The Coroners Court in Victoria

THE CORONERS COURT IN VICTORIA:

A guide for Aboriginal and Torres Strait Islander families

THIRRILI

Losing a family or community member to suicide is heart-breaking. Families and communities deeply feel the loss of a loved one to suicide especially during times of sorry business. What can make things harder is when the death of a loved one to suicide is investigated by a coroner. Speaking and hearing about the loss of a loved one to suicide can be very emotional. The coronial process can be complicated and long, holding up the time when a deceased person can finally rest, and families and communities can heal from grief.

Even though it can be hard for families to go through, it is an important way for mob to have their say and voices heard and make the Coroner see opportunities for change so this doesn't happen to someone else.

Thirrili and Norton Rose Fulbright have partnered together to help guide Aboriginal and Torres Strait Islander families and communities through some of the challenges of dealing with the Coroners Court during times of sorry business and have their voice heard. We pay our respect to the First Nations people of Australia whose Country was never ceded. We acknowledge the devastating impact of suicide on Aboriginal and Torres Strait Islander people.

This guide helps explain the role and processes of the Coroners Court of Victoria when it investigates a death. It tells you about the kinds of deaths investigated by a coroner and the difference between an investigation and an inquest. The guide also explains how the Coroners Court of Victoria's Aboriginal Engagement Unit can support you and your loved ones throughout the coronial process and how the Coroners Court can respect cultural protocols.

This Guide to The Coroners Court of Victoria for Aboriginal and Torres Strait Islander people includes 10 fact sheets with information for families and communities to make the process of dealing with the coroner easier and more manageable.

Disclaimer: The legal information in this Guide is to help guide you through some of the challenges of dealing with the Coroners Court during times of sorry business. It is not legal advice. Please consult with your local Aboriginal Legal Service or other legal professional to make sure this information is right for you.

For more help contact

The Coroners Court of Victoria: 1300 309 519 or at courtadmin@coronerscourt.vic.gov.au

The Aboriginal Engagement Unit of the Coroners Court: (03) 8685 1157 or at kooriccov@courts.vic.gov.au

The Family Liaison Officers of the Coroners Court at flo@coronerscourt.vic.gov.au

Victoria Legal Aid via phone: 1300 792 387.

The Victorian Aboriginal Legal Service via phone or email: 1800 064 865 or at vals@vals.org.au

A community legal centre can be found via the Federation of Community Legal Centres Victoria, who can be contacted via phone: (03) 9652 1500

FACT SHEET 1

What is the Coroners Court and the role of a Coroner?

THIRRILI

The Coroners Court of Victoria is an expert court that was set up to investigate and help understand the cause of certain types of deaths including suicide and those due to self-harm. A coroner is a representative of the Court and is the main person in charge of the investigation.

The role of the coroner is to investigate the death to find out when and where the person died, how they died, and suggest changes to try and prevent the same thing happening to someone else.

In some investigations, a coroner will also hold an 'inquest' which are public hearings where people are called to the Coroners Court to give evidence.

The coronial process is slow. It can take months or even years. It can take a long time because the coroner may need to talk to many other people about the circumstances of the death, such as a hospital, the police, or a government service.

The Coroners Court **does not** have the power to:

- conduct a criminal trial;
- find someone guilty of a crime;
- order that compensation be paid to the family of the deceased; or
- send a person to prison.

FACT SHEET 2

What types of death will a Coroner investigate?

THIRRILI

Coroners do not investigate all deaths, only deaths that are reported to them by law.

These include:

- a death that is unexpected, unnatural or violent, or caused by an accident or injury;
- a death that happens unexpectedly during or after a medical procedure;
- a death that happens when the person who died was in custody or care;
- when the cause of death is unknown; and
- when the identity of the person is not known.

There must also be a connection with Victoria, such as the death occurring in Victoria or that the deceased usually lived in Victoria.

FACT SHEET 3

How a Coroner investigates a death

THIRRILI

Initial stage

- The initial stage of a coroner's investigation is assisted by the Victorian Institute of Forensic Medicine and includes:
- receiving a report about the death from the police, a doctor/hospital, or another reporting organisation;
- admitting the deceased person into the care of the Coroners Court;
- contacting the senior next of kin to inform them about the coronial process and to obtain more information about the deceased, as well as the family's wishes with respect to the deceased's post-mortem examination (for more information, see Fact Sheet 9: My loved one's body and things); and
- requesting information about the preliminary medical examination of the deceased.

