

Do you need a lawyer?

Families can choose to be legally represented at the inquest. Because the court is independent, we cannot help you choose a lawyer. However, if you decide not to seek legal representation, the person assisting the coroner, along with the guidance and support of the coroner can help you understand and participate in the inquest. The coroner may be assisted by a member of the police force or a lawyer.

What happens during an inquest?

The coroner will decide the best way to conduct the inquest. Because the coroner is not bound by the rules of evidence that apply to other courts, he or she can decide what information and issues to examine, and who to hear from.

During the inquest, the coroner will call witnesses to give evidence. The coroner, coroner's assistant or a lawyer representing an interested party may then ask the witness questions. Interested parties may give statements, documents or other relevant items to the coroner.

After all the evidence, the coroner may receive submissions which restates the position of all parties on the evidence and the matters they wish the coroner to take into consideration. These may be spoken aloud in court, or given in writing. The coroner hears submissions either on the last day of the hearing or on another set date.

How long does an inquest go for?

It varies. The length of an inquest depends on how complex the circumstances are, and how many witnesses and submissions there are. Some inquests may last a few hours, while others may take weeks or months.

After the inquest

At the end of the inquest, the coroner must complete a finding. In some hearings, the coroner may deliver the finding on the same day. In other more complex matters, the finding may take longer and the coroner will adjourn the hearing.

What is the finding?

The finding will set out the identity of the person who died, determine how the death occurred and if possible explain the cause of death. It can also include recommendations on public health or safety or the administration of justice that may help to prevent similar deaths.

All interested parties will receive a copy of the coroner's finding. We also publish the finding, unless the coroner orders otherwise, and any recommendations on the court website.

Can a finding be reviewed or appealed?

Review

Any person may apply to the court for an order that some or all of the findings determined by a coroner be set aside. The coroner can grant an application to reopen an investigation if he or she is satisfied that there are new facts and circumstances and it is appropriate to do so.

If the coroner refuses to re-open an investigation, a person has the right to appeal to the Supreme Court within three months.

Appeal

An interested party has the right to appeal to the Supreme Court against the findings of a coroner within six months of the date of the finding.

For more information about inquests contact us on **1300 309 519** or visit our website at www.coronerscourt.vic.gov.au



**Coroners Court
of Victoria**

Inquests

Coroners Court of Victoria

65 Kavanagh Street Southbank 3006
T 1300 309 519 F 03 9682 1206
W www.coronerscourt.vic.gov.au

Inquests

The Coroners Court of Victoria investigates certain deaths and fires to find out their cause. Coroners also make recommendations to help prevent similar deaths and fires in the future. Not all investigations will result in an inquest.

What is an inquest?

An inquest is a court hearing into a single death, multiple deaths and/or a fire. It is heard by a coroner and is generally open to the public.

An inquest is unlike other court cases. It is an inquisitorial process rather than adversarial. In other words, an inquest is not a trial, with a prosecutor and a defendant, but an inquiry led by a coroner that seeks to find out why the death or fire occurred. Coroners have more flexibility than other jurisdictions with the type of evidence they can accept. They cannot attribute blame.

The coroner's role is to identify the person who has died and to find out how their death occurred including the cause and circumstances. After the coroner has heard all the evidence, he or she will write a finding. A finding may include recommendations to a Minister, public statutory authority or entity to help prevent similar deaths or fires.

Why is an inquest held?

Usually because the coroner believes there is some issue of public importance, or he or she needs more information to answer all the questions about the death or fire. Inquests are only held in a small number of investigations.

In some situations, inquests are mandatory under the *Coroners Act 2008*. For example, there must be an inquest if a person died while they were in police custody.

Who can request an inquest?

Any person may request that a coroner hold an inquest into a death or fire reported to the court. This is done by writing to the coroner and providing reasons why they believe an inquest is necessary. The coroner will consider the request and must advise of their decision in writing. If the coroner decides not to hold an inquest, the person can appeal to the Supreme Court within three months of this decision.

Before the inquest

Before the inquest begins, the coroner will examine the evidence he or she has so far, and decide:

- what issues to consider
- what further information is required
- which witnesses should appear

Family members and interested parties can also raise issues before and during the inquest.

Who are witnesses?

Witnesses are people who have to give evidence or produce material or information to the court. They help the coroner clarify the circumstances and may give evidence of any relevant knowledge they have in regard to the death or fire.

A coroner may issue a summons to ensure a witness appears at the inquest. If the witness fails to attend or produce any document or material, the coroner may issue a warrant to arrest and order that person to be brought to court. If the coroner wishes you to appear, you will receive the summons in person, usually from a police officer acting on the coroner's behalf. The summons tells witnesses where and when to attend.

At the inquest

Inquests are not overly formal, and the coroner will avoid using complex language. We want family members and interested parties to understand everything that happens.

It can be hard to hear details about the death of a friend or loved one in a public courtroom, particularly when grieving. Court staff are there to help and answer any questions.

Who can come?

Generally, anyone can come to an inquest. Sometimes a coroner will decide to exclude the public, or specific people, from attending. A coroner may also restrict publication of the evidence, or part of the evidence.

While anyone can attend, only people granted permission by a coroner can appear as an 'interested party'.

Who are interested parties?

Interested parties are actively involved in the inquest. They may make submissions, examine witnesses and read documents.

To become an interested party you must show the coroner that you have a particular interest in the case and a reason to appear. Interested parties may include:

- family members
- employers
- a doctor who treated the person who has died
- anyone who has relevant information
- a person who, in a coroner's opinion, may be involved in some way with the death or fire