

WHAT IS AN INQUEST?

What is a Coronial inquest?

At an inquest the Coroner's job is to work out how someone passed away.

The Coroner does this by listening to people tell their stories and by reading documents and looking at other evidence, like videos and pictures.

Most of the inquest happens in a courtroom.

During an inquest the Coroner will listen to evidence about things like:

- What happened when your loved one passed away.
- What caused them to pass away.
- What happened before and after they passed away.
- Whether there might have been bigger issues that led to their passing. For example:
 - Issues with the hospital or health clinic
 - Issues with the police
 - Other issues in the community

The Coroner will be thinking about whether there can be some changes to make sure that this does not happen again.

What can and can't the Coroner do at the end of the Inquest?

At the end of the inquest the Coroner will write a report.

In the report:

- The Coroner will say what she thinks happened. For example, she will say when your loved one passed away, what caused them to pass away, and whether there were any bigger issues or problems that led to their passing. This part of the report is called the Coroner's "**findings**".
- The Coroner can tell other groups (including the Government, Police, Health) if there are things that the Coroner thinks should change to make things better. This part of the report is called the Coroner's "**recommendations**". She can't force people to do what she recommends, but what she says is taken very seriously. There have been inquests that have made really good changes, which mean community is safer.

The end of an inquest is different to the end of a criminal trial.

At the end of a criminal trial, the jury decides if a person is guilty or not guilty. That is the only thing the jury is allowed to think about. If the jury says the person is guilty, then the Judge punishes the guilty person.

At the end of an inquest, the Coroner is not allowed to decide whether ANY person is guilty or not guilty. The Coroner is not allowed to punish people for things that happened in the past. The Coroner's job is to try to make sure that the same things don't happen in the future.

What is the reason for having a Coronial Inquest?

There are two big reasons to have an inquest:

- The **first reason** to have an inquest is that it allows the full truth to be told about how a person passed away. Because the Coroner needs to think about bigger issues that might be related to the death, the Coroner can hear more evidence than could be heard in a criminal trial and can listen to more witnesses.
- The **second reason** to have an inquest is to try to make sure that in the future people don't pass away in the same way again.

What kinds of issues will the Coroner look at in an Inquest?

The Coroner looks at a big list of things in an inquest but that will change for every inquest because the problems are different. The kinds of things the Coroner will look at will depend on how and where the person passed away.

Some types of things might be:

- If the person passed away in a hospital or clinic, the Coroner might look at the treatment and care that was given by the Doctors and nurses before they died.
- If the person passed away in prison, the Coroner will look at what happened to them in prison and how they were looked after.

The Coroner will be trying to find out what the family and the community are worried about. And what the family thinks needs to change.

Who is the Coroner?

The Coroner's name is Elisabeth Armitage. She is a judge of the Local Court of the Northern Territory as well as the Coroner.

The Coroner has lived and worked in the Northern Territory for more than 20 years. She has done lots of work in indigenous communities, including Warlpiri communities like Lajamanu. She has been the judge in communities like Angurugu and Umbakumba, on Groote Eylandt, and for Numbulwar.

The Coroner is neutral, like an umpire. She isn't on anyone's side. The Coroner must listen to all of the evidence and all of the submissions by all the lawyers. When she has listened to all of the evidence and the submissions she must decide what happened in a fair and independent way.

In the lead up to the inquest, during the inquest, the Coroner will make sure enough evidence is heard to get the full story. The Coroner can also decide how that evidence can be shared with her so that everyone that needs to share their story can do so safely.

Who else is working on the inquest?

Counsel Assisting

The 'counsel assisting' are lawyers who help the Coroner. Like the Coroner, counsel assisting are neutral. They are not on anyone's side.

Counsel assisting's job is to help the Coroner. For example, counsel assisting:

- Work out who wants to tell their story to the Coroner.
- Ask most of the questions of witnesses in Court at the inquest.
- Talk in court about what happened and what recommendations should be.
- An important part of counsel assisting's job is to talk to people in the community, and all of the lawyers for the other parties, to encourage them to work together.

The parties and their lawyers

"The parties" are people or groups or organisations who are allowed to question witnesses or talk to the Coroner at the inquest, through their lawyers.

They are allowed to do this because:

- They might have seen or heard what happened around the time the person passed away.

- They might have special knowledge that is important to help the Coroner understand about the passing.
- They might have good ideas about how things should change to stop deaths like the one being looked at for the inquest, from happening in the future.

What will happen at the inquest?

The Coroner will listen to all of the evidence from the witnesses and then the parties will tell the Coroner what they think all of the evidence means and what should be done for the future. These are called submissions.

Once all of the evidence and submissions are finished, the Coroner will take some time to write her report (with the findings and recommendations). The Coroner's findings need to bring everyone's stories together to say as best as she can what the true story is. The counsel assisting and the Coroner will work very hard to make sure everyone's parts of the story are heard.

But, because the stories come from different people with different points of view, sometimes people might not fully agree with the story. The Coroner asks everyone to listen to each other, and to try to understand each other, so we can work to keep everyone safe.

What if I want to share my story or want support?

The best chance the Coroner has to find the true story is for everyone to be honest and share their stories. This can be a hard thing to do because it is a hard story to tell when someone has passed away.

If you need come help or support to tell your story, or you are sad or feeling sorry, you can do some different things.

- If you have a lawyer already, then speak to them first to help you write your story down.
- If you don't have a lawyer, or after you have spoken with your lawyer, then you can talk to counsel assisting who will help you write your story down.