FACT SHEET 5

Next of Kin and the Coroner's Office

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?

Senior Next of Kin

- A Senior Next of Kin (SNOK) is a person who make decisions when someone dies suddenly. If the deceased is First Nations, a person who, according to the customs and traditions of their traditional community, is a decision maker or is considered 'family' can be the SNOK.

What role does the SNOK have?

The SNOK is the main point of contact for the Coroner's Office. The SNOK will have certain rights or be informed of certain matters, including the following:

- the purpose of the coronial process;
- the identification of the deceased person;
- visiting the deceased person;
- visiting the place of death;
- details and updates of investigations including the evidence being provided to the coroner wherein the SNOK can request copies of relevant reports;
- when the coroner reaches a decision;
- whether an autopsy will be conducted; and
- if a body will be exhumed.

FAQ: What is an inquest? What is a hearing?

An inquest is an investigation into the death. During an inquest, a Coroner considers different evidence about when, where, and how a deceased person died. A hearing is a type of court proceeding to help the coroner hear evidence for the inquest. These hearings are open to the public, so any person can attend.

Inquests

- In relation to an inquest, a SNOK:
- will be informed, in writing, that an inquest will or will not be held;
- can be a witness in the hearing, if called by the coroner (and be legally represented);
- can call and examine witnesses;
- can have access to a statement the coroner intends to consider at the inquest;
- can receive copies of any reports related to the inquest made by:
  - the Chief Executive Officer; and/or
  - the Commissioner of the Northern Territory Police Force.

FAQ: What is an autopsy or post-mortem examination?

An autopsy or post-mortem examination is an examination of the body of a deceased person to determine how they died. In an autopsy, a doctor might preserve some bodily materials that are evidence of the cause of death. An autopsy is sometimes ordered by the coroner.

Autopsies or post-mortem examinations

In relation to an autopsy (also known as a post-mortem examination), a SNOK can:

- request an autopsy; and
- ask that an autopsy not be performed.

If, despite this request, the coroner decides that an autopsy is necessary:

- the coroner must immediately inform the SNOK that an autopsy will be performed; and
- the SNOK can apply to the Supreme Court of the Northern Territory for an order that an autopsy not be performed.

Exhumations

In relation to an exhumation, a SNOK:

- must be given at least 48 hours written notice;
- can ask the coroner not to exhume the body; and
- may apply to the Supreme Court of the Northern Territory for an order that the body is not exhumed.

FAQ: What is an exhumation?

The coroner might need to investigate the remains of the deceased person after they have already been buried or cremated. To do so, they will have to remove the deceased from their resting place.

The Coroners Court in NT

Release of body

The Coroner's Office will keep the deceased's body for the purposes of the investigation. A SNOK can apply for the release of the body to them, so they can prepare funeral arrangements.

Special rules govern burials and cremations. If the deceased left a will, then the executor will be given control of the body. If they did not leave a will, and an administrator has not been appointed, the SNOK will be the person the body is released to.

FAQ: What is an executor? What is an administrator?

An executor is the person the deceased named in their will to look after their affairs. Where there is no will, the court decided who will take this role, called an 'administrator'.

I am not the SNOK. What rights do I have?

Anybody can:

- attend an inquest;
- be summoned by the coroner to give evidence as a witness at a hearing;
- have access to the record of the file of the inquest, if permission is granted by the coroner.
- request that an autopsy be performed, and apply to the Supreme Court of the Northern Territory for an order that the autopsy not be performed if their request is refused; and
- apply to the Supreme Court of the Northern Territory for an order that some or all of the findings made in an inquest are void because of some fraud, false evidence, failure to consider some evidence or because the proceedings were not conducted appropriately.

A family member can have access to the record of the file of the inquest, even if the coroner declares it private.

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

Whether someone has a 'sufficient interest' will be determined by the Coroner. It might include family, the Police Force, or the North Australian Aboriginal Justice Agency.

For more help contact

- Northern Territory Legal Aid Commission can be contacted via phone: 1300 019 343
- North Australia Aboriginal Justice Agency can be contacted via phone: 1800 898 251
- Darwin Community Legal Service can be contacted via phone: 1300 860 529
- The Coroner's Office of the Northern Territory can be contacted via phone or email: (08) 8999 7770 or at nt.coroner@nt.gov.au
- Northern Territory Coroners Office Grief Counsellor can be contacted via phone or email: (08) 8999 7507 or at Alison.Grant@nt.gov.au