



# What happens after the coronial process?

This fact sheet explains the legal steps that can be taken after a coroner has handed down their findings and any available legal options for families when contesting the findings of the coronial process. You should always get your own legal advice 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 hand down a written finding. The findings are put on a database available to the public: Austlii database. 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, in some cases the coroner's comments or recommendations aimed at preventing similar deaths.
- A finding handed down by the coroner is not the same as a judgment handed down 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 set aside and reopening investigations

Any person may apply to the court for an order that some or all the findings of a coroner be set aside. To do so, a person need to apply to the Supreme Court and specify:

- which findings they want set aside, and
- the reasons for the application supported by relevant information.

The Supreme Court can set aside some or all the findings and order that an investigation be reopened if the court is satisfied that:

- there are new facts and circumstances that should be considered;
- there was fraud, failure to consider evidence, irregular proceedings, the inquiry was insufficient or there was a mistake in the record of the findings;
- the findings were against the weight of evidence.

The Supreme Court may make any order it thinks appropriate, including an order for a new inquest by the coroner's office.



## Appealing decisions around dealings with the body

Where a coroner refuses a person's request to direct that an autopsy be performed on the body of the deceased, the person may apply to the Supreme Court for an order for an autopsy, within 48 hours of being notified of the coroner's decision. The Supreme Court may:

- direct the coroner to require a medical practitioner to perform an autopsy; and
- not allow disposal of the body of the deceased person until the coroner has the results of the autopsy and has ordered its disposal.

Alternatively, if the senior next of kin (for more information, see Fact Sheet 5: Next of Kin for and the Coroner's Office) objects to an autopsy being performed and asks the Coroner not to direct one, but the coroner decides it is necessary, the senior next of kin may apply to the Supreme Court for an order that the autopsy not be performed, within 48 hours of receiving notice of the Coroner's decision.

If the senior next of kin objects to a coroner's decision to exhume the deceased's body, they can apply to the Supreme Court for an order that the body not be exhumed within 48 hours of receiving notice of the order to exhume the body (for more information, see Fact Sheet 9: My loved one's body, including on what is involved in exhumations and autopsies).

## More help

- The Coroner's Office of the Northern Territory can be contacted via phone or email: (08) 8999 7770 or at [nt.coroner@nt.gov.au](mailto:nt.coroner@nt.gov.au)
- Northern Territory Legal Aid Commission can be contacted via phone: 1800 019 343 or at <https://www.legalaid.nt.gov.au/>
- North Australian Aboriginal Justice Agency can be contacted via phone: 1800 898 251
- Darwin Community Legal can be contacted via phone: 8982 1111 or 1800 812 953
- Go To Court National Legal Hotline: 1300 636 846



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