The gathering of information stage

- An investigation may vary with the circumstances of the death but usually includes:
  - Gathering a range of information from police, family, friends, medical practitioners, witnesses, technical experts, and any other relevant persons to assist the coroner to form a picture about what happened and why. More often than not, a coroner is able to make a written finding into a death based on this information, without having to hold an inquest.
  - attending the scene of the death (if safe and appropriate to do so).
  - directing that an autopsy be performed on the deceased (for more information, see Fact Sheet 9: My loved one's body and things, including if you wish to object to an autopsy being performed).
  - requesting Victoria Police provide statements, reports, and information about the death; and
  - conducting research and considering potential recommendations.
- The Coroners Court will communicate with the senior next of kin throughout the investigation process.

Making a finding

- A coronial finding is the formal document that a coroner writes after an investigation of a death, and it is usually the last step in the investigation.
- A finding usually includes:
  - the identity of the deceased;
  - the cause of the death;
  - the circumstances of the death; and
  - comments or recommendations made by the coroner aimed at preventing similar deaths.
- There are two kinds of findings:
  - a 'finding without an inquest', which is where a coroner makes a finding on the available information without a public hearing. Most coronial investigations end with a finding without an inquest; and
  - an 'inquest finding', which is where a coroner delivers a finding after a public hearing is held. A copy of the inquest finding is published on the Coroners Court of Victoria website unless a coroner orders it not to be published.
- A coroner **may:**
  - comment on any matter connected with a death, including matters relating to public health and safety or the administration of justice; and/or
  - make recommendations to any Minister, public authority or organisation that may help prevent similar deaths.
- A public authority or organisation who receives a recommendation from a coroner must respond, in writing, within 3 months stating what action, if any, has or will be taken in relation to the recommendation(s).
- A coroner **must not** include in a finding any statement that a person is, or may be, guilty of an offence. However, a coroner may include a notification to the Director of Public Prosecutions that they believe a serious criminal offence may have been committed in connection with the death.
- Sometimes a coroner is **not** required to make a finding if an inquest into the death was not held, and the coroner decides that there is no public interest in making a finding.

FACT SHEET 4

Inquests into a death

THIRRILI

An inquest is a public hearing of the investigation into a death which is held at the Coroners Court. An inquest is an inquiry that tries to find out why the death happened and, if appropriate, to make recommendations to prevent deaths occurring in the same or similar circumstances in the future. An inquest is not a trial to decide if someone is legally responsible for a death.

There are some deaths which a coroner **must** hold an inquest, including if:

- a person dies of unnatural causes in custody or in care;
- the person's identity is unknown; or
- the coroner suspects the death may have been a homicide and no one has been charged in relation to the death.

In other cases, a coroner will **may** decide to hold an inquest if:

- the circumstances surrounding the death are unclear; and/or
- there are broader issues of public health and safety that the coroner believes need to be examined.

Can I request an inquest be held into the death of a loved one?

- Any person can ask that a coroner to hold an inquest into a death. To do so you need to complete the required form and give reasons why you believe an inquest is needed. Importantly, making a request does not mean an inquest will be held.
- For further information for legal assistance, see the Fact sheet 8: What happens after the coronial process.

Who can attend?

Generally, anyone can attend an inquest. People who may attend include:

- Family members of the deceased. Family members may also be called as witnesses. You will be given advanced notice and receive a document issued by the Coroners Court of Victoria called a summons if you are required by a coroner to appear as a witness and give evidence.
- Expert witnesses. Expert witnesses are people who specialise in certain fields and help the coroner understand complex information relating to the death they are investigating.
- Police witnesses. Police witnesses are often the police officers who were the first responders to the scene of the death and tell the coroner what they did, heard and/or saw at the scene.
- General witnesses. General witnesses are the individuals who did, heard or saw something that may help the coroner with their investigation.
- Media. Journalists and media outlets may attend inquests and report on what is said during the inquest.
- Interested Parties. People that the coroner has given permission to attend as an 'interested party'.

