



Next of Kin and the Coroners Court

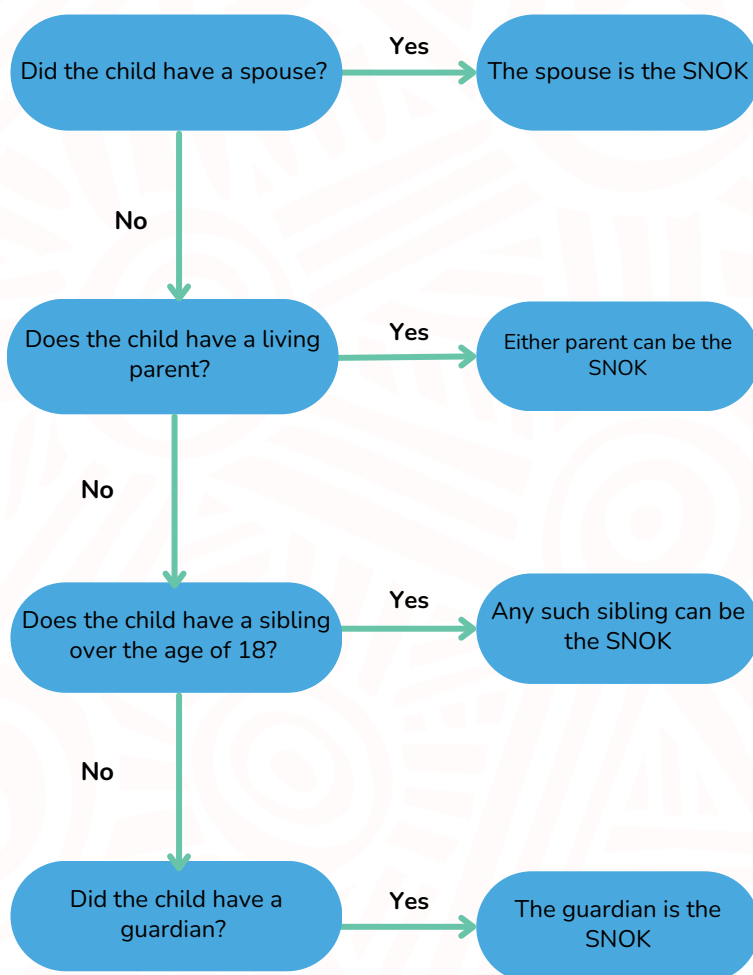
This fact sheet explains which family members and friends can make important decisions in the coronial process. This fact sheet does not apply to deaths in custody.

Who can make decisions after someone dies?

Senior Next of Kin

The following flow chart will help you determine who can make decisions about a person who dies. This person is called the 'senior next of kin' (**SNOK**) of a deceased person. The SNOK is the first available person from the flow chart.

When the deceased person was a child (i.e. under the age of 18).



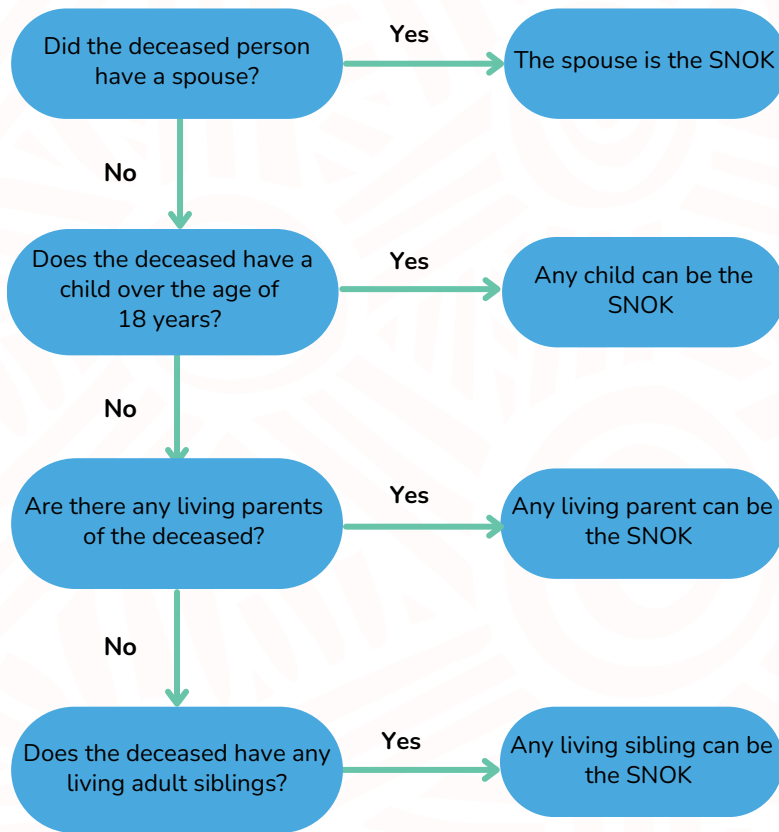
FAQ: Who is a 'parent'?

