

The background of the cover is an abstract composition of bright blue and white light streaks, resembling a nebula or a dynamic energy field, set against a dark blue gradient. The text is overlaid on this background in a white, elegant script font.

The Coroner's Court:

A Guide for Families and Friends

Content warning

Some material contained in this guide may be distressing to families and friends who have lost a loved one. It includes information about death and mental health that may be upsetting for some people. If you would like guidance on which sections of this guide would help you the most, or if you do not want to risk reading content that may upset you, please contact coroner's court staff.

Disclaimer

This guide contains information only; do not use it as a substitute for legal advice. The Coronial Division of the Magistrates Court accepts no liability for any loss, damage or injury suffered as a result of reliance on this document. Every effort has been made to ensure that the information contained in this guide is correct, noting that legal authority and practice will change with the passage of time. Please direct all legal enquiries to a qualified legal practitioner.

Enquiries

If you have any general questions about the coroner's court or this guide, or wish to provide feedback, please contact the coroner's court.



THE LAW FOUNDATION OF TASMANIA



Message from the Chief Coroner

The death of a loved one is one of the most traumatic experiences of life. I extend my sympathy if you have experienced such loss.

When a death is sudden and unexpected, the shock of loss can be felt even more keenly. If you need help to cope, please do not hesitate to ask. There is a list of support groups in this guide that can provide assistance at no cost.

Most people do not have any contact with the coroner's court unless a person close to them dies suddenly. They do not understand why a coroner is involved and what the coroner is required to do. This uncertainty can add to the stress felt at this already difficult time.

This guide will help families and friends of people whose deaths are being investigated by the coroner to understand what is happening and why it has to happen. It will answer a lot of the questions you have about the coronial process.

If there is anything else you want to know, please contact the coroners' office. It is very important to us that you understand what is happening and we will always provide information if it is possible.

I thank all those in the legal, government, medical and community sectors who provided input into the writing of this guide. I also acknowledge the valuable contribution of my fellow coroners and staff. In particular, I express my gratitude to Mrs Marion Clarke, the project officer and author, for her intelligent and dedicated work in bringing this guide to fruition.

Olivia McTaggart
Chief Coroner

English

Our condolences for your loss. Our coronial staff are available to assist you with the coronial process. If you need an interpreter to help you talk to staff or associates, please tell us or ask someone to tell us for you. You can have a meeting with staff or associates with an interpreter present, to explain how the coronial process works. In order to determine the circumstances and cause of death, a coroner will conduct an investigation or inquest (which is a formal court hearing). We can arrange the interpreter to assist you. If you need to make a statement to police, an interpreter can help you to make your statement. Please let us know what we can do to help you.

Arabic

تعازينا لخسارتكم. يتوفر موظفو الطب الشرعي لمساعدتكم في عملية الطب الشرعي. إذا كنتم بحاجة إلى مترجم لمساعدتكم على التحدث مع الموظفين أو الزملاء، يُرجى إعلامنا أو الطلب من شخص إعلامنا بالنيابة عنكم. يمكنكم ترتيب لقاء مع الموظفين أو الزملاء بحضور مترجم، لشرح كيفية عمل عملية الطب الشرعي. من أجل تحديد ظروف وأسباب الوفاة، فإن قاضي التحقيق سيقوم بإجراء التحقيق أو الإستجواب (والتي هي جلسة محكمة رسمية). يمكننا الترتيب لمترجم لمساعدتكم. إذا كنتم بحاجة إلى الإدلاء بإفادة للشرطة، يمكن للمترجم مساعدتكم على عمل إفادتكم. الرجاء إعلامنا بما يمكننا القيام به لمساعدتكم.

Dutch

Gecondoleerd met uw verlies. Onze patholoog-anatomische medewerkers zijn beschikbaar om u te helpen met het patholoog-anatomische proces. Als u een tolk nodig heeft om u te helpen praten met ons personeel en andere betrokkenen, laat het ons dan alstublieft weten of vraag iemand anders om dit voor u aan ons te vertellen. We kunnen een afspraak voor u maken met ons personeel en andere betrokkenen, in aanwezigheid van een tolk, om uit te leggen hoe het patholoog-anatomische proces werkt. Om de omstandigheden en oorzaak van overlijden vast te stellen, voert een patholoog-anatoom een onderzoek of gerechtelijke zitting uit (een formeel juridisch onderzoek). We kunnen regelen dat de tolk u helpt. Als u een verklaring moet afleggen aan de politie, kan een tolk u helpen met het afleggen van de verklaring. Vertel ons alstublieft wat we kunnen doen om u te helpen.

German

Wir möchten Ihnen unser Beileid aussprechen. Das Personal der Coronal Division des Gerichts kann Ihnen bei den anstehenden rechtlichen Vorgängen und Abläufen behilflich sein. Falls Sie einen Dolmetscher benötigen, um mit unseren Mitarbeitern und Partnern zu sprechen, sagen Sie uns dies bitte, oder beauftragen Sie jemanden, dies für Sie zu tun. Sie können sich mit unseren Mitarbeitern und Partnern und Ihrem Dolmetscher treffen, um darüber zu sprechen, wie die Vorgänge der Coronal Division des Gerichts ablaufen. Um die Todesumstände und -ursache festzustellen, wird ein Coroner eine Untersuchung oder eine formale gerichtliche Anhörung (engl. „Inquest“) durchführen. Wir können für Sie die Anwesenheit eines Dolmetschers organisieren. Falls Sie bei der Polizei eine Aussage machen müssen, kann ihnen auch dabei ein Dolmetscher helfen. Bitte lassen Sie uns wissen, wie wir Ihnen helfen können.

Greek

Τα συλλυπητήριά μας για την απώλειά σας. Το προσωπικό της ιατροδικαστικής μας υπηρεσίας είναι διαθέσιμο να σας βοηθήσει με την ιατροδικαστική διαδικασία. Αν χρειάζεστε διερμηνέα να σας βοηθήσει να μιλήσετε με το προσωπικό ή με συνεργάτες, παρακαλούμε ενημερώστε μας ή ζητήστε από κάποιον να μας ενημερώσει εκ μέρους σας. Μπορείτε να έχετε συνάντηση με το προσωπικό ή με συνεργάτες παρουσία διερμηνέα, για να εξηγήσουν πώς λειτουργεί η ιατροδικαστική διαδικασία. Προκειμένου να καθορίσει τις περιστάσεις και την αιτία θανάτου ενός ατόμου, ένας ιατροδικαστής θα διενεργήσει έρευνα ή δικαστική έρευνα (που είναι μια επίσημη ακροαματική διαδικασία). Μπορούμε να κανονίσουμε την παρουσία διερμηνέα για να σας βοηθήσει. Αν χρειαστεί να κάνετε δήλωση στην αστυνομία, ένας διερμηνέας μπορεί να σας βοηθήσει να κάνετε τη δήλωσή σας. Παρακαλούμε ενημερώστε μας τι μπορούμε να κάνουμε για να σας βοηθήσουμε.

Italian

Le porgiamo le nostre condoglianze per la Sua perdita. Il personale del coroner (medico/avvocato legale) è a disposizione per aiutarLa durante le procedure del coroner. Se ha bisogno di un interprete che La assista per comunicare con il personale o i collaboratori, Le chiediamo di farcelo sapere di persona o per mezzo di qualcuno. Può richiedere un appuntamento con il personale o i collaboratori in presenza di un interprete, affinché Le venga spiegata la procedura del coroner. Al fine di determinare le circostanze e la causa di morte, un coroner condurrà un'indagine o un'inchiesta (ovvero un'udienza formale). Possiamo farLe avere un interprete che La assista. Se deve fare una dichiarazione alla polizia, un interprete può aiutarLa a fare la dichiarazione. Le chiediamo cortesemente di farci sapere cosa possiamo fare per aiutarla.

Polish

Proszę przyjąć nasze kondolencje w tym trudnym czasie. Pracownicy biura koronera służą pomocą w czasie trwania dochodzenia prowadzonego przez koronera. Koroner przeprowadzi dochodzenie (które jest oficjalną rozprawą sądową), aby ustalić przyczynę i okoliczności zgonu. Możemy Państwu wyjaśnić, na czym polega proces dochodzeniowy, prowadzony przez koronera. Proszę nas powiadomić, jeżeli potrzebny jest Państwu tłumacz – możemy zorganizować jego pomoc przy procesie. Tłumacz może również pomóc przy składaniu oświadczenia dla policji. Prosimy nas poinformować w jaki sposób możemy Państwu pomóc.

Simplified Chinese

请接受我们诚挚的慰问。我们的验尸工作人员可以为您提供验尸程序的协助。如果您需要口译员帮助您与相关工作人员交流，请告诉我们，或让别人告诉我们。您可以与相关工作人员见面，让口译员到场帮助解释验尸程序。为确定死亡的情形和原因，验尸官将开展调查或正式法庭问询。我们可以安排口译员协助您。如果您需要向警方做陈述，口译员可以帮助你这么做。如果您需要我们提供帮助，请告诉我们。

Spanish

Reciban nuestro más sentido pésame por vuestra pérdida. El personal del servicio de este tribunal está disponible para asistirles con el proceso judicial. Si necesitara un intérprete para asistirles a comunicarse con el personal o los asistentes del juez, avísennos, o pida que otra persona nos informe de sus deseos. Ustedes pueden concertar una reunión con el personal o los asistentes del juez con un intérprete presente para que le expliquen cómo funciona el proceso judicial. Para poder determinar las circunstancias y la causa de una muerte, un juez de instrucción llevará a cabo una investigación o indagatoria judicial, que es una audiencia formal del juzgado. Podemos pedirle un intérprete para que le asista con la preparación de su declaración. Por favor, díganos cómo podemos ayudarlos.

Tagalog

Nakikiramay kami sa inyong pagdadalamhati. Ang aming mga tauhan sa tanggapan ng tagalitis ng hukuman sa bangkay ay handang tulungan kayo sa paglilitis na pinamamahalaan ng tanggapan ng tagalitis. Kung kailangan ninyo ng isang interpreter (tagapagsalin) upang tulungan kayong makipag-usap sa aming mga tauhan o kasamahan, mangyaring magsabi sa amin o pakiusapan ang sinuman na magsabi sa amin para sa inyo. Maaari kayo at ang mga tauhan o kasamahan na magmiting na mayroong tagapagsalin upang ipaliwanag sa inyo kung paano pinamamahalaan ang paglilitis. Para tiyakin ang mga pangyayari at dahilan ng kamatayan, mamamahala ang tagalitis ng pagsisiyasat o imbestigasyon tungkol sa kamatayan (ito ay isang pormal na pagdinig ng korte). Maaari kaming kumuha ng tagapagsalin na tutulong sa inyo. Kung kailangan ninyong magbigay ng isang pahayag sa pulis, matutulungan kayo ng isang tagapagsalin sa paggawa ng inyong pahayag. Mangyaring ipaalam sa amin kung ano ang aming magagawa para matulungan kayo.

Traditional Chinese

我們對你的痛失致以深切慰問。我們的驗屍官員將於驗屍過程中為你提供協助。如果您需要一位翻譯員來幫助你與工作人員或有關人士傾談，請告訴我們或找他人來轉告我們。你可以要求一位翻譯員在場與工作人員或有關人士見面，了解進行驗屍的程序。為了查明當時情況和死因，驗屍官員將會進行調查或要求研訊（這是一個正式的法庭聽證聆訊）。我們可以安排翻譯員來協助你。如果你需要向警察作出陳述，我們亦可以為你安排一位翻譯員來協助你。請讓我們知道我們可以怎樣幫助你。

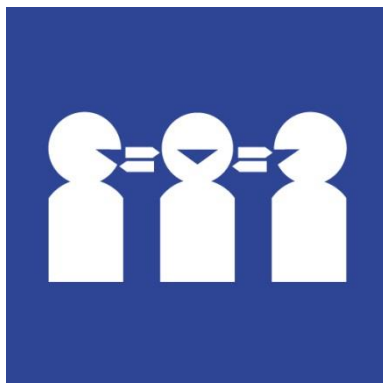


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Introduction

The coroner's court of Tasmania investigates sudden deaths to establish how a person died and what caused their death. We appreciate that the coronial process comes at a time of great pain and loss for family members and friends. If you have recently lost someone close to you, we offer our sincere condolences.

