



INFORMATION ABOUT THE CORONERS COURT AND THE DEATH OF A RELATIVE OR FRIEND

What notice relating to the hearing will I receive?

If a hearing is to be held, the Coroner will forward the particulars of the time and place of the hearing to the next of kin. The Coroner will also advise any person who has given notice in writing of their intention to seek leave to appear or be represented at the inquest.

Must I be represented by a Solicitor at a hearing?

Hearings are open to the public. Any person may attend and listen to the proceedings.

Any person who, in the opinion of the Coroner, has a sufficient interest in the subject matter of the inquest may, upon application receive the leave of the Coroner to appear in person or be legally represented and examine and cross examine any witnesses relevant to the inquest.

FUNERAL ARRANGEMENTS

An approach to a funeral director should be made to make arrangements for the funeral of a deceased person. The funeral director will usually make inquiries with the Coroner's office on behalf of the family regarding the release of a body.

The body of a deceased person cannot be released until the post mortem examination is completed.

Although arrangements for a funeral may be made, burial or cremation cannot be performed until the Coroner permits.

When a cause of death has been established, or necessary samples have been taken, the Coroner may issue a Coroners certificate to release the body for burial or cremation.

The responsibility for making funeral arrangements lies with the executor of the estate. In the absence of an

executor, the next of kin or other relatives are responsible for making arrangements. If there are no relatives, a friend of the deceased may make arrangements for the burial or cremation of the deceased.

Can I see the body?

Apart from the formal identification which is arranged by police officers, it is suggested that viewing of the body be arranged with the funeral director.

How do I obtain a copy of a Death Certificate?

Following an inquest, all deaths are registered with the Registrar of Births, Deaths and Marriages. An application for a copy of the death certificate may be made to the Registrar. A fee will be charged for a death certificate.


In some circumstances a Coroner may make interim findings and inform the Registrar of Birth, Deaths and Marriages who may issue an interim death certificate.

For further information or assistance, please contact:
Registrar of Births, Deaths and Marriages
Telephone: 6207 6444

The Registrar
Coroners Court of the Australian Capital Territory
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: 6207 1754
Email: courtmctcoroners@act.gov.au

If you need interpreting help, telephone:
TELEPHONE INTERPRETER SERVICE 131 450





This brochure has been prepared to inform bereaved relatives and friends of the reasons for the involvement of the Coroner, the processes which may occur to determine the cause of a death and their rights as a bereaved person.

The questions and answers in this pamphlet may not cover all your questions about the coronial system of the Australian Capital Territory. However, you are always entitled to seek further information from the Coroner's Office, telephone 6207 1754.

WHAT IS THE ROLE OF A CORONER?

The role of the Coroner is set out in the *Coroners Act 1997*. The Coroner only inquires into and records the manner and cause of death of a person who:

- a) dies violently, or unnaturally, in unknown circumstances; or
- b) dies under suspicious circumstances; or
- c) dies during or within 24 hours after, or as a result of:
 - i) an operation of a medical, surgical, dental or like nature; or
 - ii) an invasive medical or diagnostic procedure; other than an operation or procedure that is specified in the regulations; or
- d) dies and a doctor has not given a certificate about the cause of death; or
- e) dies not having been attended by a doctor at any time within the period commencing 6 months before the death; or
- f) dies after an accident where the cause of death appears to be directly attributable to the accident; or
- g) dies, or is suspected to have died, in circumstances that, in the opinion of the Attorney-General, should be better ascertained; or
- h) dies in custody.

The Coroner's role is a very public one. The community relies on the Coroner to:

- determine the identity of the deceased;
- inquire into the date, time, place, cause and manner of death;
- refer the matter to the Director of Public Prosecutions where it appears that a known person has committed an indictable offence in connection with a death;
- comment on and bring to notice factors which may be altered to prevent further death or injury; and
- expose other matters of public importance.

MEDICAL REPORTS

What is a post mortem examination?

A post mortem examination is a thorough medical examination performed by a Pathologist to establish the medical cause of death. This examination is performed at the direction of a Coroner who may also order further tests to assist in determining the cause of death. Sometimes the time required to complete these tests (e.g. analysis of blood or body tissues) causes a delay in deciding the cause of death. These delays will vary according to the nature of the tests to be performed. The Pathologist is required to provide a written report to the Coroner and this can often cause further delay.

Am I entitled to a copy of the post mortem examination report?

Copies of most post mortem examination reports are made available to the relatives of the deceased or any other persons who, in the opinion of the Coroner, have sufficient interest in the cause of death. Because of the nature and content of these reports, they are generally provided to a medical practitioner nominated by the relatives to help them understand them. A request for a copy of the post mortem examination report should be made in writing to the Coroner. Reports will be supplied only when the Coroner has completed his or her enquiries or if the Coroner is satisfied that it is appropriate to do so before those enquiries are completed.

INQUESTS

What is an inquest?

An inquest is an inquiry in which the Coroner gathers information to assist in determining the manner and cause of death.

When conducting an inquest the Coroner may decide to hold a hearing. At such a hearing the Coroner may call witnesses to give evidence of what they know about the death.

If the Coroner is of the opinion that the information gathered has established that an indictable offence has been committed by any person, the Coroner must postpone the inquest and notify the Director of Public Prosecutions in writing.

Hearings are open to the public. Any person may attend and listen to the proceedings. In certain circumstances the Coroner may exclude individuals or the public generally and prohibit the publication of evidence.

When is a hearing held?

Not all deaths will result in the Coroner conducting a hearing. Where a Coroner is satisfied, upon consideration of the police and medical reports, as to the cause and manner of death, the Coroner may in certain circumstances dispense with holding a hearing.

A Coroner must conduct a hearing where a person dies as a result of the administration of an anaesthetic administered in the course of a medical, surgical or dental operation or a person dies while in custody.

Can I request that a hearing be held?

A relative or friend of a deceased person or other interested persons may request that a hearing be held. The Coroner will be mindful of such a request when deciding whether or not to hold a hearing. If a Coroner decides not to hold a hearing, the immediate family of the deceased will be notified.