

# **THE CORONERS ACT AND THE UNIVERSITY'S PROCESSES WHEN IT HAS AN INTEREST IN A CORONIAL MATTER**

## **Introduction**

This paper explains the role of the Coroner and the processes followed by the University when it is an interested party.

## **The Coroner's role**

The Coroner is required to investigate a particular category of death called a 'reportable death'. In summary, this is a death that appears to have been unexpected, unnatural or violent or to have resulted from an accident or injury.

## **Investigations and Inquests**

The Coroner investigates reportable deaths to find out their cause. The Coroner often does this 'on the papers' without a formal hearing.

However, if the Coroner decides to conduct a formal court hearing into a reportable death, this is called an inquest. Only a small number of inquests are held. The coroner conducts an inquest where he or she believes that there is an issue of public importance, or more information is required to come to a finding about the cause of a death.

While inquests are generally open to the public, only people granted permission by the Coroner can appear as an interested party. If the University has an interest in a death the subject of an inquest (for example, because a death occurred on campus), it must fill out an Application for Leave to Appear as an interested party.

The inquest is an inquisitorial, rather than an adversarial, process with the aim of finding the cause and circumstances of death of the deceased person. A summons may be issued by the Coroner to ensure that a witness appears at the inquest to give evidence and/or produce documents to assist the Coroner reach a finding as to the cause of death. If the circumstances of the death are such that the Coroner believes that a student or staff member would be able to assist with relevant information, he or she may be called as a witness. A written statement is generally prepared by the witness before the hearing to assist in this process.

In some circumstances, the University may decide that there is a potential conflict of interest between the interests of the University and a staff member or members. In these circumstances, in order to fully protect the rights of such staff, the University may decide that it is appropriate for them to obtain independent legal advice.

After the inquest, the Coroner writes a finding. The finding may include recommendations to a Minister, public statutory authority or entity to help prevent similar deaths.

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