This guide provides information for the families and friends of deceased persons as well as for members of the community as a whole. The guide will answer some of the questions you may have about what that coroner's court does, and explain how to get answers that are not actually in the guide itself. There is no need to read the whole guide unless you want to. Reading the bits that apply to you will help you to understand what is happening and to know what to expect in a coronial investigation.

When someone close to you passes away suddenly, you might not know how to react. Everyone responds to this kind of tragedy differently. There is no 'right way' to feel. You may feel sad, angry, numb or find it very difficult to focus. Different cultures have different beliefs about death and different needs. Your grieving process will be unique to you and your life. At the coroner's court, we respect all cultures and beliefs, and work hard to support everyone equally.

If you feel that this guide does not answer your questions, or if you feel overwhelmed by the amount of information, please call the coroner's court and we can help. You can tell other people about this guide if they want information on the coroner's court. It can be good to tell other people to read the guide if they are asking you questions and you don't want to talk about it.

Most of the deaths investigated by coroners are not suspicious. Coroners still have to investigate certain types of deaths, just in case. Coroners often find out that a death they are investigating was natural, and they don't need to investigate any more. The coronial process is all about gathering information and checking facts.

Being involved in a coronial investigation can be stressful and upsetting. If you ever need help, please ask. There are groups that can give you legal advice, help you cope and offer financial advice. It is normal to need support at a difficult time like this and, no matter what your needs are, someone can help you and your family make it through.



If you need help, such as someone to talk to or legal advice, please go to 'Coping with grief' at page 16 and 'Who can help?' at page 22.

How to contact the coroner's court

The coroner's court is a division of the Magistrates Court of Tasmania (sometimes called the Coronial Division). It is part of the Department of Justice, Tasmania and can be found through the Magistrates Court web site and phone numbers, or contacted directly using the contact details below.

The coroner's court can assist you with the following services:

- explaining coronial investigations
- explaining inquests
- explaining legal and medical terminology
- arranging access to coronial documents
- assisting with contacting counsellors and other grief specialists
- providing assistance for people with disability and diverse needs
- arranging administrative matters
- arranging interpreters for inquests
- general enquiries.

The Magistrates Court (including the coroner's court) is wheelchair accessible.

Coroner's court - Southern Tasmania

27 Liverpool Street, Hobart, 7000
(03) 616 57132 (administrative)
(03) 616 57127 (coroner's associates)

Property Office: (03) 6230 2277

Coroner's court - Northern Tasmania

73 Charles Street, Launceston, 7250
(03) 677 72920

Property Office: (03) 6336 3818

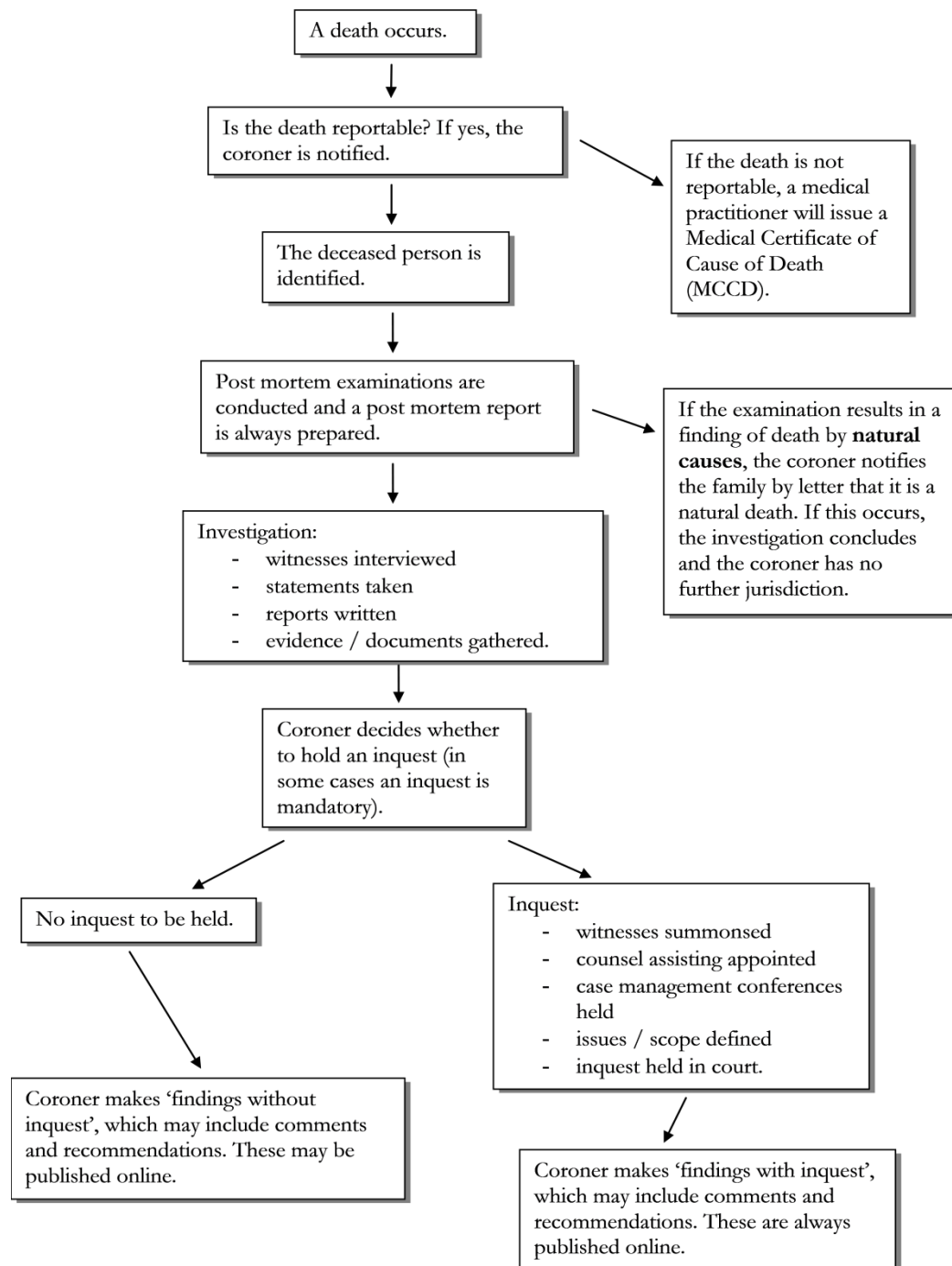
Whole of Tasmania

After hours contact police on: 131 444
Fax: (03) 6173 0221
Email: Coroners.Hbt@justice.tas.gov.au

Coroner's court web site - http://www.magistratescourt.tas.gov.au/about_us/coroners

Flow chart of the process

Figure 1 is a flow chart of the most common way in which a coronial matter proceeds following a recent death.



FAQ (frequently asked questions)

- What services are available to help my family and I to cope?
 - page 16
- What do coroners do?
 - page 29
- Where can I get legal advice?
 - page 22
- Where can I get a Death Certificate?
 - page 45
- When will we be able to have the funeral?
 - page 34
- How can I get back items taken by the police?
 - page 45
- I am the senior next of kin, what does this mean?
 - page 31
- Do I need a lawyer?
 - page 34
- How long will this take?
 - page 39
- If the coroner investigates a death, does that mean it is suspicious?
 - **Most of the deaths investigated by coroners are not suspicious.** There is a list of different types of deaths that coroners have to investigate just in case. Coroners often find out that a death they are investigating was natural, and they don't need to investigate any more. The coronial process is all about gathering information and checking facts.

The first 24 hours

This section will help you to focus on what you might need to think about in the first 24 hours after a sudden death.

A quick guide for families and friends

- The deceased person will be taken to the mortuary at the Royal Hobart Hospital or the Launceston General Hospital.
- You may wish to contact a support person, friend or family member to help you to cope, and who can make arrangements with or for you, in the first few days.
- If you do not have a support person, you may want to contact a professional for support. You can find people to help you in ‘Who can help?’ at page 22.
- It is a good idea to write down any important information, as shock can make it hard to remember things later on.
- You may want to contact a funeral director to discuss the funeral, and while this can be done right away you should let them know that the coroner is involved.
- You may want to visit the deceased person when they are moved to a funeral home. They will not go to the funeral home right away because the coroner must be careful to get all the evidence they need first. Usually it will take 2-4 days for the deceased person to be released for burial / cremation, depending on if there is a weekend in the middle.
- Police may ask you to identify the deceased person. Any person who knew the deceased person in life can do this, so if you do not want to do it, tell the police.
- The coroner will decide if an autopsy is necessary. If they make an order, the autopsy will usually happen within 48 hours (once again, this depends on if there is a weekend in the middle). If you don’t want an autopsy (if you “object”), tell the attending police or the coroner’s court *right away*. After business hours you can phone 131 444 to notify a police officer of your objection. An autopsy may be the only way to get a clear picture of how the person died.
- The police or coroners’ office may contact you to get more information about the circumstances of the death or the person’s medical history.



For a list of services available to you, please go to ‘Coping with grief’ at page 16 and ‘Who can help?’ at page 22.

For more information on objecting to an autopsy, please go to ‘The coroner’s court and me - What is an autopsy?’ at page 33.

Identification

The coroner must be sure of the identity of the deceased person. The police or coroners' office may ask you to identify the deceased person by looking at them. Any person who knew the deceased person in life can do this. If the deceased person cannot be identified by sight, the coroner may use things such as fingerprints, dental records or DNA samples to confirm identity.

Support person

Finding out that a loved one has died suddenly is a huge shock, and affects everyone differently. It may help to call a person who is close to you and ask them to come to your house and support you. Families may find comfort in gathering together and supporting each other. Some people want to take time off work and others want to stay at work or continue with their plans. You should do whatever makes you feel most comfortable.

A support person can help you with things you might need to do in the first few hours or days, including:

- telling other people that the person has passed away
- making appointments with doctors:
 - you might need a medical certificate to get time off work
 - you might need advice on how to cope with the shock of what has happened
- telling others at the deceased person's place of work what has happened
- contacting a funeral director
- making appointments with counsellors, insurance companies or lawyers.



For a list of groups that can support you in this difficult time, go to 'Who can help?' at page 22.

Religious and cultural practices

Please tell the coroner's court if you have religious or cultural concerns about any part of the coronial process.

Many different cultures and religions have rules and beliefs about death, burial and cremation. It is our job at the coroner's court to do the best we can to make sure that the coronial process takes account of your beliefs and values. The more information we have, the better we can do this. Please tell us your concerns as soon as you can. The coroner will always do everything possible to allow for requests.

If you have a religious or cultural practice that:

- does not allow medical procedures, such as an autopsy
- requires burial or cremation in a certain time (for example, within 24 hours of death)
- objects to samples being taken from the deceased person, such as blood samples

please contact the coroner's court *right away*. If you object to an autopsy, please go to 'The coroner's court and me – What is an autopsy?' at page 33, for more information.

