

Inquests – what to expect



MPS



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An inquest is a judicial hearing, held in public, convened by a coroner. It is an inquisitorial rather than an adversarial process with the aim of establishing facts, rather than apportioning blame. An inquest can take anything from less than one hour to a few weeks, depending on the complexity of the circumstances surrounding the death. Although the purpose of an inquest is not to determine liability for death, it can be a daunting, unfamiliar and stressful experience.

Purpose

The inquest is held so the coroner can review all the evidence relating to the death of a person and discover what lessons can be learnt from it. The coroner will hear evidence from anyone who has information relating to the death.

The inquest also enables the coroner to make recommendations or comments on the avoidance of circumstances similar to those in which the death occurred, or to comment on how other people should act in such circumstances, so as to reduce the chances of other similar deaths occurring.

Timing

The inquest will not usually be held until all investigations into the death have been completed. This may be an investigation by the police, the pathologist or any other external investigation that the coroner has requested, or that an outside agency is undertaking.

The family will be advised by the Coronial Services of New Zealand of the time, date and location of an inquest. A pre-hearing conference may be held with the immediate family to explain the evidence and talk through any issues. Some of the material presented may be detailed and graphic.

Families, witnesses and experts

Parties at an inquest may include the bereaved family and hospital or other service providers, as well as individual clinicians. All may have legal representation and be cross-examined on their evidence.

This can be an opportunity for a family and the coroner to seek answers to questions directly from the deceased's healthcare providers, so it is important to be prepared for what can be a very challenging situation.

The coroner conducts the inquest, witnesses and experts may be called upon to give evidence, or witness

statements may be read, and the pathologist's report, papers and any other findings may be presented. The immediate family can, either personally or through legal counsel, question witnesses.

Giving evidence

It is usually possible to anticipate questions or issues that will arise during cross-examination. Thinking about these in advance of the inquest is advisable.

Medical Protection can instruct a barrister to represent members at an inquest and to assist in preparing the member to give evidence and be cross-examined. An inquest is a thorough process and can last for a period of time ranging from hours to weeks, depending on the issues and number of witnesses involved.

Closing an inquest

At the end of an inquest, after hearing all the evidence, a coroner may give either the final findings into the death, or may just announce interim findings. Once the inquiry is closed, the coroner will publish their recommendations. A copy of these will be made available to the family.

Medical Protection can advise and assist members asked to provide evidence and encourages members to call Medical Protection when information is first sought.

Further information

- Coroners Act (2006) – www.legislation.govt.nz/act/browse.aspx
- Coronial Services of New Zealand, *When somebody dies suddenly. A guide to coronial services in New Zealand* – www.coronialservices.justice.govt.nz/assets/Documents/Publications/when-someone-dies-suddenly-booklet.pdf – www.coronialservices.justice.govt.nz/what-to-expect-during-an-inquiry/

For medicolegal advice please call us on:

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This factsheet provides only a general overview of the topic and should not be relied upon as definitive guidance. If you are an MPS member, and you are facing an ethical or legal dilemma, call and ask to speak to a medicolegal adviser, who will give you specific advice.

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