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. A copy of the finding will be sent to the senior next of kin. Findings are sometimes put on the Magistrates Court website in the Coroners Court section, under Coronial Findings. 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

- Any person can apply to the Chief Magistrate (the person who oversees the Coroners Court) requesting the investigation be reopened and some or all its findings be re-examined.
- The Chief Magistrate may decide to do so if they are satisfied that:
  - the investigation was or may have been tainted by fraud;
  - the investigation was not sufficiently thorough or was compromised by evidentiary or procedural irregularity;
  - there are mistakes in the record of the findings;
  - new facts or evidence affecting the findings have come to light; or
  - the findings were not supported by the evidence; or
  - there is another compelling reason to reopen the investigation.
- To make an application, you must complete the relevant form available on the Magistrates Court website
- Even if the Chief Magistrate refuses to reopen an inquest, any person may apply to the Supreme Court for an order that all or any of the findings of an inquest are void.
- If the Supreme Court orders that all or any of the findings of the inquest are void, it may order the inquest be reopened and the findings re-examined or for a brand new inquest to take place.

Appealing decisions around dealing with the body

Autopsies

- If a coroner investigates a death, any person who the coroner considers has a sufficient interest in the death may request the coroner to direct that an autopsy be performed on the body. Within 48 hours after receiving notice of a refusal of that request, the person may apply to the Supreme Court for an order that an autopsy be performed.

- Where a senior next of kin objects to an autopsy being performed and requests a coroner not to direct it, but the coroner decides it is necessary, the senior next of kin has 48 hours after receiving notice of the coroner's decision to apply to the Supreme Court for an order that the autopsy not be performed.

Exhumations

- Where the Chief Magistrate refuses the senior next of kin's request not to exhume the body, the senior next of kin then has 48 hours after receiving notice of the order to exhume the body, to apply to the Supreme Court for an order that the body of the deceased person not be exhumed.

·For more information, see Fact Sheet 9: My loved one's body and things, including on what is involved in exhumations and autopsies.

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