FACT SHEET 4

Inquests into a death

THIRRILI

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.

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

- a person dies of unnatural causes in custody or in care;
- the person's identity is unknown; or
- the coroner suspects the death may have been a homicide and no one has been charged in relation to the death.

In other cases, a coroner will **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 person can ask that a coroner to hold 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. 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 Coroners Court of Victoria 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.
- Interested Parties. People that the coroner has given permission to attend as an 'interested party'.

Interested parties

- An interested party is a person, group or organisation who may be affected by the coroner's findings or who has information about the death being investigated and the coroner is satisfied that it is appropriate for them to be an interested party.
- If the coroner agrees, a person with sufficient interest may:
  - appear at the inquest, including with legal representation.

- make submissions to the coroner on anything connected to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future;
- be given a copy of any written comments by the coroner about 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 hear from as witnesses.
- The coroner determines the scope of the inquest before the inquest begins by conducting smaller hearings known as a 'directions hearing'. A directions hearing is held by the coroner to:
  - hear from the people involved and to find out their preliminary opinion of 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; and
  - hear from other people involved who want to raise any other related issues.

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 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 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 happen 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. For further information on legal assistance available, see Fact Sheet 6: Help from the Aboriginal Engagement Unit.

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

THIRRILI

Working with families and communities after suicide

1800 805 801

24/7 Australia-wide

In partnership with

NORTON ROSE FULBRIGHT