

FACT SHEET 8

What happens after the coronial process?



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This fact sheet explains the steps that can be taken after a coroner has made a finding and any available legal options for families when contesting the findings of the coronial process. You should always get your own legal advice is before taking any legal action.

Where can I get a copy of the coroner's findings?

Following an investigation by a coroner into the death, the coroner will make a written finding. The findings are put on the on a database available to the public: <https://www.austlii.edu.au/>. You can search for a particular finding by name, a case number, type of death, or location of death using the search field.

What is a coroner's finding and what does it mean for the deceased's family?

- A finding by the coroner is made following an investigation into a death and provides the identity of the deceased, the time, date and place of death, a summary of the evidence relating to the circumstances of the death, and in some cases the coroner's comments or recommendations aimed at preventing similar deaths.
- A finding that is made by the coroner is not the same as a judgment made by a judge in a court room. It is a fact-finding process and will not find anyone guilty of a crime or solve any of the problems experienced by the family or community affected by the death.
- Speak to a lawyer about options if you wish to take further legal action after a coroner has made their findings.
- Applying to have findings reconsidered and reopen investigations
- Any person may apply to the court for an order that some or all the findings of a coroner be reconsidered or set aside. To do so, a person would need to apply to the Coroners Court and specify:

- which findings they want set aside, and
- the reasons for the application supported by relevant information.
- The Coroners Court can set aside some or all the findings and order that an investigation be re-opened if a coroner is satisfied that there are new facts and circumstances that should be considered. If the Coroners Court refuses to re-open an investigation, a person who made the request may appeal to the Supreme Court of Victoria within 90 days after the refusal.
- If you are a person with sufficient interest in the investigation or an 'interested party', you have a right to appeal directly to the Supreme Court of Victoria against the findings of a coroner within six months from the date of the finding.
- The Supreme Court may make any order it thinks appropriate, including an order for a re-hearing by the Coroners Court.

Appealing decisions around dealings with the body

- **Autopsies:** If a coroner gives a direction that an autopsy be performed, the senior next of kin may appeal to the Supreme Court of Victoria against that direction within six months from the date of the finding.
- **Exhumations:** The senior next of kin and any other person who received an exhumation notice may appeal to the Supreme Court against the State Coroner's decision to conduct an exhumation within 48 hours.
- **Releasing the body:** If a person applies to have a body released to them but is unhappy with the final orders made by the coroner then they have 48 hours to appeal the terms of the order.
- For more information, see Fact Sheet 9: My loved one's body and things, including about what is involved in exhumations, autopsies, and releases.



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