FACT SHEET 8

What happens after the coronial process?

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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 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

It is part of the State Coroner's role to ensure that all relevant aspects of a matter are investigated, and that next of kin (for more information, see Fact Sheet 5: Next of Kin and the Coroner's Court) are given efficient service and treated with sensitivity. If you are not satisfied with any aspect of the coronial process, you may raise your concerns with the State Coroner in writing. The State Coroner will consider any concerns that you may have.

A coroner may re-open an inquest at any time or the Attorney-General may direct that an inquest be reopened, but must not in the inquest make any finding, or suggestion, of criminal or civil liability. If an inquest is re-opened, the Court may do one or more of the following:

- confirm any previous finding;
- set aside any previous finding;
- substitute a finding that appears supported by the evidence.

On the application of either the Attorney-General or a person who has a sufficient interest in the finding, the Supreme Court may:

- confirm or set aside the coroner's finding;
- substitute a finding that appears supported by the evidence;
- order that the inquest be re-opened, or that a fresh inquest be held;
- make any other order (including an order for costs) that may be necessary in the circumstances.

On appeal, the Court may re-hear witnesses or receive fresh evidence. Any application must be made within one month after publication of the finding although the Supreme Court has a discretion to allow a longer time.

Who is a person with sufficient interest?

The court will consider a person as having sufficient interest in a finding made on an inquest where the finding:

- effects the person's financial interests
- reflects adversely on that person's competence in his or her trade, profession or occupation; or
- the person has some other interest sufficient to grant the application.

This information was last updated in December 2024 and does not constitute legal advice.

More help

The Coroner's Court of South Australia can be contacted via phone or email: (08) 8204 0600 or at coroner@courts.sa.gov.au

Legal Services Commission South Australia can be contacted via phone or email: 1300 366 424 or at LSC.Correspondence@lsc.sa.gov.au

The Aboriginal Legal Rights Movement can be contacted via phone or email: 1800 643 222 or at info@alrm.org.au

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