If you don't want to talk about your beliefs with police officers or people who work for the government, you can ask someone else to speak to the court for you. You can ask a religious or cultural representative, a friend or a relative. You, or the person who is talking for you, can call the coroner's court any time. If time is an important factor, the sooner we know about your needs, the more likely we are to be able to help you. The after-hours phone number for police is 131 444, they will pass on any messages to the coroner's associates. No autopsies or medical examinations will happen on the weekend.

It is the coroner's job to make sure that the findings they make are correct. If the coroner cannot get the information they need in the time you request, or without doing an autopsy, then it may not be possible to do things the way you request.

Organ and tissue donation

Organ and tissue donation is a life-saving medical process that can help save someone who is very ill or dying from organ failure. The opportunity to become an organ donor is very rare, only approximately one per cent of people who die in hospitals can possibly become donors.

When a person dies in a situation where they can become an organ and / or tissue donor, the hospital medical team will raise the possibility of donation with families. The Australian Organ Donor Register is checked, this information is shared with families and the senior next of kin is then asked to give the final written consent for organ donation. Organ donation in Australia is governed by law and if a coroner is investigating the death, they must give permission for donation to occur.

If you would like further information about organ donation, please ask the treating medical team; alternatively, DonateLife Tasmania can be contacted during business hours on:

- Phone number: (03) 6270 2209
- Email: donatelifet.asmania@dhhs.tas.gov.au
- Or visit the DonateLife web site.¹

¹ <http://www.donatelifet.asmania.gov.au/donatelifet-tasmania>

Coping with grief

This section of the guide has lists of services and information that can help you to cope with grief and loss.

Losing a loved one is always hard, but when the death is sudden and unexpected, the feeling of loss can be even greater. There is no 'normal' way to feel when you suddenly lose someone close to you. Dealing with these emotions is always very difficult, but it may be harder for some people to cope than others. What *is* normal is to need support to get through a difficult time like this. You may be able to get the support you need through your family and friends, or you may want to talk to a professional or someone who has no knowledge of what has happened. Do what makes you feel most comfortable.

Below is a list of services you can access including counsellors, specialist teams and 24-hour support services. There is also a list of information sheets to help you cope with grief and loss. They include information on how to help other people (such as children and teenagers) to get through the grieving process.



If you need legal, administrative or financial help, please go to 'Who can help?' at page 22.



Services that can help

- **Grief and Loss Counsellor (business hours)**
 - South (Royal Hobart Hospital) – (03) 6166 8344
 - North (Launceston General Hospital) – (03) 6777 6245
- Lifeline (immediate counselling and assistance, 24 hours a day): 13 11 14
- Kids Help Line (immediate counselling and assistance, 24 hours a day): 1800 55 1800
- Mens Line Australia (immediate counselling and support, 24 hours a day): 1300 78 99 78
- QLife line (support for LGBTIQI, other sexuality, sex and gender diverse people – 3pm to 12am every day): 1800 184 527
- Standby Response Service (crisis response for people bereaved by suicide):
 - Monday to Friday call (03) 6282 1519
 - To access a 24 hour mobile: 0400 183 490
 - Email: standby.south@lifelinetasmania.org.au
- GPs (doctors / general practitioners) can:
 - set up a Mental Health Treatment Plan, to help people improve their mental health after a traumatic event, and
 - refer people to a psychologist, psychiatrist or social worker so that they can receive ongoing support (you can get rebates for ten individual and ten group psychology sessions per calendar year).

For more information on this service, go to the Australian Government Department of Health web site, and read the ‘Better Access to Mental Health Care: fact sheet for patients’.

- Suicide Call-back Service (free counselling for anyone affected by suicide): 1300 659 467
- SIDS and Kids (bereavement support and education, 24 hours a day): 1300 308 307
- Australian Centre for Grief and Bereavement,² information and support services for those suffering through grief and bereavement
 - Phone: 1800 642 066
- Road Trauma Support TAS³ offers assistance and support for people affected by motor vehicle crashes
 - Phone: (03) 6777 6252

² <https://www.grief.org.au/>

³ <http://www.roadtraumasupport.org.au/>

- Victims of Crime Service⁴ provides personal support and counselling. The service office hours are 8:45 am to 5 pm, Monday to Friday
 - Hobart: (03) 6165 7524
 - Launceston: (03) 6777 2939
 - Burnie: (03) 6477 7133
- Tasmanian Aboriginal Centre Inc⁵ provides support services for Aboriginal Australians
- The Migrant Resource Centre Hobart⁶ and the Migrant Resource Centre Launceston⁷ provide support services for migrants, humanitarian entrants and refugees
- The Trauma and Grief Network⁸ provides support for families dealing with grief and loss
- The National Missing Persons Coordination Centre⁹ provides support and assistance for friends and relatives of missing persons
- The Tasmanian Department of Health and Human Services Mental Health page has links to lots of different support services and advice.¹⁰

For an immediate emergency, contact emergency services: 000



For more links for mental health help and support, go to the Tasmanian Department of Health and Human Services DHHS useful links and contacts page.¹¹

Information that may help you cope with grief and loss

All of the information sheets listed below can be found on the Tasmanian Department of Health and Human Services web site.

Sudden Loss Support Kit¹²

- This is a booklet with lots of advice and contacts to help people dealing with sudden loss. You can get a copy at the coroner's court on request.
- You can also find this booklet online on the Department of Health and Human Services, Mental Health Documents page.¹³

⁴ <http://www.justice.tas.gov.au/victims/services/victimsofcrime>

⁵ <http://tacinc.com.au/>

⁶ <http://mrchobart.org.au/>

⁷ <http://mrcltn.org.au/>

⁸ <http://tgn.anu.edu.au/>

⁹ <https://www.missingpersons.gov.au/someone-i-know-missing/support-services>

¹⁰ <http://www.dhhs.tas.gov.au/mentalhealth>

¹¹ http://www.dhhs.tas.gov.au/mentalhealth/useful_links_and_contacts

¹² http://www.dhhs.tas.gov.au/__data/assets/pdf_file/0005/47354/DHHS_Sudden_Loss_Kit_Booklet_v3.pdf

¹³ http://www.dhhs.tas.gov.au/mentalhealth/suicide_risk_and_prevention

Grief, Loss and Depression

Sudden Loss: Grieving the Aboriginal Way

Sudden Loss: Information for LGBTI People

Sudden Loss: Supporting someone experiencing Sudden Loss

Sudden Loss: Have you suffered the loss of a child?

Sudden Loss: Helping Children and Teenagers

Suicide Risk and Prevention

Lifeline: Loss and Grief



Further information and support is available on the Tasmanian Department of Health and Human Services DHHS Mental Health web site.¹⁴

Grief after suicide

Grief after suicide is similar to grief after other types of death, but it also raises additional complex issues because of its suddenness and traumatic nature. These may include the following:

Trauma

Suicide may be violent and leave the bereaved traumatised. Intrusive images of the death can recur, even if the death was not witnessed. The initial grief reactions of shock and numbness may also be stronger and last longer.

Asking ‘Why?’

For the bereaved there is often a desperate need to know why it happened. The search for answers may seem relentless, but it is important you reach a point where you feel you have struggled long enough with the question. You may have enough answers to satisfy yourself, or recognise that the reasons for the suicide will never be completely understood.

Guilt

Guilt is a common reaction in bereavement. Research suggests that guilt is often felt intensely by those bereaved by suicide. Family members and friends often feel guilty about not having foreseen the suicide or prevented it. Bereaved families often feel guilty in some way for the death: that there was something ‘wrong’ in their family or with their parenting skills. Bereaved people often replay the events over and over again in their heads. There can be a long list of ‘if only’s’: ‘If only I had been home’, ‘If only I had recognised how they were feeling’ and ‘If only I hadn’t said that’. There is a limit to your responsibility: no one is responsible for another person’s decisions or actions.

¹⁴ <http://www.dhhs.tas.gov.au/mentalhealth>

Relief

For families and friends who have been through many years of chronic mental illness with their loved one, there may be feelings of relief. They may feel 'At least now they are at rest' and they may sense freedom from ongoing worry for their loved one. It is okay to feel this way; it does not mean you wished your loved one dead.

Blame

It is common for people to react to a sudden death by looking for someone to blame. Family members bereaved by suicide may blame each other. Initially blame can be a way for some people to make sense of what happened. Try to remember that no one is responsible for another person's decisions or actions.

The StandBy Response Service

StandBy Response Service provides a 24 hour co-ordinated crisis response to assist families, friends and associates who have been bereaved through suicide. The StandBy Response Service provides a reliable, single point of contact co-ordinating existing services to enable an immediate response.

Contact the StandBy Response Service:

Monday to Friday 9am to 5pm

- (03) 6282 1519

To Access the 24-hour Mobile

- 0400 183 490 (South)
- 0439 556 660 (North)
- standby.south@lifelinetasmania.org.au

Should I tell people if it was suicide?

Some people find it difficult to tell others about the cause of death and choose not to do so. Initially this may be easier. However, it may result in experiencing a sense of unease in your relationships with others and may lead to a lack of support. It is helpful to be honest.

Telling the story can be healing. If you avoid the truth it will take extra energy and worry to maintain the lie and this will complicate the grief process. It is also important to be honest when telling children about the death. For a detailed discussion of talking with children about a suicide death go to the section in the Sudden Loss Support Kit on Helping Children with Grief (there is information on where to get a copy below).

What do I say when people ask me about the suicide?

It can be helpful to work out ahead of time what to say to people. You may want to share more with some people than others. If you do not want to discuss it at that time, let them know. You can say something like 'I don't want to go into that at the moment'. It may be better not to discuss the method (the way the person died) in too much detail. Some people are more vulnerable and may be influenced by this.

For information on how to tell children and teenagers about suicide, go to the *Telling Children and Teenagers About Suicide* section of the Sudden Loss Support Kit.

Sudden Loss Support Kit¹⁵

- This is a booklet with lots of advice and contacts to help people dealing with sudden loss. You can get a copy at the coroner's court on request.
- You can also find this booklet online on the Department of Health and Human Services, Mental Health Documents page.¹⁶

The following information sheets can be found on the Tasmanian Department of Health and Human Services web site:

- Suicide Risk and Prevention
- Sudden Loss: Have you suffered the loss of a child?

Information in this section has been reproduced with permission from the Department of Health and Human Services (Tasmanian Government) Sudden Loss Support Kit.



¹⁵ http://www.dhhs.tas.gov.au/__data/assets/pdf_file/0005/47354/DHHS_Sudden_Loss_Kit_Booklet_v3.pdf

¹⁶ http://www.dhhs.tas.gov.au/mentalhealth/suicide_risk_and_prevention

Who can help?

Administrative help

If you have questions about the coronial process or want information about an investigation, please contact the coroner's court.

Financial help and general advice

- The Australian Government web page 'What to do following a death'¹⁷ can help with the following:
 - benefits you may be able to claim after the death of someone close to you
 - insurance policies, funeral plans and Wills
 - who to notify
 - removing someone's name from mailing lists
 - social media accounts
 - financial information services
 - support for you after someone has died
 - other government and community support services.
- If the death occurred as a result of a vehicle crash, you may be able to claim benefits through the Motor Accidents Insurance Board (MAIB). The following information is available on their web site:
 - the complete list of Benefits and Claims¹⁸
 - information on Funeral and Death Benefits.¹⁹

Legal help

Legal advice

The coroner's court cannot give you legal advice. Community Legal Centres and Legal Aid offer *free legal advice* but usually are unable to represent people in court (in an inquest). If you have legal questions, Community Legal Services and Legal Aid advice services are good places to go to get help if you are unable to pay for legal services.