A parent can include a step-parent, a person regarded as a parent under Aboriginal traditional custom or other cultural traditions of a community, and a person who exercised parental responsibility for the child (even if not the legal guardian of the child). Additionally, Queensland now recognises the Torres Strait Islander practice of Kupai Omasker.

FAQ: Who is a 'sibling'?

A sibling can include an adopted sibling, a step-sibling, and a person regarded as a sibling under Aboriginal traditional custom or other cultural traditions of a community.

When the deceased person was an adult



FAQ: Who is a 'child'?
 A child can include an adopted child, step-child, foster child, and a person regarded as a child under Aboriginal traditional custom or other cultural traditions of a community. Additionally, Queensland now recognises the Torres Strait Islander practice of Kupai Omasker.

What role does the SNOK have?

The SNOK is the main point of contact for the Coroners Court.

A SNOK can:

- appoint a representative to act and receive information on their behalf;
- consent to a post-mortem examination (only when the coroner has consented to the post-mortem examination first);
- consent to the removal of the deceased’s body tissue (only when the coroner has consented to the removal first).

What can I do if the coroner won’t accept me as the SNOK despite my role in the community?

- If there are competing interests between families as to who should be the SNOK, coroners are instructed to first refer the issue back to the families to be resolved amongst themselves.
- If the competing SNOK interests cannot be resolved, the coroner will refer you to the free coronial assistance legal service or the Aboriginal and Torres Strait Islander Legal Service (QLD).

A person of sufficient interest

If you are not the SNOK, you may be a person with a “sufficient interest”. This is a broad term depends on the facts and circumstances surrounding a death but includes:

- A family member.
- The representative of a department.
- The representative of a company that manufactured a product that is associated with the death.
- A person or body that needs a document that is relevant to assessing a potential threat to public health such as the health chief executive.
- A person with a public interest (but the rights of this person are limited to making submissions about matters such as the public interest, the administration of justice and ways to prevent similar deaths from occurring).

If the coroner determines you have a sufficient interest, you can:

- raise concerns to the examiner before a preliminary examination of the deceased's body is conducted.
- raise concerns to the coroner about the type of examinations to be conducted during the autopsy.
- observe an autopsy, but before this occurs, the coroner must (where practicable) consult with a member of the deceased's family.
- request access to a coronial document or other investigation document from the Coroner.
- be involved in the inquest, for example by:
 - (a) participating in hearings;
 - (b) examining witnesses; and
 - (c) making submissions.

I am not the SNOK or a person with sufficient interest, what rights do I have?

There are certain types of applications that can be made by anyone, regardless of their relationships with the deceased. For example:

- Anyone who does not agree with a coroner's decision that a death is a reportable death may apply for an order.
- Anyone may apply to the coroner to hold an inquest into a death, but such an application must outline why it is in the public interest to do so.
- If a person is unhappy with a finding at an inquest, they may apply to the State Coroner or District Court to set aside the finding.

More Help

Coroners Court of Queensland
(07) 3738 7050
state.coroner@justice.qld.gov.au

Queensland Coronial Legal Service
(07) 3214 6333
[FAQ: Who is an 'interested person'?](#)

Coronial Family Services
1800 449 171
fss.counsellors@health.qld.gov.au

Aboriginal and Torres Strait Islander Legal Service (Qld)
1800 012 255
info@atsils.org.au



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