FACT SHEET 4

Inquests into a death

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An inquest is a public hearing into a death which is held at the Coroner's 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:

- a death is unexpected, unnatural, unusual or violent;
- the cause of the death is unknown;
- a death occurs on an aircraft during a flight, or on a vessel during a voyage;
- a death occurs during or as a result of, or within 24 hours, of certain medical procedures or receiving medical care;
- the person was at the time of death in certain types of custody or care; or
- no certificate was given to the Registrar as to the cause of death.

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

- the circumstances surrounding the death are unclear; and/or
- there are broader issues of public health and safety that the coroner believes need to be examined.

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

- Any relative whom the State Coroner decides has a sufficient interest may request an inquest into a death. To do so you need to complete the required form and give reasons why you believe an inquest is needed. Importantly, making a request does not mean an inquest will be held.
- For further information for legal assistance, see the Fact Sheet 8: What happens after the coronial process.

Who can attend?

Generally, anyone can attend an inquest that is open to the public. People who may attend include:

- Family members of the deceased. Family members may also be called as witnesses. You will be given advanced notice and receive a document issued by the Coroner's Court of South Australia called a summons if you are required by a coroner to appear as a witness and give evidence.
- 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.

However, in certain circumstances, the coroner may exclude individuals or the public generally, or prohibit the publication of evidence.

Persons with a sufficient interest

A person with a sufficient interest in the subject or result of an inquest has particular rights during an inquest. These rights include the right to:

- appear personally or with legal representation at an inquest; and
- ask witnesses questions during the inquest.

A nominated representative, who is usually a legal practitioner engaged by the family of the deceased, has the right to appear in an inquest and ask witnesses questions during the inquest. (for more information, see Fact Sheet 8: What happens after the coronial process?).

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 hear from as witnesses.

What happens during an inquest?

During the inquest, the coroner may:

- require that a person appear before the inquest;
- require the production of any relevant records or documents;
- require any person to make an oath or affirmation (a promise) to answer truthfully any questions asked during the inquest.

At an inquest:

- 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 in Court 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 Court staff will let you know when the coroner is ready to hand down 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, known as a "nominated representative" (for more information, see Fact Sheet 8: What happens after the coronial process?).

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