¹⁷ <http://www.humanservices.gov.au/customer/subjects/what-to-do-following-a-death>

¹⁸ <http://www.maib.tas.gov.au/benefits-and-claims/>

¹⁹ <http://www.maib.tas.gov.au/benefits-and-claims/benefits-available/funeral-death-benefits/>

Community Legal Centres:

- Hobart Community Legal Service²⁰
 - Phone: (03) 6223 2500
 - 166 Macquarie Street, Hobart
- Launceston Community Legal Centre²¹
 - Phone: (03) 6334 1577
 - 1/97 York Street, Launceston
- North West Community Legal Centre²²
 - Phone: (03) 6424 8720
 - 62 Stewart Street, Devonport
- Women's Legal Service Tasmania²³
 - Phone - advice line: 1800 682 468
 - Phone - administrative: (03) 6231 9466
- Tasmanian Aboriginal Community Legal Service²⁴
 - Phone: 1800 064 865
 - Suite 402, Level 4, 152 Macquarie Street, Hobart
- Tasmanian Refugee Legal Service²⁵
 - Email: info@rlstas.com
 - Postal address: GPO Box 988, Hobart, Tasmania, 7001

Legal Aid Commission of Tasmania:

- Telephone advice line – 1300 366 611
- Email advice – webquery@legalaid.tas.gov.au

²⁰ <http://www.hobartlegal.org.au/>

²¹ <http://www.lclc.net.au/>

²² <http://www.nwclc.org.au/>

²³ <http://www.womenslegaltas.org.au/>

²⁴ <http://www.legalaid.tas.gov.au/referral-list/listing/tasmanian-aboriginal-community-legal-service>

²⁵ <http://rlstas.com/>

Representation in court

The coroner's court is not able to give you legal advice and assistance. If you want a lawyer to represent you in coronial proceedings (and come to an inquest for you), you will usually need to pay for a private lawyer. The Law Society offers a referral service and they can direct you to a lawyer who knows about coronial matters if you are not sure who to contact. The Law Society also provides a 'pro bono clearing house' (at no cost), which may be able to help people who cannot afford legal advice.

- Law Society referrals²⁶
 - Phone: (03) 6234 4133
 - Email: info@lst.org.au
- Law Society Pro Bono Clearing House²⁷
 - Contact details as listed above.

In some cases, Legal Aid will represent people at an inquest if they cannot afford a private lawyer, and it is useful to note that:

- assistance for an inquest is not normally granted unless there are exceptional circumstances
- if you want to claim that there are exceptional circumstances and you should receive aid, you will need to contact Legal Aid to make an application
- the definition of 'exceptional circumstances' is not set and each application will be considered on a case-by-case basis
- Legal Aid²⁸
 - Hobart: (03) 6236 3800
 - Launceston: (03) 6328 4000.

²⁶ <http://lst.org.au/about/contact-us/>

²⁷ <http://lst.org.au/public-info/pro-bono-clearing-house/>

²⁸ <http://www.legalaid.tas.gov.au/>

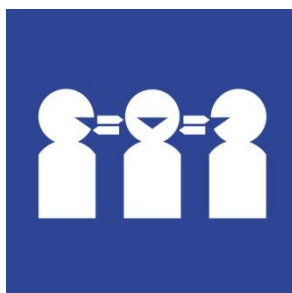
If you need extra assistance

General information for people with diverse needs

- At the coroner's court we are committed to providing equal outcomes for all people regardless of their social or personal attributes.
- If there is something that will help you, please tell us.
- Court staff can help you to fill out court forms.
- Court staff can help you to make applications.
- You can always bring a support person with you, or have a support person contact the court for you.
- If you need help understanding what is happening, please ask us.
- If you need help giving evidence at an inquest, please talk to court staff or ask someone else to contact the court for you.

Interpreters

- If you, or someone you support, need an interpreter to help communicate with the coroner's court, please let us know.
- If the coroner approves it, court staff can arrange an interpreter for you and the court will cover the full cost.
- The court will only use NAATI (National Accreditation Authority for Translators and Interpreters Ltd) accredited / recognised interpreters if there is one available for your language.
- The coroner's court can arrange an interpreter to attend the coroners' office and meet you there to talk about the investigation.
- The coroner's court can also arrange for an interpreter to attend an inquest to help the families to understand the proceedings, or to help a person to give evidence.
- Interpreters can be arranged to translate into Auslan or another form of communication.
- For meetings, client consultations and similar, please contact the Telephone Interpreter Service: 13 14 50.



Translators

- In some cases, it will possible for the coroner's court to get a document translated into another language so that family members can understand it.
- If you want a coronial record translated, please apply to the coroner's court for access to the document using the 'Application to Access Coronial Records' form and let them know that you will need it translated into another language when you apply. The form can be found on the Magistrates Court web site, under Forms²⁹ or you can pick up a copy at the coroners' office.

Assistance for the hearing impaired

- A 'hearing loop' is available in both the Launceston and Hobart Magistrates Court (including the coroner's court). This small adjustable device is connected to an earpiece, which amplifies the court proceedings. If you need access to the hearing loop during an inquest, please ask a court security guard to assist you when you arrive at court.
- Interpreters can be arranged to interpret into Auslan. If you require this service at an inquest, you should contact the court at least a couple of weeks in advance to allow us time to arrange it.

Assistance for those with physical difficulties getting to court

- All Registries of the Magistrates Court (including the coroner's court) are wheelchair accessible.
- If you are unable to attend court due to medical issues, please contact the coroner's court and tell us.
- If you are sent a 'summons' to attend court to be a witness, you will have to come to court unless you make a different arrangement with the coroner's court staff.
- Sometimes it is possible to arrange for people to "attend" court by being on the telephone so that they can speak and hear everything that is happening.
- Sometimes it is even possible to give evidence in court through the telephone, but it is up to the coroner whether it is allowed.

²⁹ <http://www.magistratescourt.tas.gov.au/forms>

Court support - emotional assistance and guidance

Victims Support Service³⁰ for those whose loved ones have been victims of violent crime

- Hobart: (03) 6233 5002
- Launceston: (03) 6336 2581
- Burnie: (03) 6477 7133

Court Support and Liaison Service - Safe at Home³¹ provides support for victims of family violence

- Toll free: 1300 663 773
- Hobart: (03) 6165 7524
- Launceston: (03) 6777 2937
- Burnie: (03) 6477 7133

Salvation Army - Court and Prison Chaplaincy³² emotional and spiritual support through the court process

- Hobart: (03) 6278 8140
- Launceston: (03) 6323 7500

Migrant Resource Centre³³ for migrants who have entered Tasmania in the last five years

- Hobart: (03) 6221 0999
- Launceston: (03) 6332 2211

Aboriginal Court Support Officer³⁴ provides support for Aboriginal Australian victims of family violence in a culturally aware and sensitive manner

- Toll Free: 1300 663 773
- Hobart: (03) 6165 7524
- Launceston: (03) 6777 2939
- Burnie: (03) 6434 7268 or (03) 6477 7133

³⁰ <http://www.justice.tas.gov.au/victims/about/contact>

³¹ <http://www.safeathome.tas.gov.au/services/legal#courtsupportandliaison>

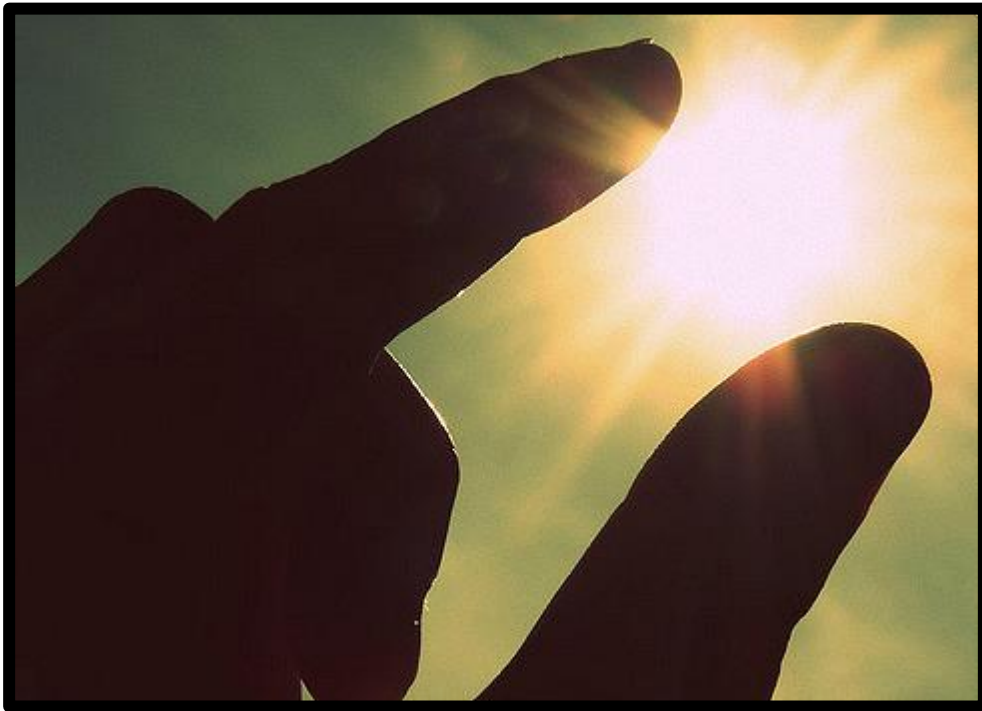
³² <http://www.salvationarmy.org.au/find-help/court-and-prison-services/>

³³ <http://www.mrchobart.org.au/>

³⁴ <http://www.justice.tas.gov.au/victims/about/contact>

Other useful contacts

- Equal Opportunity Tasmania³⁵
- Disability Services³⁶
- Alcohol and Drugs Services³⁷
- Australian Funeral Directors Association³⁸
- Australian Aged Care Quality Agency³⁹
- Health Complaints Commissioner Tasmania.⁴⁰



³⁵ <http://equalopportunity.tas.gov.au/>

³⁶ http://www.dhhs.tas.gov.au/service_information/disability/disability_services

³⁷ http://www.dhhs.tas.gov.au/mentalhealth/alcohol_and_drug

³⁸ <http://www.afda.org.au/>

³⁹ <https://www.aacqa.gov.au/>

⁴⁰ <http://www.healthcomplaints.tas.gov.au/>

The coroner's court and me

What do coroners do?

- Coroners investigate deaths, fires and explosions, helped by police and a team of their own investigators.
- The aim of coronial investigations is to gather as much information as possible, in order to allow the coroner to make the most accurate findings possible. The term “findings” refers to certain facts that the coroner discovers, which are contained in a written decision.
- The coroner examines all the facts and makes findings at the end of their investigation that cover (if possible) exactly what happened and how it happened.
- Because investigations are focussed on getting facts, the coroner may have to wait for medical tests and reports before they can make their findings, and sometimes this takes a long time. If you are concerned about how long an investigation is taking, you are always welcome to call the court for an update and / or an explanation.
- Sometimes coroners hold inquests, which are public hearings where people come to court and answer questions.
- Coroners also make recommendations aimed at preventing other deaths.
- These recommendations can be directed to a wide range of organisations and can cover many different topics. Coronial recommendations have helped to make rules about compulsory pool fencing, wearing life jackets and drink driving, as well as many other things.

What don't coroners do?

- The coroner's court is not like a criminal court, and the coroner cannot punish anyone.
- In their findings, coroners are not permitted to say that someone has committed an indictable offence (a crime).
- If a coroner makes recommendations telling an organisation that they should do something (for example, recommending that a hospital change its diagnostic procedures), the coroner cannot force the organisation to make the changes.
- In some other states such as South Australia and Victoria, the law says that governments have to respond to the coroner's recommendations, but this is not the case in Tasmania.
- Often government departments and other organisations do change their procedures to avoid future deaths.
- It is important that inquests are conducted in public: if a person dies when they are in the care or custody of the government (for example, if they were in prison), the people who may have contributed to the death will have to answer to the public, accounting for what they did and explaining why they did it. This process enhances accountability, transparency and government responsibility.
- Sometimes a coroner will not be able to find the cause of death. There are instances where there is just not enough certainty for a coroner to make a definite statement about what occurred. This is very hard on families who have endured the coronial process only to be told that the coroner does not have all the answers that they seek. Families can be assured that coroners will do everything in their power to provide all the answers that they can and to help them get through this tragedy.