Interested parties

- An interested party is a person, group or organisation who may be affected by the coroner's findings or who has information about the death being investigated and the coroner is satisfied that it is appropriate for them to be an interested party.
- If the coroner agrees, a person with sufficient interest may:
  - appear at the inquest, including with legal representation;

- make submissions to the coroner on anything connected to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future;
- be given a copy of any written comments by the coroner about the inquest.

Determining the scope of an inquest

- The coroner decides the best way to run the inquest and what information and issues to look at and who they want to hear from as witnesses.
- The coroner determines the scope of the inquest before the inquest begins by conducting smaller hearings known as a 'directions hearing'. A directions hearing is held by the coroner to:
  - hear from the people involved and to find out their preliminary opinion of what the issues in the inquest should be;
  - talk through issues that may impact the coroner's decision on whether an inquest is in fact required;
  - work out how long the inquest may go for;
  - determine who the witnesses will be; and
  - hear from other people involved who want to raise any other related issues.

What happens during an inquest?

- Even though each inquest is different, most follow these procedures:
  - When the inquest begins, the lawyers representing the family of the deceased or other interested parties introduce themselves and say who they are representing. If the family is not represented by a lawyer, the coroner's assistant or counsel assisting the coroner will inform the coroner that family members are present in the courtroom.
  - The coroner will read an opening summary.
  - Witnesses will be called one at a time to talk about their knowledge of the death. In some cases, a witness statement may be read out. The coroner's assistant or counsel assisting the coroner will then ask the witness any questions.
  - The lawyers representing the family of the deceased or other interested parties will then ask the witness any questions. If the family is not represented by a lawyer, the coroner's assistant or counsel assisting the coroner will check with the family to see if they would like the witness to be asked any questions.
  - When all witnesses have been heard, the coroner will ask for any final submissions. These submissions may be said in Court out loud or may be submitted in writing to the coroner. If the family of the deceased are not represented by a lawyer, the coroner may ask them if there is anything they wish to say.
  - When the coroner believes that all relevant evidence has been heard, they will adjourn (postpone) the matter until they complete their finding.
  - The Coroners Court staff will let you know when the coroner is ready to give their finding.

How long does an inquest go for?

- It varies. The length of an inquest depends on how complex the circumstances surrounding a death are and how many witnesses and submissions need to be considered. Some inquests may only last a few hours, while others may happen over several weeks or months.

Legal representation for family members

- Families attending an inquest can choose to have a lawyer represent them. However, the Coroners Court cannot help a family choose a lawyer. For further information on legal assistance available, see Fact Sheet 6: Help from the Aboriginal Engagement Unit

FACT SHEET 5

Next of Kin and the Coroners Court

THIRRILI

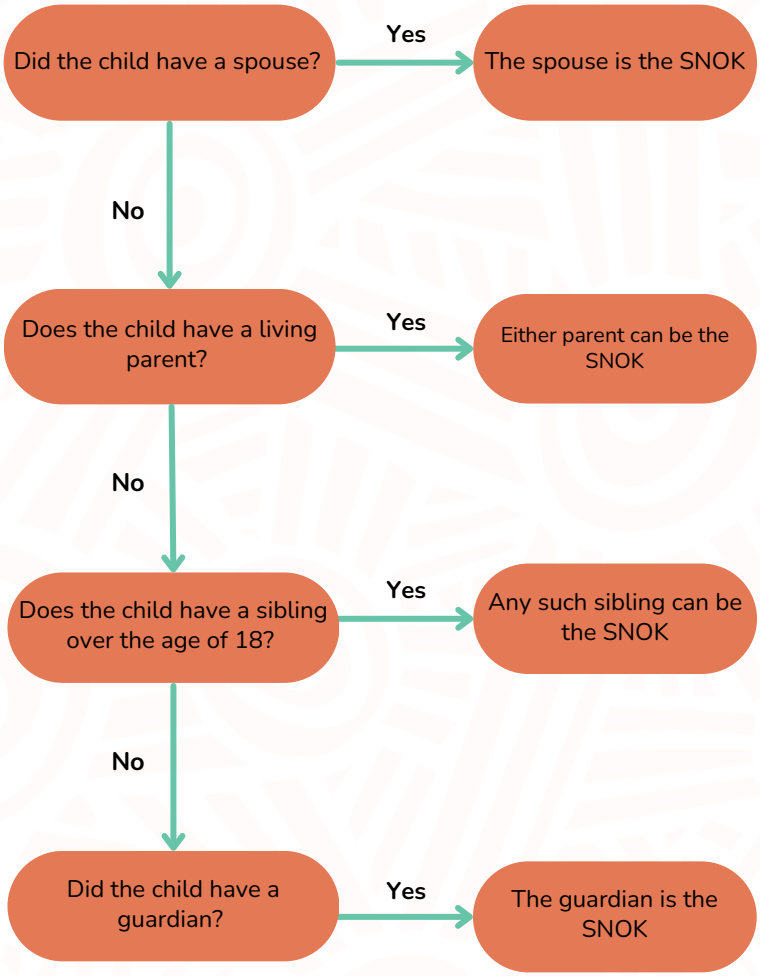
This fact sheet explains which family members and friends can make important decisions in the coronial process. This fact sheet does not apply to deaths in custody.

