FACT SHEET 8

What happens after the coronial process?

THIRRILI

The Coroners Court in QLD

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

- Any person may apply to the Coroners Court for an order that some or all the findings of a coroner be reconsidered or set aside. To do so, a person would apply to the Coroners Court and specify:
  - which findings they want set aside; and
  - the reasons for the application supported by relevant information.
- The court can set aside some or all of the findings and order that an investigation be re-opened if the court is satisfied that there are new facts and circumstances that should be considered. If the Coroners Court refuses to re-open an investigation, a person who made the request may appeal to the District Court of Queensland if:
  - new evidence casts doubt on the finding;
  - the finding was not correctly recorded;
  - there was no evidence to support the finding; or
  - the finding could not be reasonably supported by the evidence.