How involved can I be in the process?

- You control your level of involvement. You can choose to simply wait and find out what the outcome is or you can be in regular contact with the coroner's court and ask to be kept informed.
- You can make applications to the coroner's court if you want certain things to happen. For example, you can apply to access coronial documents.
- If there is an inquest (a court hearing), you can attend the inquest in person. It is important to keep in mind that some of the information discussed in court may be upsetting for those close to the person whose death is being investigated. It is up to you to decide if you want to come along. Unless you are a witness giving your evidence, you are able to leave at any time.

- If you are the senior next of kin, you may be more involved in the process. If you would like more information on the role of the senior next of kin, please go to the next section of the guide.

Who / what is the senior next of kin?

The senior next of kin is the person that the coroner's court will usually contact with information and questions about the deceased person. Other family members and friends can also ask to be kept updated.

The senior next of kin is the first available person on this list:

1. The current spouse (which includes the other party to a 'significant relationship' according to the definition in the *Relationships Act 2003*)
2. A son or daughter who is at least 18 years of age
3. A person in a caring relationship (according to s 5 of the *Relationships Act 2003*)
4. A parent
5. A brother or sister who is at least 18 years of age
6. An executor of the will
7. A personal representative.

Note: If the deceased person is Aboriginal, the senior next of kin can also be an 'appropriate person' according to the customs and tradition of the community or group to which the person belonged.

- If you are not sure if you are the senior next of kin, please contact the coroner's court and they will tell you.
- There are four things the senior next of kin has a right to do, which no one else does. In all other ways, being the senior next of kin is just like being a family member who is an 'interested person'.
- The only rights which are exclusive to the senior next of kin under the Act are the rights to:
 - object to an autopsy
 - object to exhumation
 - be notified of the coroner's decision not to hold an inquest
 - request the coroner not hold an inquest into a workplace death.

- The coroner's decision about who is senior next of kin only applies to the coroner's court. It doesn't give that person any legal rights or special status in any other legal proceedings to do with the will, property or anything else.

If you are the senior next of kin:

- The coroner's court will contact you when the deceased person is ready to be collected by a funeral director. The mortuary staff at the hospital will contact the funeral director as well.
- Each time the investigation reaches the point where the senior next of kin has a right to do something, the coroner's court will notify you.
- If the coroner decides to hold an inquest, the coroner's court will write to you and tell you when and where the inquest will be held. They will also tell you the date, time and location of any case management conferences that are being held to organise the inquest.
 - If you have any questions about the inquest, a case management conference is a good place to discuss them.
 - You are allowed to ask questions at the inquest or have a lawyer do this for you.
 - If you have any questions about the inquest process, please contact the coroner's court.
- The coroner's court will send you a copy of the findings once they are prepared.
- The coroner's court may ask you to provide information such as details about the circumstances of the death or medical records for the deceased person.

What if I don't want to be senior next of kin?

You can "delegate" your responsibilities as senior next of kin by asking another person to do it for you. You should send the court a 'statutory declaration' saying this is what you want, signed both by yourself and by the person you choose. Statutory declaration forms can be found on the Magistrates Court web site, under Forms⁴¹ or collected from the Magistrates Court. Coroner's court and Magistrates Court staff can assist you to fill out this form.

What if I think I should be senior next of kin but I'm not?

You can apply to the coroner if you think you should be the senior next of kin. It is important to remember that there are only four rights that the senior next of kin has that other interested persons don't (refer to the list above). To apply, contact the coroner's court. You will be given the opportunity to give the coroner any information you have about why you are the correct

⁴¹ <http://www.magistratescourt.tas.gov.au/forms>

senior next of kin. If the investigation is just beginning and you want to exercise the right to object to the autopsy, you need to contact the coroner's court *right away* by telephone. If it is after hours, you can get in touch with police by calling 131 444. Police will pass on any messages to the coroner's associates; autopsies do not happen on the weekend.

Once the coroner has your information, they will get information from anyone else who says they are the senior next of kin. The coroner will then decide who is the correct senior next of kin. If you don't agree with the coroner's decision you should get legal advice as you may want to apply to the Supreme Court to have the decision reviewed.



There is more information on the role of the senior next of kin in the Tasmanian Coronial Practice Handbook (on the coroner's court section of the Magistrates Court web site), under 'Key Players in the Process: Senior Next of Kin'.

There is more information on how to make an application to the coroner's court or the Supreme Court in the Tasmanian Coronial Practice Handbook, under 'Key Elements in the Process: Applications'.

What is an autopsy?

An autopsy is when a specialist doctor (a pathologist) carefully examines the internal parts of a deceased person's body. If a pathologist takes a blood or other sample from a deceased person, this is also an autopsy. Other procedures such as physically examining a deceased person, reading their medical records and taking photographs of them are not a part of the autopsy.

The aim of any autopsy is to identify the medical cause of death and anything that might have contributed to death. Autopsies can provide a lot of information that cannot be gathered in any other way. All autopsies are conducted in a respectful and dignified manner.

The coroner will decide if an autopsy is necessary. If they make an order, the autopsy will usually happen within 48 hours. Autopsies do not happen on the weekend. If you *are the senior next of kin* and you don't want an autopsy to happen (if you "object"), tell the attending police or the coroner's court *right away*. After business hours you can phone 131 444 to notify a police officer of your objection.

If you object, the coroner's associates will talk to you about the different procedures the pathologist might do so you can explain exactly which procedures you object to. When there is an objection to autopsy, it is taken very seriously. The coroner will consider whether they can get all the information they require without an autopsy. The coroner may decide that an autopsy is not required, that only some procedures are necessary or that a full autopsy must happen.

If you object and the coroner decides that an autopsy is required, the coroners' office will give you a notice. You can then apply to the Supreme Court within 48 hours for an order that the autopsy not go ahead.

Do I need a lawyer?

- It is always up to you whether you seek legal advice.
- The coroner's court is designed to be more accessible than criminal courts, so you may find that you do not need a lawyer.

If you think that you might want or need a lawyer to:

- help you understand the proceedings
- assist with paperwork
- speak for you in court (at an inquest)
- answer legal questions

you can seek advice on this from a Community Legal Service, Legal Aid, or from a private lawyer or law firm (contact details are listed in 'Who can help? - Legal help' at page 22). These people can give you a better idea whether you will need a lawyer or not, and help you to contact one if you want.

When will we be able to have the funeral?

- Until the coroner signs a 'Certificate of Burial' authorising the release of the deceased person, they remain in the custody of the coroner (ss 31 & 32).
- This is just to make sure that the coroner can gather all the information they need to make the most accurate findings about how the person died.
- We understand that it is upsetting for families and friends to have to wait to be able to collect their loved one.
- Because of this, the law says that the coroner must release the deceased person's body 'as soon as reasonably possible'.
- Every effort will be made to ensure that any investigations are carried out quickly and that your loved one is returned for burial / cremation as soon as they can be.

Should I go to the inquest?

- It is always up to you whether you go to the inquest, unless you are sent a summons to be a witness.
- Some people find attending the inquest very helpful. They can hear all the evidence and better understand for themselves the time and effort that has gone into helping to discover the truth about what happened. The inquest can help them to get answers if they have a lot of questions.
- Other people may find attending the inquest upsetting and the level of detail in the evidence too much to bear.
- If you need help making a decision about whether to attend the inquest, then talk it over with friends and family members, coronial court staff, or perhaps a counsellor to help you to decide (refer to 'Who can help?' at page 22).
- Going to a different inquest may help you to understand the process and know what to expect.

I have decided to go to the inquest, what do I need to know?

It can be upsetting to attend an inquest where you will be faced with detailed evidence about the death of someone close to you. You can take a support person with you and you can leave at any time (unless you are giving evidence). Your support person can be a friend or family member, or a professional (refer to 'Who can help?' at page 22).

Make sure you allow extra time to get to court just in case and ask the court staff which room the inquest will be held in so you know where to go. Once you get to court, you will need to go through a metal detector and security check, and then you can go to the courtroom.

If you require an interpreter to assist you or your family at the inquest, please tell the staff at the coroner's court at least a couple of weeks in advance. If the coroner approves the use of an interpreter, the court will pay for an interpreter to attend or be present on the phone. The Magistrates Court (and the coroner's court) is fully wheelchair accessible. If you need any extra help during the inquest process, please contact the coroner's court and let us know.

What to bring:

- any documents you have been asked to provide
- your statement (if you are a witness) - this will also be on the coroner's file, so contact the coroners' office if you do not have a copy and they can send it to you or give it to you in court

- a list of questions you want to ask (if you are speaking at the inquest)
- a support person
- pen and paper (to write down anything that you might want to remember)
- tissues
- something to eat or money for lunch (you cannot take your food and drink into a courtroom, so please be aware of this when you plan your lunch)
- money for parking if you are driving (it may be good to arrange to call someone to pick you up if you are worried the proceedings will be upsetting for you)
- a book, newspaper or something else non-electronic to do when you are waiting.

During the inquest, the coroner will explain the proceedings and check with close family members about any questions they may have.



There is more information about court proceedings, such as the layout of courtrooms and court etiquette, in the Tasmanian Coronial Practice Handbook (on the coroner's court section of the Magistrates Court web site), under 'Key Elements in the Process: Court proceedings – general information'.

There is more information on inquests (such as what an inquest is and how inquests are held) in the Tasmanian Coronial Practice Handbook, under 'Key Elements in the Process: Inquests'.

I'm a witness at the inquest, what does this mean?

Witnesses are people who attend formal court hearings and tell the court anything that they know that is relevant to the hearing. A person will ask you a question and you then answer them, and this process is known as 'giving evidence'. In most cases, the questions will be based on written statements that you have already made to police. Nothing new will be discussed, but you might be asked to give more details about the events in your statement.

Giving evidence in court can be stressful. The courtroom and building are very formal and may be an unfamiliar environment. The subject matter of an inquest (usually a sudden death) is upsetting. No one expects you to be relaxed and at your best. If you need a minute to have a breath or a glass of water, or if you need a tissue, please say something. It is our role to make the experience of giving evidence as easy for you as we can.

As a witness, you will provide valuable information to help the coroner to make the most accurate and useful findings that they can. Your help is greatly appreciated.



If you are a person with complex communication needs, please contact the coroners' office for assistance. There is also more information on some of the ways the court can accommodate your needs in the Tasmanian Coronial Practice Handbook (on the coroner's court section of the Magistrates Court web site), under 'Key Players in the Process: Witnesses – witnesses with disability' and 'Key Players in the Process: Witnesses – witnesses with complex communication needs'. People with complex communication needs can include people with disability, people whose first language is not English, people under the age of 18 and people suffering from a mental illness.