Who can make decisions after someone dies?

Senior Next of Kin

The following flow chart will help you determine who can make decisions about a person who dies. This person is called the 'senior next of kin' **(SNOK)** of a deceased person. The SNOK is the first available person from the flow chart.

<u>When the deceased person was a child (i.e. under the age of 18)</u>



FAQ: Who is a 'parent'?

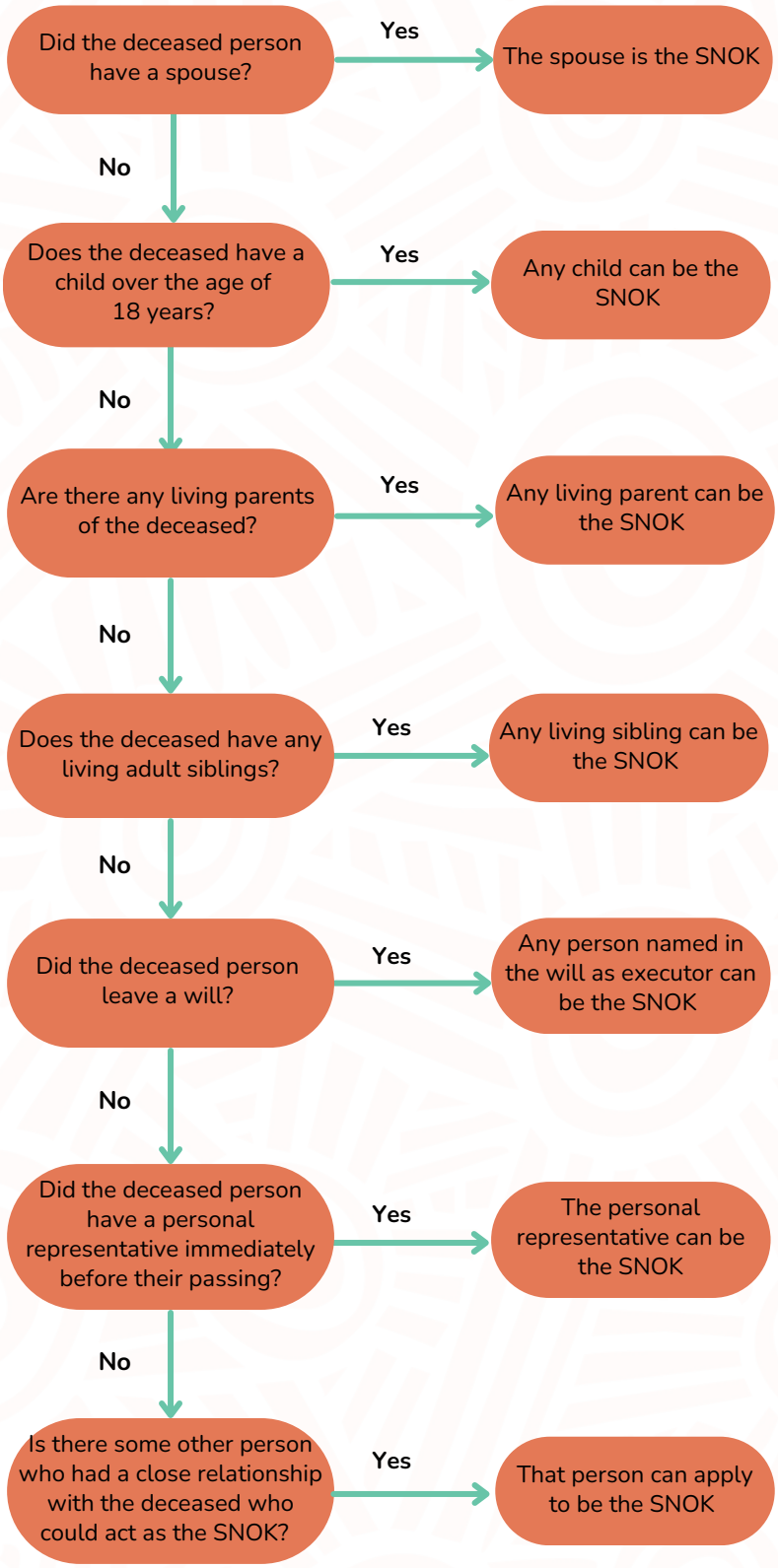
A parent can include a step-parent, a person regarded as a parent under Aboriginal traditional custom or other cultural traditions of a community, and a person who exercised parental responsibility for the child (even if not the legal guardian of the child).

