The Coroners Court in NSW

FACT SHEET 7

What happens after the coronial process?

THIRRILI

This fact sheet explains the steps that can be taken after a coroner has handed down their findings and any available legal recourse for families when contesting the findings of the coronial process. You should always get your own legal advice before taking any legal action.

Where can I get a copy of the coroner's findings?

Following an investigation by a coroner into the death, the coroner will hand down a written finding. The findings are put on a database available to the public: Austlii database. You can search for a particular finding by name, a case number, type of death, or location of death using the search field.

What is a coroner's finding and what does it mean for the deceased's family?

- A finding by the coroner is made following an investigation into a death and provides the identity of the deceased, the time, date and place of death, a summary of the evidence relating to the circumstances of the death, in some cases the coroner's comments or recommendations aimed at preventing similar deaths.
- A finding handed down by the coroner is not the same as a judgment handed down by a judge in a court room. It is an entirely fact-finding process and will not find anyone guilty of a crime, or solve any of the problems experienced by the family or community affected by the death.
- Speak to a lawyer about options if you wish to take further legal action after a coroner has made their findings.

Applying to have findings set aside and reopening investigations

- You may write to the NSW State Coroner at the Coroners Court in Lidcombe, Sydney to review the matter.
- If an inquest is not held you may ask the coroner for written reasons for his or her decision, provided you are a person with a sufficient interest in the death.
- If the coroner finds that the discovery of new evidence or facts makes it necessary or desirable in the interests of justice to hold the inquest, then they may re-open an inquest.
- The Supreme Court can also direct that an inquest or inquiry be held. If a coronial inquest or inquiry has been held, the Supreme Court can direct that a fresh hearing be held if it is necessary or in the interests of justice.

Appealing decisions around dealings with the body

- The Supreme Court of NSW can make orders about the conduct of a post mortem or the retention of whole organs.
- A senior next of kin (for more information, see Fact Sheet 5:Next of Kin and the Coroners Court) to may apply to the Supreme Court within 48 hours after the notice was given for an order that a relevant post mortem investigative function not be conducted.
- For more information, see Fact Sheet 8: My loved one's body and things, including on what is involved in exhumations and post mortem examinations.

More help

- Coronial Inquest Unit at Legal Aid NSW can be contacted via phone: 1300 888 529 (Mon-Fri, 9am-5pm) or visit https://www.legalaid.nsw.gov.au/my-problem-is-about/someone-who-died/coronial-inquests/coronial-inquest-unit
- Community Coronial Advocate and Support Officer at Aboriginal Legal Service: https://www.alsnswact.org.au/deaths_in_custody
- Aboriginal Coronial Information and Support Program – NSW Coroners Court can be contacted via phone or email: (02) 8584 7777 or at ACISP@dcj.nsw.gov.au
- The Aboriginal Funeral Transport Program: https://www.transport.nsw.gov.au/operations/community-transport-operators/aboriginal-funeral-transport-program