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 in a court room in the Darwin or Alice Springs Local 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.

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

- the deceased was, immediately before death, a person held in care and custody;
- the death was caused or contributed to by injuries sustained while the deceased was held in custody;
- the person's identity is unknown

In other cases, a coroner may decide to hold an inquest if:

- the body of the person is in the Northern Territory or it appears to the coroner that the cause of death occurred in the Northern Territory; and
- the coroner suspects unlawful killing.

Can I request an inquest be held into the death of a loved one?

If the coroner decides not to hold an inquest, they must inform the senior next of kin in writing outlining their decisions why.

If the coroner decides not to hold an inquest, within 14 days after receiving notice of the decision, a person may apply to the Supreme Court of the Northern Territory for an order that an inquest be held.

Who can attend?

Generally, anyone can attend an inquest that is open to the public. 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.
- A lawyer representing the Coroner's Office and community, who is commonly known as counsel assisting the coroner.
- An organisation who had care or custody of the person when they died.
- An organisation or person connected to the circumstances of the death.

Interested persons

An interested person has rights during an inquest if they can establish that they have a sufficient interest in the inquest. These rights include the right to:

- receive a copy of any statement that the coroner intends to consider at the inquest;
- appear at the inquest or be represented by a lawyer;
- call, examine and ask witnesses questions; and
- make submissions to the coroner at the inquest.

Determining the scope of an inquest

The coroner decides the best way to run the inquest and what information and issues to look at and who they want to fear from as witnesses.
·The coroner determines the scope of the inquest before the inquest begins by conducting a smaller hearing known as a 'directions hearing'. The first directions hearing is held by the coroner to:

- ensure the investigation is being conducted in a timely and proper manner;
- fix a delivery date for the coronial brief of evidence;

- provide any directions including in relation to potential witnesses and the scope of the inquest;
- receive submissions on issues that family and others may wish to be explored; and
- any other issues the coroner may consider relevant to the timely progression of the investigation or inquest.

After the coronial brief of evidence is delivered to the coroner, a directions hearing will be held to:

- hear from the people involved and to find out what the issues in the inquest should be;
- talk through issues that may impact the coroner's decision on whether an inquest is in fact required;
- work out how long the inquest may go for;
- determine who the witnesses will be;
- hear from other people involved who want to raise any other related issues; and
- any other issues the coroner may consider relevant to the timely progression of the investigation or inquest.

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. If the family is not represented by a lawyer, the coroner's assistant or counsel assisting the coroner will inform the coroner that family members are present in the courtroom.
- 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. The coroner's assistant or counsel assisting the coroner will then ask the witness any questions. The lawyers representing the family of the deceased or other interested parties will then ask the witness any questions. If the family is not represented by a lawyer, the coroner's assistant or counsel assisting the coroner will check with the family to see if they would like the witness to be asked any questions.
- When all witnesses have been heard, the coroner will ask for any final submissions. These submissions may be said out loud or may be submitted in writing to the coroner. If the family of the deceased are not represented by a lawyer, the coroner may ask them if there is anything they wish to say.
- When the coroner believes that all relevant evidence has been heard, they will adjourn (postpone) the matter until they complete their finding.
- The coroner's 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 and how many witnesses and submissions there are. 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 (for more information, see Fact Sheet 5: Next of Kin and the Coroner's Office, including details on available legal assistance).

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