FAQ: Who is a 'sibling'?

A sibling can include an adopted sibling, a step-sibling, and a person regarded as a sibling under Aboriginal traditional custom or other cultural traditions of a community.

The Coroners Court in Victoria

When the deceased person was an adult



FAQ: What if the deceased had more than one spouse?

The most recent spouse is the SNOK.

FAQ: Who is a 'child'?

A child can include an adopted child, step-child, foster child, and a person regarded as a child under Aboriginal traditional custom or other cultural traditions of a community

FAQ: What is an 'executor'?

An executor is the person appointed in a will to manage the deceased's affairs when they die.

FAQ: What is a 'personal representative'?

A 'Personal representative' may include someone appointed to manage the deceased's affairs while they were alive (i.e., via a statutory declaration, power of attorney, or some other document).

FAQ: How do I apply to be a SNOK?

You need to contact the Coroners Court and explain your relationship with the deceased.

What role does the SNOK have?

Information

The SNOK is the main point of contact for the Coroners Courts. The SNOK will be informed about:

- the purpose of the coronial process;
- the process for identifying the deceased;
- how to visit the deceased person;
- how to visit the place of death; and
- details and updates of investigations including the evidence being provided to the coroner, copies of which the SNOK can request.

Autopsies

An autopsy is an examination of the body of a deceased person to determine how they died. A SNOK has rights in relation to autopsies.

A SNOK can:

- request an autopsy;
- consent to a request for an autopsy;
- refuse a request for an autopsy; and
- appeal a decision to perform an autopsy in the Supreme Court of Victoria.

Exhumation

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

A SNOK can:

- suggest if and how an exhumation should take place;
- appeal a decision to perform an exhumation in the Supreme Court of Victoria; and
- appeal a decision not to perform an exhumation in the Supreme Court of Victoria.

Release of body

The Coroners Court 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.

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

Anybody can apply to be an 'interested party'

An interested party can:

- make submissions to the coroner as to relevant witnesses;
- request an autopsy;
- provide arguments for or against an exhumation;
- ask for access to documents; and
- appeal against decisions of the coroner to the Supreme Court of Victoria.

FAQ: Who is an 'interested party'?

An interested party is someone who applies to be involved in the proceedings of the Coroners Court. The coroner will decide who can be an interested party.

Examples include a family member other than the SNOK, the deceased's employer, the deceased's doctor, or any person the coroner believes may have knowledge about the circumstances of the death.

What can I do if the coroner won't accept me as the SNOK despite my role in the community?

- Sometimes the coroner can appoint a second SNOK.
- You can contact the Coroners Court of Victoria and explain why you think you should be the SNOK. You should provide evidence about the closeness of your relationship with the deceased immediately before their passing. The coroner will ultimately decide if you should be the SNOK.
- Also speak to the Aboriginal Engagement Unit of the Coroners Court for help if you want to be appointed dual SNOK.

THIRRILI

Working with families and communities after suicide

1800 805 801

24/7 Australia-wide

In partnership with

NORTON ROSE FULBRIGHT

FACT SHEET 6

Cultural Protocols in Coronial Investigations

THIRRILI

This fact sheet explains the role of culture in a coronial inquest when a family member dies and who you can speak to for help to get the coroner to understand your traditions.

