FACT SHEET 4

Inquests into a death

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An inquest is a public hearing of the investigation into a death which is held at the Coroners Court. An inquest is an inquiry that tries to find out why the death happened and, if appropriate, to make recommendations to prevent deaths occurring in the same or similar circumstances in the future. An inquest is not a trial to decide if someone is legally responsible for a death.

Coroners investigate all deaths that are reported to the Coroners Court, whether or not an inquest is held.

Inquests are public hearings where people are called to the Coroners Court to give evidence about the death. Inquests are only held for a small number of deaths reported to the Coroners Court of New South Wales.

There are some deaths into which a coroner must hold an inquest, including if:

- the coroner has concerns that the person may have died as a result of homicide;
- the person's identity is unknown;
- the death occurred when the person was in custody or as a result of a police operation; or
- the coroner is concerned that the circumstances surrounding the death have not been sufficiently disclosed during the investigation process.

Who can attend?

Generally, anyone can attend an inquest. People who may wish to attend include:

- Family members of the deceased.
- Expert witnesses. Expert witnesses are people who specialise in certain fields and help the coroner understand complex information relating to the death they are investigating.
- Police witnesses. Police witnesses are often the police officers who were the first responders to the scene of the death and tell the coroner what they did, heard and/or saw at the scene.
- General witnesses. General witnesses are the individuals who did, heard or saw something that may help the coroner with their investigation.
- Media. Journalists and media outlets may attend inquests and report on what is said during the inquest.
- Interest Parties. Interested parties are discussed further below.

Interested parties

A person, or organisation, who has an interest in a coronial investigation may write to the Coroners Court of New South Wales registering their interest. If the coroner agrees that the person, or organisation, has an interest in the investigation, they will be kept informed at key stages of the investigation such as if and when the coroner decides to hold an inquest, when the matter is listed for inquest and when the investigation has been finalised.

An interested party is not automatically entitled to participate in the inquest and/or to ask witnesses questions. An interested party is first required to apply to the coroner for permission (and obtain that permission) to do so.

Determining the scope of an inquest

The coroner will decide the best way to run the inquest and what information and issues to look at and who they want to hear from as witnesses.

The coroner determines the scope of the inquest before the inquest begins by conducting smaller hearings known as directions hearings. A directions hearing is held by the coroner to:

- hearing applications made by interested parties who wish to participate at the inquest;
- work out how long the inquest may go for;
- determine who the witnesses will be; and
- work out any other preliminary or procedural issues, including the location for the inquest and any special arrangements for facilities that may be required.

What happens during an inquest?

Even though each inquest is different, most follow these procedures:

- When the inquest begins, the lawyers representing the family of the deceased or other interested parties introduce themselves and say who they are representing. The coroner should be addressed as 'Your Honour' when you are in Court.
- The coroner will read an opening summary.
- Witnesses will be called one at a time to talk about their knowledge of the death. In some cases, a witness statement may be read out. Counsel assisting the coroner will then ask the witness any questions. The lawyers representing the senior next of kin or other interested parties who have been given permission to participate at the inquest will then ask the witness any questions.
- Once all witnesses have been heard, the coroner may allow a statement from the deceased's family to be read to the Coroners Court.
- Final submissions will be made to the coroner. These submissions may be said in Court out loud or may be submitted in writing to the coroner.
- One the coroner believes that all relevant evidence has been heard, they will adjourn (postpone) the matter so that they can complete their finding.
- The Coroners Court staff will let you know when the coroner is ready to give their finding.

How long does an inquest go for?

It varies. The length of an inquest depends on how complex the circumstances surrounding a death are and how many witnesses and submissions need to be considered. Some inquests may only last a few hours, while others may occur over several weeks or months.

Legal representation for family members

Families attending an inquest can choose to have a lawyer represent them. However, the Coroners Court cannot help a family choose a lawyer. Please see the contact details on the Summary and Acknowledgment page of this toolkit for further information on legal assistance available.

Coronial Aboriginal Support Program

The Coronial Aboriginal Support Program consists of first nations team members who provide cultural support and communicate directly with first nations families throughout the coronial process.

Every family will receive an initial call from a Coronial Information Support Program worker. During that call, inform the staff member that you identify as Aboriginal or Torres Strait Islander and that you would like to have contact with a Coronial Aboriginal Support officer.

A family meeting usually occurs within a few weeks of the death being reported to the Coroners Court of New South Wales to explain the coronial process, expected timeframes, and to discuss cultural considerations and concerns with the family. A Coronial Aboriginal Support officer will attend court hearings with first nations families to ensure cultural sensitivity is delivered throughout the hearing.

The Coronial Aboriginal Support officers also provides culturally focused advice and support to the coroner on aspects of the coronial investigation, including in relation to medical examinations and the body of the deceased, and appropriate steps to be taken throughout the coronial.

For further information regarding first nations cultural considerations please see Fact Sheet 6: Cultural Protocols in Coronial Investigations.

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Diagram of the coronial investigation process

The NSW Coroners Court provides the following diagram to describe their investigation process: https://coroners.nsw.gov.au/the-coronial-process/overview-of-the-coronial-process.html

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