or her on bail in accordance with the endorsement below.

Dated:

\*State Coroner/\*Deputy State Coroner/\*Coroner

**ENDORSEMENT FOR BAIL**

The State Coroner or Coroner has authorised the following endorsement—

The person named may be released on entering an undertaking of bail to appear at the Coroners Court at [*venue*] on the following conditions—

[*insert conditions*]

*\*Delete if inapplicable*

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## ENDNOTES

### 1. General Information

The Coroners Regulations 2009, S.R. No. 120/2009 were made on 13 October 2009 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under section 117 of the **Coroners Act 2008**, No. 77/2008 and came into operation on 1 November 2009: regulation 3.

The Coroners Regulations 2009 will sunset 10 years after the day of making on 13 October 2019 (see section 5 of the **Subordinate Legislation Act 1994**).

<b>Endnotes</b>
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**2. Table of Amendments**

There are no amendments made to the Coroners Regulations 2009 by statutory rules, subordinate instruments and Acts.

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### **3. Explanatory Details**

<sup>1</sup> Reg. 4: S.R. No. 28/2007.