Cultural considerations

Making the coroner understand our sorry business and culture

- If your loved one died in an unexpected death, then the Aboriginal Engagement Unit **(AEU)** will support you through the coronial process and talk to you about your cultural protocols and the required sorry business. The AEU is made up of mob. You can email them at Kooriccov@courts.vic.gov.au or call them on (03) 8685 1157.
- The AEU will have a meeting with the family within four weeks of the death and then give the coroner a document explaining the relevant cultural issues specific to the person who has died and their community.

Visiting a deceased person

- The deceased person can be visited while at the Institute of Forensic Medicine, which is next to the Coroners Court. Family and friends can visit, alone or in groups. Things like a possum skin cloak and Aboriginal flag can be placed over the deceased. Ask the AEU about arranging a visit to see the deceased and what you need to make the visit more culturally appropriate.

For more information, see Fact Sheet 9: My loved one's body and things.

Smoking ceremony at an inquest

- A smoking ceremony is always held on the first hearing day of an inquest into the death of an Aboriginal person. If you want to know more about this, speak to the AEU.

Culturally significant items and Acknowledgment of Country

- You can display items such as a possum skin cloak, didgeridoo, and other cultural symbols at a hearing. You can request a specific Acknowledgement of Country. You can put up photos of your loved one. Speak to the AEU about what you would like to bring.

Using use the name and images/videos of the deceased

- The coroner will use the name of the deceased in a hearing, but you can ask for a different name to be used instead. Tell the AEU what you would like your loved one called.

- Videos or photos may be used of the deceased. Speak to the AEU about how this can be managed.

Next of kin

- Even though there is a set process for deciding the senior next of kin, the coroner also welcomes input on who the senior next of kin should be from a cultural perspective. Speak to the AEU if you have something you want the coroner to know.

Language

- The Coroners Court of Victoria can try to organise an interpreter who speaks your language at the hearing. You or your lawyers should contact the AEU in advance of the hearing to ensure an interpreter can be organised.

Men's or Women's business

- The AEU can help you arrange for the coroner to be aware, understand, and respect sensitive men's or women's business that may be talked about in the inquest hearing.

More help

The Coroners Court of Victoria can be contacted via phone of email: 1300 309 519 or at courtadmin@coronerscourt.vic.gov.au

The Aboriginal Engagement Unit of the Coroners Court can be contacted via phone of email: (03) 8685 1157 or kooriccov@courts.vic.gov.au

The Victorian Aboriginal Legal Service can be contacted via phone of email: 1800 064 865 or email vals@vals.org.au to obtain legal advice on the above.

If you are struggling with the death of a loved one, you can call 13YARN (13 92 76) for free support.

THIRRILI

Working with families and communities after suicide

1800 805 801

24/7 Australia-wide

In partnership with

NORTON ROSE FULBRIGHT

FACT SHEET 7

Help from the Aboriginal Engagement Unit

THIRRILI

This fact sheet explains the role of the Aboriginal Engagement Unit and the type of cultural and other support they can provide

- The Aboriginal Engagement Unit (**AEU**) consists of First Nations people employed by the Coroners Court to provide cultural support and communicate directly with First Nations families throughout the coronial process. You can email them at Kooriccov@courts.vic.gov.au or call them on (03) 8685 1157' at the end of the first bullet point.
- The AEU aims to hold a family meeting within 4 weeks of the death being reported to the Coroners Court of Victoria to explain the coronial process, expected timeframes, and to discuss cultural considerations and concerns with the family. A member of the AEU will attend court hearings with First Nations families to ensure cultural considerations are delivered throughout the hearing.
- The AEU also provides culturally focused advice and support to the coroner on aspects of the coronial investigation, including advice on medical examinations and treatment of the deceased (for more information, see Fact Sheet 6 Cultural Protocols in Coronial Investigations).
- If a directions hearing or the inquest is held with audio-visual support, the AEU will assist with arrangements to ensure that the family and community can access those hearings and, where required, participate in the hearings.
- Where there is a preference for the family to attend hearings or the inquest in person, the AEU can assist in facilitating arrangements for families to attend the Coroners Court.

FACT SHEET 8

What happens after the coronial process?

