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S O L I C I T O R S

## LawTalk Blog



# Police are preparing a report for the Coroner... what does that mean?

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We hear it on the radio, on television, and read it online. In a worst case scenario the police officer is standing in front of you and saying "a report will be prepared for the Coroner".

### **What does it actually mean? What is happening?**

*Baby Ebony, 2005 Wangary fires (9 people deceased), Chloe Lee Valentine, Zahra Abrahamzadeh, Luke Batty, the six Anangu, Daniel Morcombe, Cameron Doomadgee.*

These are all Australian coronial investigations and inquests that have been in the news over the last several years. They have all had a significant impact on us as a community and, I suspect, individuals.

Although we may not be fully aware of that impact these inquests have, our lives have been changed; laws have been updated, procedures changed, people were put to rest, the community became aware and enlightened, crimes were resolved, and we all talked about them. Many on this list are South Australian.

Recently, and tragically, a few more deaths have been reported to the Coroner; the two people who died during the [Pinery](#) bushfires and a young man at a [music festival](#).

The Coroner in South Australia is governed by the *Coroners Act (SA) 2003* (the “Act”). The process in the Coroner’s Court is more inquisitorial than the usual adversarial process. I know more legal words:

- Inquisitorial meaning the method of investigation and information gathering where the tribunal is actively involved in that process; in this case the Coroner wants questions answered and takes a positive role in obtaining them.
- Adversarial meaning this is what we are all used to when it comes to court; it is what we see on television where there are sides to the legal battle and the aim is to win. It is where the role of the court is primarily that of an impartial referee between the prosecution and the defence.

Usually, the State Coroner in South Australia is involved when someone has died with a link (as outlined by the Act) to South Australia, disappeared in South Australia or has disappeared somewhere else but they usually lived in South Australia.

To enable the Coroner to fulfill their requirements, the Act provides for very particular powers of enquiry. A few of the regular ones include that the Coroner can;

- inspect a premises if it is suspected a deceased body is located there and view the body;
- can enter a premises and take, inspect and remove anything on the premises; and
- can take photos/audio and visual recording.

Importantly, during an inquest the Coroner is not bound by the ordinary rules of evidence. Under the Act, the Coroner is guided by the requirement to “*act according to equity, good conscious and the substantial merits of the case, without regards to technicalities and legal forms.*”

While a coronial investigation can be a long stressful process for people waiting for answers, its goals are positive. It’s important to remember that it is a legal process and that you don’t have to go through the process alone; whether you are a family member or friend of the deceased or a witness that has been summoned to appear at an inquest, it’s important to get legal advice from a lawyer experienced with coronial inquests.

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*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal and South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*