

Media Release

The Hon Martin Pakula MP
Attorney-General
Minister for Racing



Friday, 16 December, 2016

CORONERS COURT APPEAL PROCESS TO BE REVIEWED

The Andrews Labor Government will review the existing laws for appealing or setting aside findings made by Victorian coroners.

The Coronial Council of Victoria will conduct the review of the current appeal and re-opening of investigation provisions under the *Coroners Act 2008* to ensure laws are working appropriately.

As part of the review, the Coronial Council will take the interests of families, the history surrounding the existing provisions, and the practices of other coronial jurisdictions in Australia into account.

Currently, a person with a sufficient interest in a coronial investigation has the right to appeal to the Supreme Court against the findings of a coroner on a question of law, generally within six months of the finding.

A Coroner may re-open an investigation if they are satisfied that there are new facts and circumstances, and that it is appropriate to re-open the investigation.

If a Coroner refuses to re-open an investigation, the decision can be appealed to the Supreme Court on a question of law, generally within 28 days of the refusal.

A senior next of kin, or a person with a sufficient interest against the refusal to re-open an investigation, can also appeal to the Supreme Court against the refusal on the grounds that it is in the interests of justice.

The Coronial Council will consider whether any changes are needed and will report back to Government by November 2017.

The Council provides independent advice to the Attorney-General and is also independent of the Coroners Court.

Quotes attributable to Attorney-General Martin Pakula

"We understand that the coronial process can be daunting and difficult for people who have lost their loved ones – that's why it's so important that our laws are operating fairly and effectively for everyone involved in the process."

"This review will allow us to consider whether the existing options for appealing or re-opening coronial investigations are working appropriately."