



Family statements in Queensland coronial inquests: purpose, limits and practical guidance

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An inquest is not a criminal trial or a civil proceeding. Under the Coroners Act 2003 (Qld), the coronial system is designed to investigate particular deaths and, where appropriate, assist in preventing similar deaths in the future. The process is therefore inquisitorial in nature and must also accommodate procedural fairness for all interested parties granted leave to appear.

If you are involved in a Queensland coronial inquest - whether as a grieving family member, a legal representative, an organisation, or an individual with an interest in an inquest - understanding the role of a family statement is essential. Under Practice Direction No. 2 of 2024, family statements now have a clearly defined place in the coronial process: they allow families to present a fuller picture of the deceased's life, while staying within firm procedural boundaries. This guide explains what a family statement is, what it can and cannot include, and what both families and other parties need to know before an inquest begins.

What is a family statement in a Queensland coronial inquest?

In Queensland, a family statement is a statement provided by the family of a deceased person in compliance with Practice Direction No. 2 of 2024. The Practice Direction makes clear that it is not a victim impact statement and should not be described as one within the coronial jurisdiction. That distinction is important because the purpose of a family statement is not to assist with sentencing or punishment, but to provide the Court with an appropriate account of the deceased's social history and the family's memories of them.

The Practice Direction states that a family statement should outline matters such as the deceased's familial links, hobbies, interests and the memories held by their loved ones. It is, in substance, a means of ensuring that the coronial process does not focus

exclusively on the final circumstances of death to the exclusion of the person's life and identity. That reflects the approach taken in the State Coroner's Guidelines, which recognise the value of allowing family members to provide a social history of the deceased.

At the same time, the Practice Direction imposes clear limits. A family statement should not contain any new evidence relevant to the inquest, allegations of criminal or civil liability against any person or organisation, defamatory material, or other statements attributing blame. Those restrictions are consistent with the broader character of an inquest: it is not the function of a coroner to determine criminal guilt or civil liability, and the process must remain fair to all parties with a direct legal interest in the proceedings.

Practice Direction No. 2 of 2024: what does it mean for family statements?

Practice Direction No. 2 of 2024 took effect in 2024 and sits alongside the Court's broader inquest practice directions. The Direction was introduced to remove uncertainty about the role of family statements and to clarify that they are not an avenue for the making of accusatory or evidentiary submissions under another label.

The Direction also sets out a practical procedure. When a family is notified that an inquest will be held, Counsel Assisting will invite the family or their legal representatives to provide a family statement. Unless another arrangement is made, the statement should be given to Counsel Assisting one week before the start of the inquest. It is then circulated to all parties so that any objections can be raised, with the coroner determining those objections and, where necessary, allowing the family an opportunity to amend the statement. The statement may then be read in Court by a family member, a nominated support person, or the family's legal representative, or it may simply be placed on the record.

That process is significant for two reasons. First, it confirms that a family statement is part of the formal architecture of the inquest rather than an informal adjunct to it. Secondly, it recognises that although the statement may have therapeutic and commemorative value for a family, that value must be balanced against fairness to other parties and the proper limits of the coronial function.

Practical implications for families

For families, the Practice Direction provides both an opportunity and a warning. The opportunity lies in being able to place before the Court an account of the deceased that is personal, humane and respectful, rather than allowing the case to be defined only by police materials, medical evidence or the circumstances of death. In many matters, that can be an important part of meaningful participation in the inquest process.

The warning is that the statement must be carefully framed. Families may understandably wish to express anger, frustration or views about responsibility. But if the statement crosses into allegations, submissions about guilt, blame, or contested evidentiary assertions, objections may be taken and the material may need to be removed. In practice, the most effective family statements are often those that are clear, restrained and focused on the deceased's life, relationships and the family's experience of loss, without straying beyond the purpose for which the statement is permitted.

Timing also matters. Because the statement is ordinarily to be provided a week before the inquest and circulated to all parties, families should not assume it can be prepared at the last minute. Early legal assistance can be important where the inquest is likely

to be sensitive, contested or involve multiple represented parties.

Practical implications for organisations, employers and professionals

For organisations, employers, public agencies and professionals who have been granted leave to appear, the Direction is equally important. A family statement may be compassionate in purpose, but it still forms part of the procedural environment of the inquest and may require close review if it contains material that goes beyond the permitted scope. Parties need to be alert to content that introduces new factual allegations, attributes blame, or includes potentially defamatory assertions.

At the same time, objections should be approached with care. Because family statements serve a legitimate function in the coronial process, the issue is not whether a statement is emotional or critical in tone, but whether it impermissibly moves into evidence, accusation or liability. A reflexive or overly technical approach to objections can create unnecessary tension in an already sensitive jurisdiction. The better approach is usually a disciplined one: identify the specific passages that exceed the Practice Direction, confine any objection to those matters, and remain mindful of the Court's expectation of procedural fairness and professionalism.

Risks, pitfalls and when to seek legal advice

The most common mistake is to treat a family statement as if it were a victim impact statement or closing submission. The Practice Direction leaves little room for ambiguity on that point. Families and their advisers should assume that if the statement seeks to prove contested facts, accuse an individual or organisation of wrongdoing, or advocate for a finding of liability, it is likely to attract objection.

A second risk is underestimating the procedural consequences of the statement being circulated to all parties. Once circulated, disputes may arise about content, and those disputes can become a distracting satellite issue during a hearing. Careful drafting at the outset is therefore preferable to amendment under time pressure.

Legal advice should usually be sought well in advance of an inquest where the death arises in the context of statutory powers, healthcare, workplace fatalities, regulatory failures, or any other context in which factual controversy, and legal or reputational risk are likely to arise.

Conclusion

Practice Direction No. 2 of 2024 brought welcome clarity to the role of family statements in [Queensland coronial inquests](#). Properly prepared, a family statement can ensure that the deceased is recognised as a person, not only as the subject of an investigation and inquiry. The statement must however remain within the boundaries of the coronial jurisdiction: it is not evidence, not a vehicle for blame, and not a substitute for submissions on contested issues. For families and other parties alike, the practical lesson is the same - family statements deserve careful preparation and should be approached with a clear understanding of both their purpose and their limits.

If you, your family, or if your organisation are facing a Queensland coronial inquest, Gilshenan &Luton's experienced Brisbane lawyers can help you prepare. Contact us today for advice on family statements, inquest procedure and your rights throughout the coronial process.

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