THIRRILI

This fact sheet explains the steps that can be taken after a coroner has made a finding and any available legal options for families when contesting the findings of the coronial process. You should always get your own legal advice is 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 make a written finding. The findings are put on the on a database available to the public: https://www.austlii.edu.au/. 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 that is made by the coroner is not the same as a judgment made 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 reconsidered and reopen investigations
- Any person may apply to the court for an order that some or all the findings of a coroner be reconsidered or set aside. To do so, a person would need to apply to the Coroners Court and specify:
  - which findings they want set aside, and
  - the reasons for the application supported by relevant information.
- The Coroners Court can set aside some or all the findings and order that an investigation be re-opened if a coroner 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 Supreme Court of Victoria within 90 days after the refusal.
- If you are a person with sufficient interest in the investigation or an 'interested party', you have a right to appeal directly to the Supreme Court of Victoria against the findings of a coroner within six months from the date of the finding.
- The Supreme Court may make any order it thinks appropriate, including an order for a re-hearing by the Coroners Court.

Appealing decisions around dealings with the body

- **Autopsies:** If a coroner gives a direction that an autopsy be performed, the senior next of kin may appeal to the Supreme Court of Victoria against that direction within six months from the date of the finding.
- **Exhumations:** The senior next of kin and any other person who received an exhumation notice may appeal to the Supreme Court against the State Coroner's decision to conduct an exhumation within 48 hours.
- **Releasing the body:** If a person applies to have a body released to them but is unhappy with the final orders made by the coroner then they have 48 hours to appeal the terms of the order.
- For more information, see Fact Sheet 9: My loved one's body and things, including about what is involved in exhumations, autopsies, and releases.

FACT SHEET 9

My loved one's body and things

THIRRILI

This fact sheet explains what happens to the body of your loved one if a medical examination is required, what you can do if you object to a medical procedure happening, and when and who can get the body when the coroner is ready to release it.

What happens to my loved one's things that were with them when they died?

- If your loved one passes away in hospital and their body is transported to the Coroners Court, their belongings will go with the body to the autopsy.
- If there is a criminal investigation, Victoria Police will take all your loved one's belongings until they are no longer needed.
- There is an application form to a release a loved one's things. This will only happen when the coroner and Victorian Police say they no longer require them. The Aboriginal Engagement Unit of the Coroners Court can help you with this process: (03) 8685 1157 or email via kooriccov@courts.vic.gov.au

What happens to the body?

If the body requires medical examination for a coronial investigation, it will be transported from the place of death or where it is being stored to the Victorian Institute of Forensic Medicine in Melbourne (next to the Coroners Court), or to a forensic pathology service in regional or rural Victoria.

Preliminary examination

A doctor or pathologist will do a 'preliminary examination' of the body of a deceased which is not very invasive. This might include things like collecting fingerprints, looking inside at the teeth and inside the mouth, and taking samples of blood and urine. The internal organs are left alone.

Autopsy

- An autopsy is a type of medical procedure performed by a pathologist. It might also be referred to as a 'post-mortem'.
- An autopsy includes external and internal examinations using techniques like those used in surgical operations. The chest, abdomen and skull are examined, and some organs are examined. This may involve removing the organs.
- In some instances, a more detailed examination of an organ, like the brain or heart, might be necessary to establish the cause of death. If the pathologist thinks this needs to happen, they will require permission from the coroner to remove the organs and keep them for several weeks

What can I do if I object to the autopsy?

- If the coroner believes an autopsy is needed to confirm the cause of death, the Coroners Court will contact the senior next of kin. The senior next of kin has the right to object to an autopsy being performed. It is important to notify the Coroners Court immediately if you want to object. For more information, see the Fact Sheet 5: 'Next of Kin and the Coroners Court'
- Any objection to the autopsy must be made:
  - in writing addressed to the Coroners Court (this can be done via the Contact Form on the Coroners Court website – see link below at 'I need more help'); and
  - within 48 hours of the coroner ordering that an autopsy be performed.
- The coroner will take your concerns into account but may still decide that an autopsy is required. This is likely to happen when the coroner believes there is a remaining suspicion surrounding the death.
- If the coroner notifies you that your objection has been refused, you can apply to the Supreme Court of Victoria for an order preventing an autopsy. This application needs to be made within 48 hours of being notified by the coroner.

What is exhumation?

