

Annetts v McCann (1990) 170 CLR 596

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Facts

- James Annetts was a 16-year-old boy who was working on a station in Western Australia during the school holidays along with a friend, Simon Amos.
- For reasons that were unclear, James and Simon drove away from their employer, eventually becoming stranded.
- Their bodies were eventually found; James had succumbed to thirst and Simon had been shot dead.
- A coroner's inquest was set up to look into various issues surrounding the boys' deaths, including: why had they left the station; how they had died (i.e. had Simon shot himself, or had James done it); the police search; the effectiveness of signage, etc.
- James' family, who were represented throughout the hearing, indicated that they wanted the chance to make closing submissions before the coroner made a final decision.
- The coroner refused, stating that he had discretion whether to allow it.

Issues

- Did the rules of natural justice apply?
- Did the rules of natural justice require that the boy's parents could be heard?

Held

- Mason CJ, McHugh and Deane JJ began by exploring the history of natural justice, and acknowledging that its scope had widened in the 30 years before the case.
- They then held that the rules of natural justice could only be excluded by clear words to that effect, which had not occurred. As such, they held natural justice did apply.
- They accepted that a deceased's family will have a legitimate interest in the coronial proceedings, at least to the extent that it affected their interest. I.e. they had the right to comment on matters that may reflect poorly on their son's reputation (e.g. whether he had stolen the truck from his employer), but not more broadly (e.g. on the efficacy of the police response).
- The Coroner had therefore erred in determining that he had unfettered discretion to disallow the parents' submission.

Quotes

- "Accordingly, the rules of natural justice are applicable to the present inquest. That being so, the Coroner cannot lawfully make any finding adverse to the interests of the appellants without first giving them the opportunity to make submissions against the making of such a finding" [7]

- "Although the appellants are entitled to make submissions concerning matters which are identified as a possible source of adverse findings concerning their interests, they have no right to make submissions on the general subject matter of the inquest. Their legal entitlement is confined to making submissions in respect of matters which may be the subject of adverse findings against them personally or against the deceased." [9]

Full Text

The full text is available here: <https://jade.io/article/67600>

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