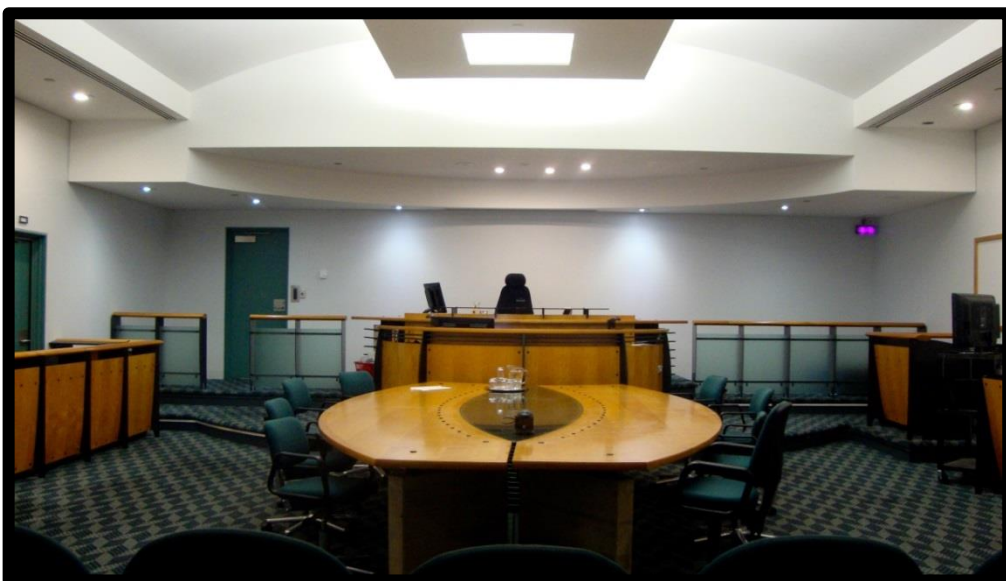
Before court

- First you will be sent a summons, which is a document that requires you to come to court and 'give evidence' on the date and time specified. If someone other than the coroner is calling you to give evidence, then you may be simply asked to attend instead of being sent a summons.
- If you are *sent a summons* and you cannot come to court on that day, you must contact the coroner's court as soon as possible to explain - this is because you are legally required to come to court. It is possible for the coroner to issue a warrant for people who are summonsed and do not attend court, and if this happens they can be arrested and taken to court.
- If you are called as a witness, you may be recognised by the court as an 'interested person'. If you are an interested person, then you may ask a lawyer to represent you in court. If you are not sure whether you are an interested person, you can call the coroner's court to ask them if you are an interested person, or to make an application to be an interested person.
- If coming to court will cost you money in lost wages or salary, travel or accommodation please contact the coroner's court who can assist you in making a claim for expenses.
- If you have any special needs attending court or need assistance (such as an interpreter, or use of the 'hearing loop' which is a court hearing aid) then please contact the coroner's court and let them know as soon as possible. All Magistrates Courts in Tasmania are wheelchair accessible.
- You can bring a support person to court with you (they can be a friend, family member or a professional – go to 'Who can help?' at page 22).

At court

- You are welcome to wait in the courtroom or outside the courtroom until you are called to give your oral evidence. If you choose to wait outside the courtroom, make sure that the counsel assisting knows that you are there.
- If you have a support person, they can wait with you and then sit in the back of the court while you are giving your evidence.

- You will be called into court by name and directed to the ‘witness box’, where you can sit and give your evidence. It is customary to give a small bow / nod to the coroner when you enter the courtroom.
- You will be asked to take an affirmation or swear an oath on the Bible (the Qur’an and Torah are also available for oaths if the request is made to the court clerk in advance). Both the affirmation and the oath are promises to tell the truth. An oath is religious, where you swear by God to tell the truth. An affirmation is non-religious and you “affirm” that you will tell the truth.
- Your promise to tell the truth is a serious undertaking. It is possible for criminal charges to be laid against you if you are found to have lied in court.
- You will be asked questions about your statement/s by the counsel assisting, the coroner, lawyers and perhaps also by interested persons.
- Answer clearly and without rushing, to the best of your knowledge and memory. The coroner will probably make notes as you talk.
- If you speak to the coroner directly, please refer to them as ‘Your Honour’.
- If you do not know or remember something, it is fine to say you do not know or remember.
- You may have been asked to bring items or documents with you, or to supply them in advance. These items or documents may be shown to you during your evidence so that you can tell the court what they are and answer any questions about them.
- If all your evidence cannot be given in one sitting, you may be asked to return to finish it at a particular time on the same day, or on another day or days.



After court

- Once you have finished giving your evidence, you are allowed to stay in the courtroom and listen to the proceedings if you like.
- You are welcome to leave as soon as you have given your evidence if you prefer.
- Please let the coroner's court know if you would like to be told when the findings are ready.
- Evidence you give in an inquest cannot be used against you later in a criminal / civil proceeding, except if you are prosecuted for perjury (perjury is lying when you give your evidence, Act s 54).



If you want more information on the risks and possible consequences of giving evidence at an inquest, please seek legal advice. For a list of legal services, please go to 'Who can help? - Legal help' at page 22.

How long will this take?

Coronial investigations take months or sometimes years to be finalised. The coroner has to wait for expert reports to be written, medical tests to be conducted and all the evidence to be gathered. The more complex the matter is, the longer the investigation will take and the more likely it is that there will be an inquest. In a case where there is an inquest, witnesses must be arranged, court time has to be allocated and lawyers need time to look at all the evidence.

We understand that waiting is very hard for families and friends, especially when you do not know what happened to your loved one or cannot find out if their death could have been avoided. The coroner will work hard to get answers for you as soon as they are able. The coroner cannot issue any 'preliminary' or 'draft' reports. They can only hand down their findings once they have had time to consider all the evidence and make sure that everything has been done.

Equity and diversity

The coroner's court is committed to providing equal access to justice to all members of society. We are committed to providing a service free from discrimination, which respects all people equally regardless of age, sex, sexuality, gender identity, ethnicity, religious belief or any other social or personal attribute. If there is something we can do to help you participate equally in the coronial process, please let us know.

The coroner's court is a division of the Magistrates Court of Tasmania, which is in turn a part of the Department of Justice of the Tasmanian Government. The Magistrates Court 'Code of Ethics of the Non-judicial Officers of the Magistrates Court of Tasmania' covers all our

professional conduct and requires impartiality, personal integrity and prohibits harassment (including of a sexual, verbal, physical or psychological nature).



For more information, refer to the Code of Ethics of the Non-judicial Officers of the Magistrates Court of Tasmania (which is available on the Magistrates Court web site) and State Service Code of Conduct for Tasmania.⁴²

Feedback

If you wish to provide positive or negative feedback on the coroner's court please send it to us at Coroners.Hbt@justice.tas.gov.au, or write us a letter or call us. You can also send your feedback to the Department of Justice⁴³ or complain to the Ombudsman⁴⁴ if you prefer.



⁴² http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=85%2B%2B2000%2BGS9%40EN%2B20160906000000;histon=;pdfauthverid=;prompt=;rec=;rtfauthverid=;term=;webauthverid=

⁴³ <http://www.justice.tas.gov.au/contact>

⁴⁴ <http://www.ombudsman.tas.gov.au/>

Practical matters

Identification of the deceased person

A deceased person can be identified by any person who knew them in life. In some cases, a family member or friend will be asked to identify the deceased person for the coroner.



For more information, please go to 'The first 24 hours' at page 13.

Viewing and touching the deceased person

If you agree to identify the deceased person, then you will look at them very early in the investigation. At this point, a police officer will go with you and you will not be allowed to touch the deceased person.

After the initial part of the investigation, you can arrange with the funeral home to view the deceased person for the first time or again.

For some people it is a very important part of the grieving process to view or touch their deceased loved one. Others do not wish to do so. Both are perfectly normal and understandable responses to the shock of sudden death.

- It is recommended that all viewings are arranged with the funeral home. At a funeral home you will not be rushed. You can take support people with you and spend your time with the deceased person in soothing surroundings. The way people look changes after death and funeral homes are able to provide cosmetic services that can make viewing the deceased person more comforting.
- In special cases, the coroners' office may authorise a viewing of the deceased person before they are released from the Royal Hobart Hospital or the Launceston General Hospital.
- If you are viewing the deceased person at the hospital, it is important to remember that mortuaries cannot provide the kinds of cosmetic services that funeral homes can to make the deceased person look more life-like.
- If the coroner has not yet made an order releasing the deceased person, then you might not be able to touch them as evidence may still be being gathered.
- If there are health risks involved in touching the deceased person, you may not be able to touch them.

Funeral arrangements

- It is usual for the deceased person to be released to the funeral director who has been contracted by the senior next of kin.
- The law which includes who the deceased person is released to is known as probate law and the coroner does not control this. If there is a dispute about who the deceased person should be released to, you will need to apply to the Supreme Court.
- You are welcome to start making funeral arrangements as soon as you want, but it may be better not to set a date for the funeral until you are notified that the deceased person is ready to be released (either by the coroner's court or by your funeral director).
- You can choose any funeral director you like and arrange a service that you feel is most suited to you and your family. It is a good idea to contact a funeral director early on, let them know that the coroner is involved and ask them what services they provide.
- A contract to provide a funeral is usually a contract between the funeral director and the senior next of kin, or an available responsible person. By signing a contract with a funeral director you are undertaking responsibility for the funeral expenses. If you wish for the funeral account to be sent to a solicitor, for others to contribute to the funeral, or if you are not sure if you can cover the full cost, you should seek some legal advice before signing an agreement.
- The coroner's court is not able to recommend a funeral director for you to use. Information and contact details for funeral directors in Tasmania can be found here:
 - Australian Funeral Directors Association web site⁴⁵
 - Yellow pages – Funeral Directors.⁴⁶
- There is often a fee involved when the deceased person has to be transported from the mortuary to a funeral home that is a long way from the mortuary.
- If you want advice on how to arrange for the deceased person to be moved to another state or country for burial or cremation, please seek legal advice.

The Department of Health and Human Services manages an Essential Care Funeral Policy to reduce any risks to public health. The Policy provides for a publicly funded direct committal (a cremation without a service), where the deceased person has not been claimed because they don't have enough money in their estate to pay for burial / cremation and either:

- there is no one willing to claim the body **or**
- their relatives are unable to claim the body because they cannot pay for burial / cremation.

⁴⁵ <http://www.afda.org.au>

⁴⁶ <http://www.yellowpages.com.au/see/funeral-directors-category>

The Policy is not an assistance package for low-income earners and can only be used when a deceased person is not claimed. A deceased person is “claimed” when a relative takes responsibility for them and starts to organise a funeral. At the time of publishing this guide this Policy is under review, so the rules may change in the future.



For organisations that provide free legal advice, please go to ‘Who can help? - Legal help’ at page 22.

Access to documents

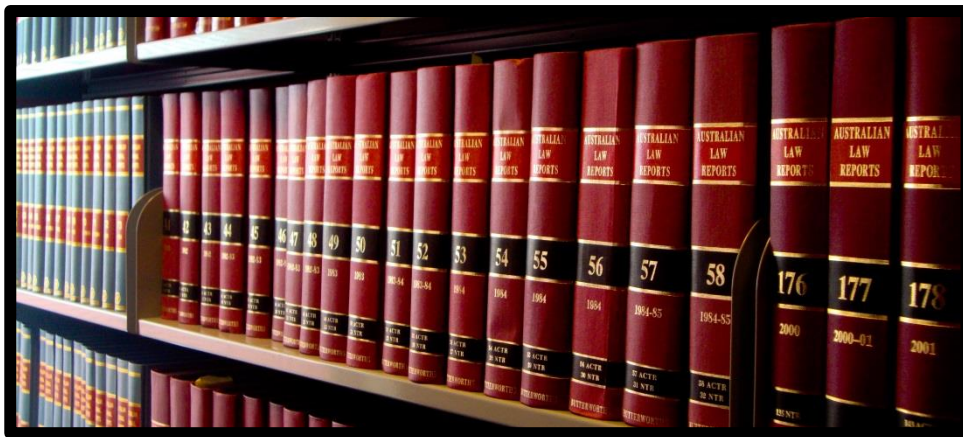
Access to coronial documents

If you want to access any of the documents on the coronial file, you can make an application using an online or paper form. You can find the online form ‘Application to Access Coronial Records’ on the Magistrates Court web site, under Forms. Paper forms are available at the coroner’s court.

