

Model Inquest Principles

These Model inquest principles have been issued at the direction of The Premier and the Attorney-General and apply to the State and all agencies.

Background

The State and all agencies must act as model litigants under the Model Litigant Principles, but the Model Litigant Principles do not address how the State and all agencies must conduct themselves when appearing at an inquest, an inquisitorial (not adversarial) process.

The Queensland Government acknowledges the benefits of trauma-informed approaches that recognise the needs of people who have experienced trauma, including witnesses of reportable deaths under the *Coroners Act 2003* (Qld). Model inquest principles contribute to supporting families and witnesses at inquests.

These model inquest principles set out how the State and all agencies should conduct themselves at inquests and are intended to ensure a sensitive, compassionate, and consistent approach by government, and to make inquests less distressing and traumatic for families and witnesses.

Model inquest principles

The model inquest principles acknowledge the power of the State is to be used for the public good and in the public interest. The State and all agencies should be mindful, inquests can be a distressing and traumatic experience for the bereaved families and witnesses and adopt the following principles when appearing at an inquest:

1. The State and all agencies are committed to supporting the inquisitorial approach and assisting the coroner to establish the circumstances of a person's death (if possible) and learn lessons for the future.
2. The State and all agencies will act openly and honestly and, to the extent permitted by law, disclose and produce relevant documents and other disclosable information.
3. The State and all agencies will communicate with bereaved families and witnesses in a sensitive and respectful manner. However the principles do not prevent the State and all agencies from challenging the evidence appropriately where it is necessary to do so.
4. The model inquest principles do not bind the State and must be applied flexibly depending on the circumstances.
5. Where appropriate in the circumstances, the State and all agencies should consider giving a formal acknowledgement to bereaved families to recognise when the death of their loved one happened whilst in the care of the State. This should not limit nor be confused with a State witness providing an apology by way of condolence.
6. The model inquest principles do not affect or replace the provisions in the *Coroners Act 2003* (Qld) and other legislation.
7. The model inquest principles will be reviewed and amended from time to time with the approval of the Premier and the Attorney-General.

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