The Coroners Court in WA

FACT SHEET 4

Inquests into a death

THIRRILI

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:

- the deceased was a person held in care, immediately before death and it appears that the death was caused, or contributed to, while the deceased was a person held in care;
- it appears that the death was caused, or contributed to, by any action of a member of the Western Australia Police Force.

In other cases, a coroner may decide to hold an inquest into a death if the coroner believes it is desirable to do so.

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

Any person may ask that a coroner hold an inquest into a death which the coroner has the power to investigate. To do so, your request must be in writing and include reasons why you believe an inquest is needed. Importantly, making a request does not mean an inquest will be held.

If the Coroner's Court refuses to hold an inquest, you can apply to the Supreme Court of Western Australia within 7 days of receiving notice of the refusal or if a reply to the request has not been given within 3 months of it being made.

Interested parties

Interested persons include -

- a spouse, de facto partner, child, parent or other personal representative of the deceased;
- any of the deceased person's next of kin;
- a beneficiary under a policy of insurance issued on the life of the deceased person;
- an insurer who issued such a policy of insurance;
- a person whose act or omission, may in the opinion of the coroner have caused, or contributed to, the death;
- a person appointed by an organization of employees to which the deceased person belonged at the time of death, if the death of the deceased person may have been caused by an injury received in the course of employment or by an industrial disease;
- the Commissioner of Police.

A coroner may make available any statements that the coroner intends to consider to any person with a sufficient interest.

An interested person has particular rights during an inquest. These rights include the right to:

- appear, or be represented by a lawyer, at an inquest;
- ask witnesses questions; and
- present submissions to the coroner arguing against the making of a finding adverse to the interests of the interested person.

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.

If a coroner reasonably believes it is necessary for the purpose of an inquest, the coroner may:

- require a person to attend as a witness or to produce any document or other materials;
- inspect, copy and keep for a reasonable period anything produced at the inquest;
- require a witness to answer questions;
- do anything else the coroner believes is necessary.

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. Please see the contact details at the start of this document for further information on legal assistance available.

Families may raise issues with counsel assisting the coroner or the police officer assisting the coroner who can then ask questions relevant to those issues, if appropriate, but cannot act as the family's legal representative.

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