



Coroners Court of Victoria

Your ref: A650665

7 December 2017

Hon Adele Farina MLC
Chair
Standing Committee on Public Administration

Via email: lcco@parliament.vic.gov.au

Dear Ms Farina,

Inquiry into WorkSafe Australia

I refer to the questions contained in your letter to the State Coroner, Judge Sara Hinchey, dated 13 November 2017 and respond, on her behalf, as follows:

1. Does WorkSafe Victoria share copies of their investigation reports with the Coroner?

Response: The Coroners Court of Victoria (**the Court**) enjoys an excellent relationship with WorkSafe Victoria. When WorkSafe Victoria has advised that it has completed an investigation relevant to a reportable death, the investigating coroner is provided with the relevant investigation documents, including WorkSafe Victoria's brief of evidence.

2. Are there any limitations on the information that the Coroner is able to access from WorkSafe Victoria?

Response: WorkSafe Victoria does not share its legal advice relevant to those matters where a prosecution was not commenced under health and safety legislation. The Court respects WorkSafe Victoria's claim of privilege in this regard.

3. If WorkSafe Victoria does not share some information with the Coroners Court, what are the reasons given by WorkSafe Victoria?

Response: Refer to responses 1 and 2.

4. Does the Coroner undertake their investigations into a death concurrently with WorkSafe Victoria?

Response: WorkSafe Victoria notifies the investigating coroner, by letter, if it has commenced an investigation in relation to a 'reportable death'. It is practice for the



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investigating coroner to temporarily suspend their coronial investigation pending the outcome of WorkSafe Victoria's investigation. If criminal charges are initiated by WorkSafe Victoria, it is also practice for the investigating coroner to determine if the matter is appropriate to close pursuant to section 71 of the *Coroners Act 2008*.

5. Does WorkSafe Victoria hamper or delay the Coroner's investigations in any way?

Response: Only in circumstances where the WorkSafe Victoria investigation is lengthy. To ensure that the investigating coroner is kept updated as to the status of WorkSafe Victoria's investigation, WorkSafe Victoria's Enforcement Group provides a monthly status report to the Court.

6. Does WorkSafe Victoria publish any educational material containing Coroners recommendations regarding a workplace death?

Response: Yes it does.

7. Does the Coroners Court have a strong working relationship with WorkSafe Victoria and is there an efficient sharing of information between the two offices?

Response: Yes it does, please refer to the above responses.

Please contact me on if you have any questions regarding this letter.

Yours sincerely

Jodie Burns
Senior Legal Counsel