Useful notes for accessing documents:

- Any person can make an application to view, access, or receive a copy of a coronial record.
- A *coronial record* includes any document on the court file, and any oral evidence or recordings of the inquest if there has been one.
- The coroner will only give you access to documents if you have a good reason for wanting to read them. This is to protect the privacy of the people involved, including family members.
- Sometimes it is not possible to give access to certain documents during an active investigation.
- If you need an interpreter (or a translation) to assist you to understand a document, please tell the staff at the coroners’ office and write or have someone help you write that in your application. If the coroner grants you access to documents and approves the use of the interpreter, the court will pay their costs.
- The coroner’s court does not provide Death Certificates. If you want a copy of a Death Certificate, you can contact Service Tasmania (refer to ‘Death Certificates’ at page 45 for more information).
- Usually only lawyers can take away copies of coronial documents.
- If you want a copy of a coronial document or a recording of an inquest, you will need to pay a fee.

- In the case of post mortem reports, the coroner will send the copy to a doctor so that the doctor can explain all the medical terms used. The person requesting access to the report gets to choose which doctor they want to use.
- Once you make an application, the coroner will be shown your application and then decide whether to give you access using rule 26 of the *Coroners Rules 2006*.
- It might be upsetting to read some of the documents on the file, especially if you learn things about the death that you did not know beforehand. It might be a good idea to take a support person with you or to arrange to talk to a counsellor afterwards to 'debrief'. You will not see any photographs unless you ask for them.



The post mortem report / Provisional Cause of Death

Within 24 hours of the post mortem examinations, the pathologist will provide the coroner's court with a 'Provisional Cause of Death'. This information is then provided to the senior next of kin.

Once the full post mortem report is prepared, family members or close friends may request to have the document sent to a general practitioner (GP) or other medical practitioner of their choice. This allows a medical professional to explain the medical terminology used by pathologists to families / friends. Medical practitioners also have free access to interpreting services, if you need an interpreter to help you understand the post mortem report.

A full post mortem report may take many months to finalise if scientific (toxicological) testing and medical research is also required.

Coroners' findings

Coroners' findings are sent out to the senior next of kin as soon as they are finalised. Other parties will need to apply to the coroner's court if they want a copy. Please go to 'Access to coronial documents' at page 43 for information about making an application. All findings relating to inquests are published, and some findings relating to investigations only are also published. You can find published findings on the coroner's court section of the Magistrates Court web site, under Coronial Findings.⁴⁷

Death Certificates

You can get a copy of the Death Certificate from Service Tasmania for a fee. If you have contacted a funeral director, then they may get a copy of the certificate for you so always check with them before you pay to get a copy yourself.

- Information on how to find the Service Tasmania shop closest to you⁴⁸ and on how to apply for a Death Certificate⁴⁹ is available online, or you can phone Service Tasmania and ask.
- Service Tasmania: 1300 135 513
- You may only be able to get an 'interim death certificate' while the coronial investigation is still going. This certificate may not be accepted by banks and other organisations, so check whether they will accept it before you apply.
- If you do get an interim death certificate, it will say 'incomplete registration – cause of death subject to coronial inquiry'. Once the coronial investigation is finished, Births, Death and Marriages can swap the interim death certificate for a standard Death Certificate.

Items taken by police

There are two types of items taken by police for a coronial investigation: (a) items taken for safekeeping and (b) items taken as evidence.

All such items taken by police are held at the 'police property store' at the relevant police station (usually Hobart or Launceston). If the police take items for *safekeeping* (for example, a deceased person's wallet or keys) these can be returned to families and friends very quickly. Sometimes items such as clothing may be disposed of if they are soiled, damaged or wet, or if occupational health and safety could be negatively affected. If the police take something as *evidence* for the investigation, it stays in the custody of the coroner until their findings are complete.

⁴⁷ http://www.magistratescourt.tas.gov.au/about_us/coroners/coronial_findings

⁴⁸ <http://www.service.tas.gov.au/about/shops/>

⁴⁹ <http://www.justice.tas.gov.au/bdm/deaths/applyforcertificate>

In some situations, the coroner can make orders allowing *evidence* to be returned to its owner before the findings are finished. Unless an order like this is made, all evidence has to stay with the police. If the coroner does make an order returning evidence (an order for ‘care and control’), then any item returned cannot be modified or sold until the investigation is finished. For example, if a laptop is returned to you this way, you cannot lend it to someone else or delete files from it.

Once the findings are handed down, the coroner will usually release any evidence taken by police to the senior next of kin. If the evidence is something given to the coroner by a particular person or group for the investigation, it will be returned to that person or group. Unclaimed property is kept for a reasonable time and then disposed of by police. If there is a dispute about who something belongs to, any person can make an application to the coroner to have an item returned to them.



You can find more information on the different types of evidence at inquests in the Tasmanian Coronial Practice Handbook (on the coroner’s court section of the Magistrates Court web site), under ‘Key Elements in the Process: Evidence’.

You can find more information on how to make an application in the Tasmanian Coronial Practice Handbook, under ‘Key Elements in the Process: Applications’ or you can contact the coroner’s court.

Wills and estates

If you have questions about the will or about the estate of the deceased person, please contact the Executor of the will, or seek legal advice.

If there is a dispute about the ownership of valuables or personal items belonging to the deceased, you will need to contact the Executor of the will or seek legal advice.

If there is no will it is recommended that you seek legal advice, or alternately you may contact the Public Trustee for assistance.⁵⁰



For organisations that provide free legal advice, please go to ‘Who can help? - Legal help’ at page 22.

The following web site provides useful information: What to do following a death.⁵¹

⁵⁰ <http://www.publictrustee.tas.gov.au/>

⁵¹ <http://www.humanservices.gov.au/customer/subjects/what-do-following-death#a2>

Access to the scene where death (or a fire or an explosion) occurred

Public place

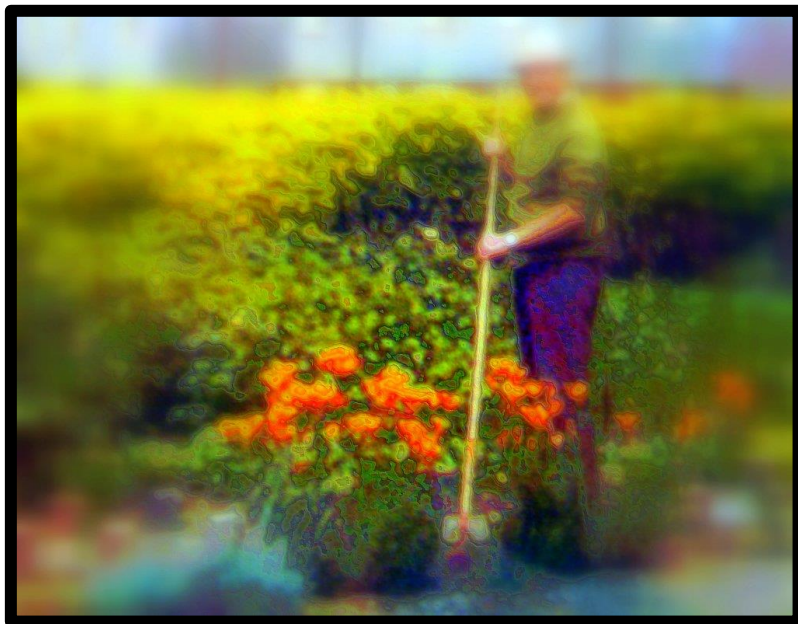
If you wish to access a public place, you can attend at any time unless police or the coroner are still conducting investigations at the scene. If the scene is still an active part of the investigation, the police will not let people in until they have gathered all the evidence and made sure everything is safe for the public. You can ask the staff at the coroner's court to notify you once access to the scene is open.

Private place

If the scene you wish to access is a private residence, building or on private property then there are two considerations. First, you need to ensure that access to the scene is not restricted (refer to 'public place' above). Second, you will need to seek permission from the owner of the property, or the person leasing the premises if they are being rented. If you are able to contact owner or lessee directly, then you are welcome to do that. If you are unsure who owns the premises, you can contact the coroner's court and ask them to seek permission for you.



You can find information on how to make an application to access a restricted scene, in the Tasmanian Coronial Practice Handbook (on the coroner's court section of the Magistrates Court web site), under 'Key Elements in the Process: Applications'.



How can I give information to the coroner?

In an investigation

If the coroner is holding an investigation, it is their duty to locate as much information as they can to enable them to make accurate findings.

If you have relevant information that will assist the coroner in the investigation process, please send it to the coroners' office. You can write the information down in an affidavit or a statutory declaration (available on the Magistrates Court web site, under Forms⁵²) and send it to the coroners' office. Please also send a letter that gives your contact details, states your relationship to the deceased person and explains why you think that the information is important to the investigation. If you are unsure about how to fill out the affidavit or statutory declaration form, the staff at the coroner's court or the Magistrates Court can assist you.

You are also able to:

- provide a document explaining how the loss of the deceased person has affected you and your family
- provide the name and contact details of anyone that you think the coroner's court should contact about the matter
- send any reports, documents or other evidence to the coroners' office for the coroner to consider.

In an inquest

Families have an important role in an inquest. They can provide valuable information about the circumstances of the death or the deceased person's medical history. They provide insight into who the deceased person was, giving the inquest another layer of meaning. Families and friends can be directly involved in inquests in a number of ways:

- by keeping in contact with the coroner's court (to know what is happening)
- by sending information / suggested recommendations / prepared statements to the coroner
- by attending the inquest and watching the proceedings.

⁵² <http://www.magistratescourt.tas.gov.au/forms>

If you are the senior next of kin or if you are an interested person, you will have the opportunity to be more involved in the inquest process:

- You can have a lawyer speak for you at the inquest (and ask questions, cross-examine witnesses, tender evidence and make submissions).
- If you cannot hire a lawyer or do not want to, you can speak in court for yourself. You can also make an application before the inquest to have a person who is not a lawyer speak for you.
- There are often many matters to organise before an inquest. The coroner will usually have a case management conference before the inquest to talk about any issues that might come up at the inquest or that need to be organised beforehand. Families, lawyers and some professionals will be invited to come to the conference.
- You may want to have input into what issues should be raised at the inquest or which witnesses should be called. These matters will be discussed at a case management conference.
- Interested persons have the right to call witnesses to give evidence at inquests but the coroner has the final say on which witnesses will talk at the inquest.
- Only the coroner has the power to “summons” a witness to court, which is a legal order that means they have to attend or risk being arrested. Because only the coroner can use this power, if you want someone to give evidence it is better to ask the coroner to summons them than to call them yourself. To make this request to the coroner, write to the coroners’ office or raise the matter at a case management conference.
- You are welcome to call or write to the coroner’s court prior to the inquest to make any suggestions or to provide any information. If you do write to the court, please include your contact details, your relationship to the deceased person and why you think that the information is important to the investigation.



How to give oral evidence

Oral evidence is telling the coroner in court about what happened and answering questions, usually based on a written statement or affidavit.



For more information on the court process and what to expect if you are giving evidence, please go to ‘The coroner’s court and me – I’m a witness at the inquest, what does this mean?’ at page 36.

You can find information on how to question a witness in court in the Tasmanian Coronial Practice Handbook (on the coroner’s court section of the Magistrates Court web site), under ‘Key Elements in the Process: Representing an interested person at an inquest’.

