The Coroners Court in ACT

FACT SHEET 5

Next of Kin and the Coroners Court

THIRRILI

This fact sheet explains which family members and friends can make important decisions in the coronial process. This fact sheet does not apply to deaths in custody.

Who can make decisions after someone dies?

Immediate Family
When someone dies suddenly, immediate family members will be able to make decisions and be informed about important information. For a First Nations person, this can be any person who, in accordance with the traditions and customs of the deceased person's community, had a responsibility for or interest in the welfare of a deceased person.

Someone can be listed as a member of the immediate family at any time, including, for example, after all coronial processes are complete.

If you want to be considered 'immediate family' you must email the coroner and explain your connection to the deceased. You should provide evidence of your connection if you have any.

Family Representative
The coroner must select one or more persons from the immediate family to be the 'family representative'. This person will receive information from the coroner to share with the rest of the immediate family.

What role does Immediate Family, or a Family Representative have?

Immediate family and/or family representative are the main point of contact for the Coroner's Court. They will be informed about updates and findings in relation to the inquest, which includes the following:

- being contacted by the Emergency Services Agency or the police to explain the coronial process;
- if an inquest is going the be held, being advised of the time and place of any hearings for the purposes of the inquest;
- being told in writing if the coroner decides not to hold a hearing, with an explanation as to why;
- receiving, by post, a written copy of the coroner's decision (upon request).

Place of death or other significant locations
An immediate family member may want to inspect the place of death or another location that may have contributed to the death. They can ask to do so by written request. The coroner may allow you or your representative (i.e. a lawyer) to do this.

The coroner may say no to these requests. If they deny your requests, they must give you written notice with an explanation for their decision. If you disagree with this, you can submit an application asking the Chief Coroner to reconsider your request.

Autopsy
An autopsy is an examination of the body of the deceased person to determine how they died. Immediate family have rights in relation to autopsies and can:

- ask a coroner to not conduct an autopsy examination (and outline concerns to the Policing Coronial Liaison Officer);
- ask to be present at the autopsy (or be represented by someone, like a doctor);
- ask the coroner to dispense with a post-mortem exam if the manner and cause of death are sufficiently disclosed; and
- ask for another autopsy examination to be conducted, by the same doctor or another doctor of your choice.

The Coroners Court in ACT

FAQ: What is a post mortem examination?

An autopsy or post mortem examination is an examination of the body of a deceased person to determine how they died. An autopsy is sometimes ordered by the coroner.

The coroner may say no to these requests. If they deny your requests, they must give you written notice with an explanation for their decision. If you disagree with this, you can submit an application asking the Chief Coroner to reconsider your request.

After an autopsy is complete, the immediate family:

- can request a copy of the autopsy report. Immediate family will need to choose a doctor who will receive the report and then explain it to them. This information is not automatically released to family immediately as it contains sensitive details that not all family members want to see; and
- will be informed about the release of the body.

Exhumation and ashes

An exhumation is the removal of a buried body from its resting place. A family representative has rights in relation to exhumations.

A family representative will:

- be informed if the coroner needs to investigate the remains of the deceased person after they have already been buried or cremated; and
- be informed when the body or ashes can be returned.

FAQ: Who is a person with 'sufficient interest'?

The Coroner will decide who is a person with 'sufficient interest'. It can commonly include families, friends, medical services and affected government agencies.

I am not a member of the immediate family or a family representative. What rights do I have?

Anybody can:

- attend hearings; and
- request a copy of the coroner's findings or other documents (if you are immediate family or representatives of the deceased).

A person with 'sufficient interest' (including all immediate family) can:

- request access to documents or evidence;
- appear at a hearing, be represented by a lawyer and examine and cross examine witnesses;
- ask the coroner to request evidence from a particular person;
- ask the coroner to correct errors in a finding or a report; and
- ask the coroner to reconsider a decision or a finding.

What can I do if the coroner won't accept me as the immediate family or a family representative despite my role in the community?

You should email the coroner at coroners@courts.act.gov.au with evidence that shows your relationship with the deceased person.

More help

- ACT Coroner's Court can be contacted via phone or email: (02) 6207 1754 or at coroners@courts.act.gov.au
- Coronial Counselling Service can be contacted via phone or email: (02) 6122 7191 ACTCCS@rarc.relationships.org.au
- Canberra StandBy Suicide Bereavement Response Service can be contacted via phone or email: 0421 725 180 or standby@supportlink.com.au
- Legal Aid ACT can be contacted via phone or email: (02) 6243 3411 or 1300 654 314 orlegalaid@legalaidact.org.au
- Pro bono legal assistance can be contacted via phone or email: (02) 6247 0300 or at pbch@actlawsociety.asn.au
- Aboriginal Legal Service can be contacted via phone or email: (02) 6120 8810 or at canberra@alsnswact.org.au

THIRRILI

Working with families and communities after suicide

1800 805 801

24/7 Australia-wide

In partnership with

NORTON ROSE FULBRIGHT