

What to Do if You Receive Correspondence from the Coroner

Reading time:

MIPS Education

Date created: 11/12/2024

What is the Role of the Coroner?

Each Australian State and Territory has a Coroners Court. A Coroner must be either a county court judge, a magistrate or barrister or solicitor. The Coroner's role is to investigate sudden, unexpected and unnatural deaths to determine the identity of the deceased as well as the cause and circumstances of their death. Not all deaths investigated by a Coroner will require an inquest. Most will be managed internally by the police or officers of the Coroner's Court. The Coroner's aim is to prevent preventable deaths and to promote public health and safety, by making recommendations aimed at systemic improvements e.g. the introduction of hospital policies.

The role of the Coroner is inquisitorial by nature and is not concerned with apportioning blame. However, negligent acts may come to light over the course of a Coroner's Inquest that may prompt the families of deceased individuals to bring other types of claims in other jurisdictions.

Recent Statistics

As an example of the workload of the Coroner's Court, the Annual Report of the Coroner's Court of Victoria reports that in the 2022-2023 year, 7,480 investigations were opened and took an average of 8.5 months to investigate. 82 inquests were completed, and 221 recommendations were made, of which 147 were accepted by the relevant body. The takeaway is that the majority of reportable deaths will be investigated within a year of the death. However, inquests will take longer. Unfortunately, inquests can take a few years between date of death and the finding from an inquest. MIPS will assist you in the interim and with any other events that occur in relation to the death.

Evidence in the Coroner's Court

During an inquest, the Coroner will call witnesses to give evidence. Interested parties may give statements, documents or other relevant items to the Coroner. The Coroner will decide the best way to conduct the hearing (inquest). The Coroner is not bound by the rules of evidence that apply to other courts, so they can decide what information and issues to examine, and who to call as a witness.

During the inquest, the Coroner will call witnesses to give evidence. The Coroner, Coroner's Assistant or a lawyer representing an interested party may then ask the witness questions.

Statements Requests

A Coroner may request a statement be prepared by a number of parties who were involved in the circumstances of the death and of all medical practitioners who provided treatment to the deceased. Often requests will come from a police officer who is acting to assist the Coroner's Court and prepare a brief of evidence which will inform the Coroner.

If you receive a request for a statement for the Coroner, it is important to notify MIPS immediately. We can assist in preparing and finalising the statement. The Coroner's Court of Victoria has published a very helpful guideline for health practitioners when writing a statement for the Coroner which can be found [here](#). If you are employer indemnified, we still welcome you to make a notification so that your policy is up to date should you require assistance from MIPS during the course of a possible inquest.

Conclusion

It is important to notify MIPS if you are involved in a reportable death at the time of the death and if you are later asked for a statement for the Coroner. This will ensure we are in the best possible position to protect you.

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