How to give evidence in a statutory declaration or an affidavit

Under rule 19, the coroner has the power to accept evidence given by deposition or affidavit. It may be possible to give your evidence to the court by writing down what you wish to say in these documents, instead of by giving oral evidence in court. Coroners usually prefer oral evidence because it allows the person giving the evidence to be questioned, so that the details in their statement can be explored. A coroner may still allow evidence to be given in deposition or affidavit form if the evidence is not in dispute. If you want to give your evidence this way, please write a letter explaining why you wish to give your evidence in this way and discuss it with the coroners’ office staff.

How to tender a document in court

To “tender” a document is to present it in court so that the coroner can decide if it should be included in the official evidence (“admitted”). In court, the counsel assisting or coroner’s associate will tender the documents on the coronial record for the coroner to consider.

If you have a document that contains relevant information on a matter before the coroner, please post or email it to the coroner’s court before the inquest. Documents can include medical records, financial records, reports, guidelines, regulations or any other record. Sometimes parties may want to provide an expert report to the court that they have sourced and paid for themselves.

Depending on your role in the investigation, you might be able to tender the document yourself at the inquest instead of sending it to the court beforehand. If you are permitted to tender documents at the inquest, the best way to do this is to hand them to the counsel assisting or coroner’s associate and explain what they are and why they are important. The coroner will then decide if the document will be a part of the official evidence. It is always better to show the document to court staff some time before the inquest so that the coroner does not see the document for the first time in the middle of the inquest.

How to call a witness

Only interested persons can call witnesses to attend court. To find out if you are an interested person, please contact the coroner's court.

To call a witness to attend court, you should write down the place, date and time when you want the witness to attend court and give this notice to the witness. The notice should be given to the witness in person, or left at their house. It is always best to hand the notice to the witness, or arrange for someone else to do this, if possible.

How to tender a physical exhibit

If you are an interested person, you can tender a physical exhibit (such as a photograph or a piece of clothing) in the same way as you would a document.

The counsel assisting the coroner or coroner's associate will tender all of the physical exhibits on the coronial file and also any that have been kept at the police station. Interested persons are usually able to view these items before the inquest and can ask questions about them in court.



Other useful information

Fees

Please note that some of the applications / requests you make to the coroner's court will involve the payment of a fee.

If you are unable to pay the fee, you may apply to the coroner to "waive" some or all of the fee so that you do not have to pay, or you pay less. To request that a fee be waived, you will need to write to the coroner's court and provide all relevant information on the application, your financial situation and your ability to pay.

A copy of the coroner's findings will automatically be sent to the senior next of kin at no cost.

The current fees for the coroner's court are located on the Magistrates Court web site, under Fees.⁵³

As at the time of publication (July 2016 – July 2017):

Fee for a copy of any other document relating to an investigation or inquest (each page)	1.53
Fee for a copy of coroner's findings (each page)	1.53
Fee for a copy of post mortem report (each page)	1.53
Fee for a copy of any other document relating to an investigation or inquest (each page)	1.53
Transcript (each page)	
(a) if the Court does not require a transcript	3.06
(b) if the Court does require a transcript	1.53
Fee for a copy of audio recording of proceedings (each disc or tape)	30.60

Other fees relating to the coroner's court can be found in the *Coroners (Fees, Expenses and Allowances) Regulations 2016* on the Tasmanian Legislation web site.⁵⁴

⁵³ <http://www.magistratescourt.tas.gov.au/fees>

⁵⁴ <http://www.thelaw.tas.gov.au/index.w3p>

Forms

All forms used by the Magistrates Court and the coroner's court can be located on the Magistrates Court web site, under Forms.⁵⁵ These include:

- statutory declaration form
- video link booking form
- witness expenses form
- coroner's court forms.

All forms used by the Supreme Court of Tasmania can be located on the Supreme Court web site, under Supreme Court Forms List.⁵⁶

Glossary

adjourn

to postpone a court hearing to another time or day

affidavit

a written statement where the contents are sworn or affirmed to be true. It is used in court as evidence

affidavit of service

a document provided by process server after they have successfully served documents to someone. This affidavit is signed by the server and details the time, date, manner of service, identity of the person served and other details of the job. If a party in the case claims to not have been notified of pending legal action, the affidavit of service can be presented to prove otherwise.

appeal

the review of the decision of a lower court by a higher court. If an appeal is successful, the higher court can change the lower court's decision

applicant

a person applying for a court order

autopsy

an internal examination of the body of a deceased person or any process which involves taking samples from the inside of the body

⁵⁵ <http://www.magistratescourt.tas.gov.au/forms>

⁵⁶ http://www.supremecourt.tas.gov.au/practice_and_procedure/forms/sc_forms_1-20

bail

a procedure that allows you to stay out of police custody or prison until the time you return to court on the charges you're accused of

charge

a statement that gives the details of a crime an accused person is claimed to have committed

consent

to agree to or approve something

coroner

a judicial officer presiding over the Coronial Division of the Magistrates Court. Coroners investigate reportable deaths as well as certain fires and explosions

court order

a direction issued by a Magistrate requiring a person or organisation to do or not do something. An order may be either interim or final

determination

a decision

ex parte decision

a decision made by the Magistrate if you did not appear in court

final order

is made after a magistrate hears the application. Final orders may be consented to by both parties or a magistrate can decide the orders that should be made. A final order will be in place for such period of time as consented to or ordered. This is usually 12 months, but can be longer.

inquest

a formal hearing conducted in court by a coroner, to establish how a person died and the cause of their death. Inquests are sometimes held to establish the cause and origin of a fire or explosion

jurisdiction

the power of a State to legislate and enforce its laws, the legal power of a court to make orders

oath / affirmation

a promise to tell the truth in court. An oath has religious significance and an affirmation does not

party

a person or organisation directly involved in a court case, including a person or organisation that has brought the case before a court or who is defending claims made against them

post mortem

meaning 'after death', used to describe any examination of a deceased person by a qualified pathologist, and also to describe the report written by the pathologist after they have finished their examinations (the post mortem report)

process server

process server principal job is to deliver or "serve" legal documents to a defendant or person involved in a court case

respondent

a person against whom the court order is made

service

the process of sending or giving court documents to a party after they have been filed, in accordance with the rules of court. Service ensures that all parties have received the documents filed with a court.

summons

a formal document issued by a court which says someone must appear in court on the date stated in the document

witness

a person who has information (called "evidence") which may be useful in the proceedings of a case being heard in a court. Giving evidence is also sometimes referred to as "testifying"

Other useful legal interpretations can be found on the Tasmanian Legislation web site in section 3 of the *Coroners Act 1995* and rule 3 of the *Coroners Rules 2006*.

Legislation

The main legislative framework for the coroner's court is found in the following Tasmanian legislation:

- *Coroners Act 1995* (Tas)
- *Coroners Rules 2006* (Tas)
- *Coroners (fees, expenses and allowances) Regulations 2016* (Tas).

Note: the *Coroners Regulations 1996* and *2006* have been repealed.

Acknowledgements

The preparation of this guide has involved the collaboration of many contributors and stakeholders. In particular, we would like to thank:

- The Law Foundation (Law Society of Tasmania) for providing a generous grant to enable the production of the Tasmanian Coronial Practice Handbook, from which this guide was extracted
- project sponsor and Chief Coroner, Coroner Olivia McTaggart
- project manager and manager of the Coronial Division, Mr Victor Stojcevski
- project officer and author of the guide, Mrs Marion Clarke
- the coroners of the coroner's court: Coroner Simon Cooper, Coroner Rod Chandler and Coroner Duncan Fairley
- the members of the Steering Committee: Dr Christopher Lawrence, Professor Elaine Stratford, Mr David Barclay, Ms Allison Shand, Sgt Justin Lawson & First Class Const Kathryn Luck for their invaluable guidance and expertise
- the patient staff of the Coronial Division, for providing insight and information regarding the day-to-day functions of the court
- the State Coroner of Queensland, Mr Terry Ryan, and his staff for permitting the use of their excellent materials in this guide
- coronial courts across the country, for providing reference materials
- the members of the Stakeholder Consultation Group; including medical, legal, government and community bodies, for their assistance in tailoring this information to be of the greatest assistance to the most people.

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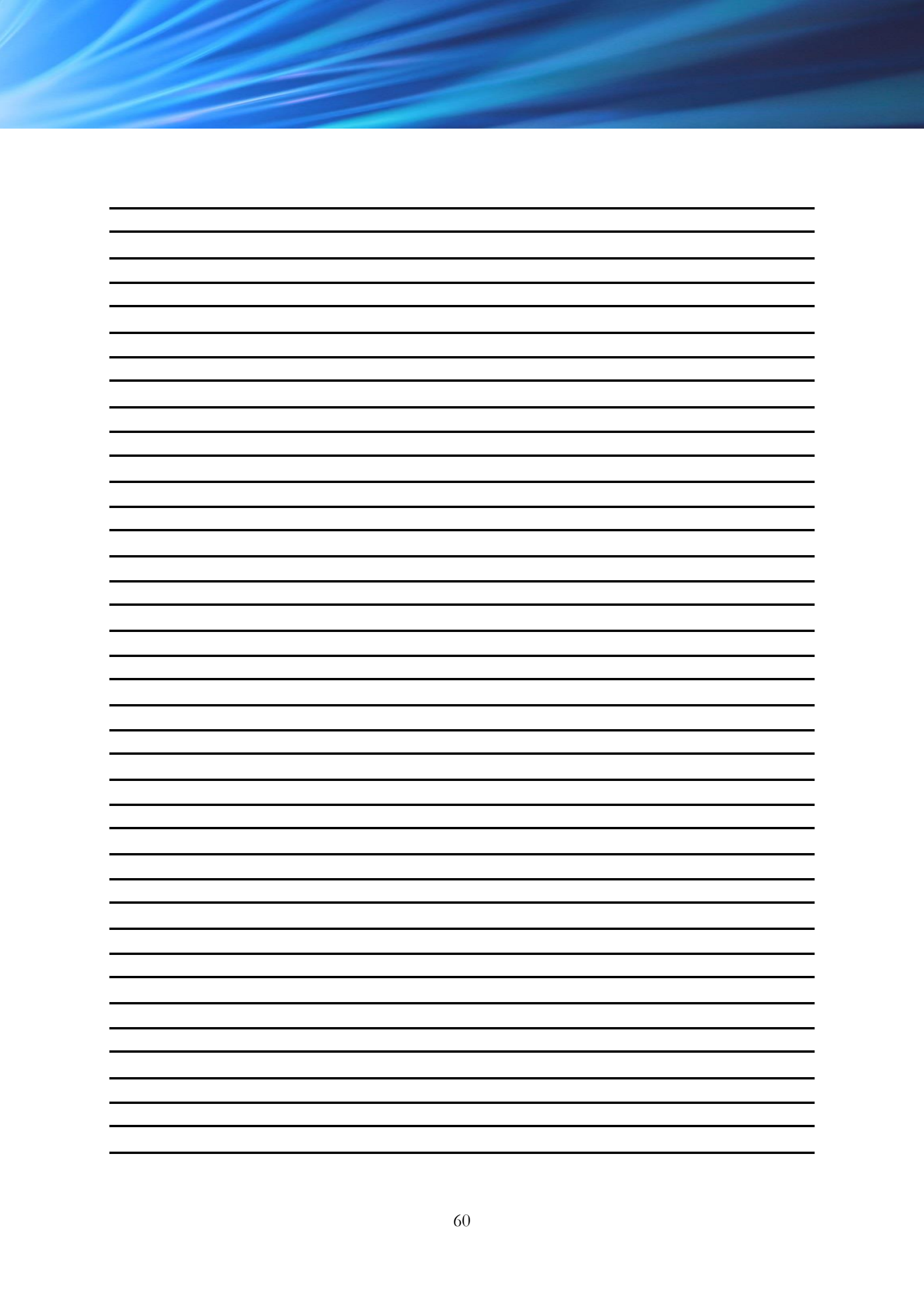
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