The Coroners Court in WA

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 options 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, and 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 a 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

- A person can ask a coroner to hold an inquest into a death which the coroner has jurisdiction to investigate. This request must be made in writing and contain reasons for the request.
- If the coroner does not investigate, the person may apply to the Supreme Court for an order that the inquest be held. This application must be made within seven (7) days after receiving notice of the refusal, or if a reply to a request for an inquest to be held has not been given within three (3) months after the request was made, the person may apply to the Supreme Court for an order that an inquest be held. The Supreme Court may make an order that an inquest be held if it is satisfied that it is necessary or desirable in the interests of justice.
- Any person may also apply to the Supreme Court for an order that some or all of the findings of an inquest are void.
- In the event that the Supreme Court finds in their favour, it may declare order the State Coroner to either:
  - hold a new inquest, or direct any coroner, other than the coroner who held the first inquest, to hold a new inquest; or
  - re-open (or direct another coroner to re-open) the inquest and re-examine any finding.