- If the body has already been buried and an autopsy is needed, the body may be removed from the ground or burial site. This is called exhumation.
- The State Coroner may authorise an exhumation when it is believed an autopsy will provide new evidence.
- If the State Coroner authorises an exhumation, they will give notice to the senior next of kin, unless they believe that the exhumation is urgent and the exhumation should not be delayed, giving notice is impossible, or giving notice would result in the escape of an offender or an accomplice, or the destruction of evidence.
- The senior next of kin and any other person who received the notice of the exhumation may appeal to the Supreme Court of Victoria against the decision of the State Coroner.

When can I get the body?

- The coroner will only authorise the release of the body as soon as they can.
- The senior next of kin will need to decide on a funeral service to release the body and sign for the release of the body.
- The family will then need to work with a funeral service to arrange the funeral.

What about a death certificate?

- You can apply to the Registry of Birth, Deaths, and Marriages Victoria for an official death certificate of the deceased.
- A funeral service will be able to provide an interim death certificate while you are waiting for the official death certificate to arrive.

What if I can't pay for the transport of the body or funeral costs?

Funding may be available for transport and funeral expenses through organisations such as Pay the Rent. Speak to the Aboriginal Engagement Unit of the Coroners Court about applying for this funding.

More help

Aboriginal Engagement Unit of the Coroners Court can be contacted via phone or email: (03) 8685 1157 or at Kooriccov@courts.vic.gov.au

For more information about preliminary examinations from the Coroners Court of Victoria visit: https://www.coronerscourt.vic.gov.au/families/first-48-hours-families/forensic-process

For more information about autopsies from the Coroners Court of Victoria visit: https://www.coronerscourt.vic.gov.au/families/first-48-hours-families/forensic-process

The Coroners Court of Victoria can be contacted using the Contact Form here: https://www.coronerscourt.vic.gov.au/contact-us

THIRRILI

Working with families and communities after suicide

1800 805 801

24/7 Australia-wide

In partnership with

NORTON ROSE FULBRIGHT

The Coroners Court in Victoria

FACT SHEET 10

The role of the Victoria Police force in the coronial process

THIRRILI

This fact sheet explains the role of the police force in a coronial inquest when a family member dies suddenly. The fact sheet explains what to expect when talking to the police throughout the coronial process.

What is the role of the police?

- Victoria Police are required to report sudden or unexplained deaths to the coroner.
- The police will start gathering information immediately after a death to provide an initial report to the coroner.
- If the coroner decides the death was not due to natural circumstances, the police are directed to carry out a full investigation.
- The police may ask for reports from experts and statements from witnesses, including family and friends as a part of their investigation.
- The police provide a report to the coroner about their investigation (a brief of evidence) which the coroner will use to help find out the cause and circumstances of the death of a loved one.
- If there is a death in custody of an Indigenous person, the Court will contact the Victorian Aboriginal Legal Service to facilitate legal advice for senior next of kin on their rights in relation to the coronial process.

Communicating with the Police

- The police are expected to provide updates on the status of the investigation and the coronial process to the family of the deceased including when and why there are delays. The police will update families after the coroner has made their findings.
- Families of the deceased can raise any issues and concerns surrounding the conduct of the police investigation including concerns in relation to the circumstances of the death.
- The police may request a statement from family members about the deceased and the circumstances of the death. You only need to provide a statement to police if you want to.
- Traditions and customs around Sorry Business are an important time for family and community. You can ask the police to respect your traditions and that there are no unnecessary phone calls, visits, and questions at this important time.
- A coroner might ask someone to give evidence to the Court if they can provide relevant information to the coronial proceedings. The police will send a formal request (subpoena) to the people the coroner wants to give evidence. If someone refuses to attend the Coroners Court, the coroner may ask the police to arrest them.

More help

The Victoria Police Force Aboriginal Liaison Unit (ALU) are responsible for enhancing relationships between police and the local Aboriginal Community, as well as establishing effective communication and networks between the police, Aboriginal community, government, and non-government agencies

The Victorian Aboriginal Legal Service can be contacted by phone: 1800 064 865

Aboriginal Engagement Unit of the Coroners Court can be contacted by phone or email: (03) 8685 1157 or at Kooriccov@courts.vic.gov.au

THIRRILI

Working with families and communities after suicide

1800 805 801

24/7 Australia-wide

In partnership with

NORTON ROSE FULBRIGHT