

Coroners Court of Queensland

Practice Direction No. 2 of 2024

Family Statements

1. The purpose of this practice direction is to clarify what a Family Statement is and the information it may contain.
2. This practice direction is to be read in conjunction with the State Coroner's Guidelines, Chapter 2, section 2.11, Involvement in inquests.¹
3. The following provisions are subject to any contrary direction by the Coroner with the conduct of the coronial investigation.

Definition

4. A Family Statement is a statement provided by the family of a deceased person in compliance with this practice direction.
5. A Family Statement is not a victim impact statement² and should not be referred to as a victim impact statement at any time in the coronial jurisdiction.

General Principles

6. All persons or entities granted leave to appear at an Inquest pursuant to s36(1) of the *Coroners Act 2003* (Qld) ('Party/Parties') must be mindful, and it is incumbent upon the legal representatives for families to remind their clients, that an Inquest:
 - a. is not a criminal nor civil trial. It is not the function of the Coroner to apportion blame or to find that any of those who interacted with a deceased person are criminally or civilly liable for a crime or civil wrong; and
 - b. examines the circumstances of the death with the benefit of hindsight.
7. In the Coroners Court, the interests of several persons must be accommodated. While therapeutic concerns for the family should be considered, procedural fairness must be afforded to all Parties.

Content of the Family Statement

8. A Family Statement should outline the social history of the deceased, their familial links, their hobbies, interests, and their loved ones' memories of them.
9. The Family Statement should not contain:
 - a. any new evidence relevant to the Inquest;
 - b. allegations of criminal or civil liability against any organisation or person;

¹ <https://www.coronerscourt.qld.gov.au/resources/legislation-and-resources>

² See that provided in criminal proceedings pursuant to s 179I of the Penalties and Sentence Act 1992.

- c. defamatory statements about any organisation or person; or
 - d. other statements attributing blame to any organisation or person.
10. If content referred to in paragraph 9 is contained in a Family Statement, Parties may raise objections to the content.

Procedure for the Provision of Family Statements to the Court

11. When the family is notified that an Inquest will be held, Counsel Assisting will invite the family/legal representatives for the family to provide a Family Statement to the Court.
12. Any Family Statement should be provided to Counsel Assisting one week prior to the start of the Inquest, unless otherwise arranged between the family/legal representatives for the family and Counsel Assisting.
13. The Family Statement will be circulated to all Parties in order that they may raise any objections to the content of the statement. The Coroner will consider and determine any objections. The Coroner may issue written reasons for their decision.
14. If any objections have been upheld, the family/legal representatives for the family will be given the opportunity to amend the Family Statement accordingly.
15. The Family Statement may be read in court by a family member, nominated support person or legal representative for the family at an appropriate time during the Inquest agreed with Counsel Assisting. Alternatively, the Family Statement may be placed on the record without being read out in court.
16. The Family Statement will not be accepted by the Coroner as evidence in the Inquest.
17. For guidance on Pre-Inquest Conferences and Inquests, see Coroners Court of Queensland Practice Direction 1 of 2024, Procedures for Pre-Inquest Conferences and Inquests.

Commencement

18. This Practice Direction takes effect from 1 June 2024.



Terry Ryan
State Coroner

29 April 2024