

Media Release

The Hon Martin Pakula MP
Attorney-General
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NEW LAWS CLARIFY CORONERS COURT APPEALS

The Andrews Labor Government is making it easier for families to have coronial findings reviewed with new laws introduced into Parliament to ensure the Coroners Court has the power to set aside findings in and reopen historical cases.

The Justice Legislation Miscellaneous Amendment Bill 2018, will ensure that the Coroners Court can set aside findings made under the previous Coroners Acts of 1958 and 1985, or re-open investigations if there are new facts and circumstances that make it appropriate to do so.

The changes are in response to the Coronial Council Appeals Review commissioned by the Labor Government, which examined the review and appeal rights under the *Coroners Act 2008*, regarding coronial findings. It made 11 recommendations about ways to improve the process.

The Government is supporting eight of the recommendations - four of which will be implemented by the Bill. Three recommendations are under further consideration.

The Bill will extend the time limit for lodging an appeal against a refusal by the Coroners Court to re-open an investigation from 28 days to three months, to give families more time to get legal advice and decide if they want to appeal.

The meaning of the term 'a question of law' will also be clarified to make the grounds for appealing a coronial finding to the Supreme Court better understood.

Interested parties will also be able to apply to have the wording of a finding changed in certain circumstances – for example, to correct a mistake or remove inappropriate comments, where that does not change the substance of the finding.

The Government requested the review following reports from families that the current laws were a barrier to having coronial investigations re-opened or appealed.

The Coronial Council Appeals Review and the Government's response are published at <https://engage.vic.gov.au/coronialappeals>

Quotes attributable to Attorney-General Martin Pakula

"Under these reforms, the pathway for appealing coronial findings is clearer and families now have more time to decide if they want to lodge an appeal."

"We acknowledge that it can be a very distressing time for families who have lost a loved one, and we're changing the law to ensure the system is operating fairly and efficiently."

"We want to make sure that families can apply to the Coroners Court to re-open an inquest – regardless of when the initial inquest or death occurred."