

Coroners Court of Queensland

What to expect at an inquest

This fact sheet is designed to provide general information to the families and friends of people whose deaths have been reported to a Queensland coroner.

The *Coroners Act 2003* provides for the investigation of certain deaths by coroners and outlines the procedures for holding inquests.

For questions about specific investigations, please seek independent legal advice.

- the person died while in care and issues about the care have been raised.

In addition, coroners may hold an inquest into any death if they believe the hearing is in the public interest. Examples of 'public interest' include circumstances where there

may be system flaws affecting public health and safety, or, where investigations to date have left significant doubt about the cause and circumstances of the death. The Attorney-General can direct that an inquest be held into any death.

What is an inquest?

An inquest is a court hearing held by a coroner as a **way of gathering information** about the cause and circumstances of a death or a group of related deaths.

Inquests are not trials: they do not involve a jury and they are not focused on questions of guilty or liability for the death.

Coroners use inquests to determine the facts of a death and to make recommendations, which may prevent similar deaths in the future.

What happens at an inquest?

Inquests vary in length and complexity, but in general the coroner hears evidence under oath from people who may have information about the death. People providing evidence can include police officers, family members, professional experts such as doctors and scientists, witnesses and members of the public.

After hearing all the evidence, the coroner adjourns the inquest in order to make their findings. The period of adjournment varies, but in complex cases it can last for some months.

Once findings are made, the nominated next of kin and all interested persons are provided with a copy of the findings.

Are inquests common?

Few coronial investigations involve an inquest. In the majority of cases, the coroner is able to make findings without requiring a formal hearing. In general, inquests are only held if:

- the person died in custody;
- the death occurred as the result of a police operation (unless the coroner believes that an inquest is not required); or

Can anyone ask that an inquest be held?

Yes. You can make this request by writing to the coroner outlining why you think it is in the public interest for an inquest to be held. The coroner must make a decision (and provide reasons) within six months of receiving your request.

The coroner may contact you to extend the time for this decision to be made. If the coroner declines the request, you can apply to the state Coroner or the District Court for an inquest to be held.

How will I know when the inquest will be held?

The family of the deceased will be advised if an inquest is to be held. A notice will also be published in the Queensland Monthly inquest list.

Who can attend an inquest?

Because inquests typically consider matters of public interest, they are generally open to the public and anyone may attend. In rare cases, the coroner may decide to exclude certain individuals or the public. Coroners are also able to prohibit the publication of evidence heard.

Relatives and friends of the deceased person are able to attend inquests. It is important to remember, however, that the goal of the inquest is to establish facts, and this can be distressing. As well as the hearing of statements, inquests

can involve complex legal argument and detailed consideration of evidence.

While coroners ensure that the proceedings are always respectful, it is unavoidable that inquests will contain confronting information discussed in terms relatives can consider impersonal or 'blunt'.

Does the family need to be legally represented?

Anyone with sufficient interest (including family members) can apply to the coroner to participate in the inquest. If you are given permission to participate in the inquest, you can ask questions and make submissions. Persons can act for themselves or they can be legally represented.

If family members choose to be legally represented they can discuss this with the lawyer assisting the coroner at the inquest (called counsel assisting).

The counsel assisting is an independent person who ensures that all relevant information is presented to the coroner. Counsel assisting does not act for the family, but they will be able to explain the process and the issues to be explored at the inquest.

The family may wish to obtain independent legal advice about this issue. Free legal advice can be obtained from Legal Aid Queensland by calling 1300 651 188 or from a community legal centre. Contact the National Association of Community Legal Centres on (02) 9264 9595 or visit their website at <http://www.naccl.org.au> to find your nearest community legal centre.

Further legal assistance contacts can be found on the Coroners Court of Queensland website <https://www.courts.qld.gov.au/courts/coroners-court>.

Will I need to be a witness?

It may be necessary for police to take a statement from you about the death. After reading your statement the coroner may decide that you need to attend the inquest to give further evidence. If you are required to give evidence you will be notified in advance. You can contact the coroner's office if you are unsure about what you need to do. You may also wish to seek legal advice.

How long will the inquest take?

The length of an inquest will vary depending on the complexity of the case, the number of witnesses and the number of persons granted leave to appear. Often the length of time is estimated at the pre-inquest conference.

What is a pre-inquest conference?

A pre-inquest conference will usually be held after the coroner has decided to hold an inquest. At the pre-inquest conference counsel assisting the coroner will outline the issues proposed to be considered at the inquest. Persons (including family) may make submissions about other issues they think should be included. The coroner will decide on the issues to be explored at the inquest.

The coroner's findings

The coroner must deliver written findings about the identity of the deceased; when, where and how they died; and what caused them to die.

The coroner's findings and recommendations cannot be used as evidence in any other court or tribunal. However, the coroner is able to refer a matter to the Director of Public Prosecutions or to a disciplinary body for consideration and possible action.

The findings will be provided to the family and published on the Coroners Court of Queensland website at <https://www.courts.qld.gov.au/courts/coroners-court>. If recommendations are made, the findings will also be sent to the relevant government department.

Where can I get more information?

For more information about an investigation or the coronial process, contact the court at the address below or visit the website at: <https://www.courts.qld.gov.au/courts/coroners-court>.

Coroners Court of Queensland

GPO Box 1649

Brisbane QLD 4001

Phone: (07) 3738 7050

Outside Brisbane: 1300 304 605 (local call cost)

Email: state.coroner@justice.qld.gov.au

June 2019



**Queensland
Government**