



Inquests into a death

An inquest is generally a public hearing of the investigation into a death which is held at the Coroner's Court. An inquest is an inquiry that tries to find out why the death happened and, if appropriate, to make recommendations to prevent deaths occurring in the same or similar circumstances in the future. An inquest is not a trial to decide if someone is legally responsible for a death.

There are some deaths which a coroner **must** hold an inquest, including if:

- a person dies violently or unnaturally in unknown circumstances;
- a person dies of unnatural causes in custody or in care;
- a person dies under suspicious circumstances;
- a person's death is attributable to an operation or procedure;
- a person dies and the doctor has not given a cause of death certificate;
- dies not having been attended by a doctor at any time within the period commencing 6 months before the death;
- a person dies after an accident where the death appears to be directly attributable to that accident; or
- a person's death, in the opinion of the Chief Coroner or the Attorney-General, should be better ascertained.

Can I request an inquest be held into the death of a loved one?

- A relative or friend of a deceased person can ask that a coroner hold a hearing into a death. Importantly, making a request does not mean an inquest will be held. If the coroner decides not to hold a hearing, the immediate family of the deceased will be notified.
- Please see the Summary and Acknowledgment page for further information for legal assistance on this issue.

Who can attend?

- Generally, anyone can attend an inquest. People who may wish to attend include:
- Family members of the deceased. Family members may also be called as witnesses. You will be given advanced notice and receive a document issued by the Coroner's Court called a summons if you are required by a coroner to appear as a witness and give evidence.
- Expert witnesses. Expert witnesses are people who specialise in certain fields and help the coroner understand complex information relating to the death they are investigating.
- Police witnesses. Police witnesses are often the police officers who were the first responders to the scene of the death and tell the coroner what they did, heard and/or saw at the scene.
- General witnesses. General witnesses are the individuals who did, heard or saw something that may help the coroner with their investigation.
- Media. Journalists and media outlets may attend inquests and report on what is said during the inquest.
- Interested Parties. People that the coroner has given permission to attend as an 'interested party'.

In relation to an inquest, anyone who is 'immediate family' can participate in an inquest, and must be kept informed of the particulars and progress of the inquest, which means that a family member may be able to:

- give evidence at a hearing (and can be represented by a lawyer);
- examine or cross examine a witness (if they are unrepresented);
- ask the coroner to request evidence from a particular person; and
- ask the coroner to reconsider a decision or a finding made in an inquest.



Persons with a sufficient interest

A person (or entity) who has a sufficient interest in the subject matter of an inquest has rights during a hearing. The coroner will decide who is a person with 'sufficient interest' and it can commonly include families, friends, medical services and affected government agencies. The rights of a person who has a sufficient interest include the right to:

- appear in person at the hearing or to be represented by a lawyer;
- to ask witnesses questions about matters relating to the inquest to which the hearing relate; and
- request that the coroner ask another person to give evidence relevant to the inquest (although, the coroner is not obliged to comply with the request).

Determining the scope of an inquest

The coroner decides the best way to run the inquest and what information and issues to look at and who they want to hear from as witnesses.

What happens during an inquest?

Even though each inquest is different, most follow these procedures:

- When the inquest begins, the lawyers representing the family of the deceased or other interested parties introduce themselves and say who they are representing. If the family is not represented by a lawyer, the coroner's assistant or counsel assisting the coroner will inform the coroner that family members are present in the courtroom.
- The coroner will read an opening summary.
- Witnesses will be called one at a time to talk about their knowledge of the death. In some cases, a witness statement may be read out. The coroner's assistant or counsel assisting the coroner will then ask the witness any questions. The lawyers representing the family of the deceased or other interested parties will then ask the witness any questions. If the family is not represented by a lawyer, the coroner's assistant or counsel assisting the coroner will check with the family to see if they would like the witness to be asked any questions.

- When all witnesses have been heard, the coroner will ask for any final submissions. These submissions may be said in Court out loud or may be submitted in writing to the coroner. If the family of the deceased are not represented by a lawyer, the coroner may ask them if there is anything they wish to say.
- When the coroner believes that all relevant evidence has been heard, they will adjourn (postpone) the matter until they complete their finding.
- The Coroner's Court staff will let you know when the coroner is ready to give their finding.

How long does an inquest go for?

It varies. The length of an inquest depends on how complex the circumstances surrounding a death are and how many witnesses and submissions need to be considered. Some inquests may only last a few hours, while others may occur over several weeks or months.

Legal representation for family members

Families attending a hearing can choose to have a lawyer represent them.

If family members with a sufficient interest wish to be represented, they will need to seek leave (permission) from the coroner to do so.

The Coroner's Court cannot help a family choose a lawyer. For further information on legal assistance available, please see:

- Lega Aid ACT can be contacted via phone or email: (02) 6243 3411 or 1300 654 314 or at legaid@legaidact.org.au
- Pro bono legal assistance can be contacted via phone or email: (02) 6247 0300 or pbch@actlawsociety.asn.au
- The Aboriginal Legal Service can be contacted via phone or email: (02) 6120 8810 or at canberra@alsnswact.org.au
- A community legal centre can be found via the Community Legal Centres Australia database on the website or via phone or email: (02) 9160 9500 or at info@clcs.org.au



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