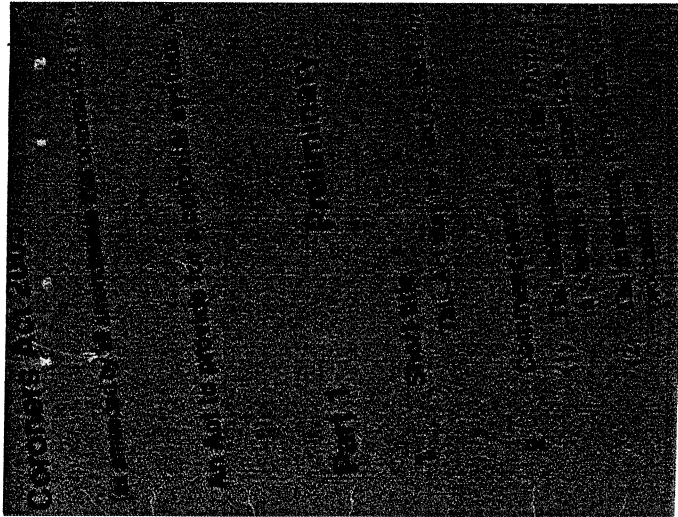




The Coroners Act 2008

A guide for medical practitioners

QUICK REFERENCE CARD

MinterEllison
LAWYERS

REQUIREMENTS FOR A REPORTABLE DEATH

- The body is in Victoria; or
- the death occurred in Victoria; or
- the cause of death occurred in Victoria; or
- the person ordinarily resided in Victoria at the time of death.

In addition, the death must be one which:

- was unexpected;
- was violent or unnatural;
- resulted directly or indirectly from an accident or injury;
- occurred during a medical procedure or following a medical procedure; was causally related to the procedure; and was not to be reasonably expected;
- will not result in a Certificate of Cause of Death being signed;
- occurred in custody or care;
- relates to a person of unknown identity;
- relates to a patient within the meaning of the *Mental Health Act 1986*.

REPORTABLE MEDICAL PROCEDURES

Requirements

If the death meets the following two criterion, it **MUST** be reported by a medical practitioner:

1. the death occurs during a medical procedure; or following a medical procedure where the death is or may be causally related to the procedure; AND
2. a registered medical practitioner would not, immediately before the procedure was undertaken, have reasonably expected the death.

CRITERION 1

Issues to consider

- Would the person have died at approximately the same time if the medical procedure was not undertaken?
- Was the medical procedure necessary for the person's recovery, rather than optional or elective?
- Was the medical procedure carried out with all reasonable skill and care?

If 'no' to any of the above, the death is reportable (subject to satisfying criterion 2).

CRITERION 2

Issues to consider

- Before the medical procedure was performed, was the person's condition such that death was foreseen as more likely than not to occur?

- Was the decision to perform the medical procedure reasonable given the person's condition, including their quality of life?

If 'no' to either of the above, and if the death satisfies criterion 1, the death is reportable.

REVIEWABLE DEATHS

Death of a child

The death of a child is reviewable if the deceased child is the second or subsequent child of either of the child's parents to have died.

Such a death must be reported to the Coroner by a medical practitioner who was present at or after the death of the child, or any person who has reasonable grounds to believe it has not been reported.

Exception

If the death occurs in a hospital and the child was born at the hospital and had always been an in-patient at the hospital (and none of the other reporting criteria apply).

STATEMENT OF IDENTIFICATION

- All deaths reported to the Coroner require a formal identification to be completed.
- This can be completed by someone who was close to the deceased immediately prior to their death.
- It should be witnessed by an appropriate person such as a medical practitioner or police officer.
- It should be forwarded to the Coroner's Court with the deceased.

HOW TO REPORT A DEATH

Who to contact?

The Initial Investigations Office of the Coroner's Court should be contacted as the first point of call.

Telephone: 1300 309 519.

A Medical Deposition may also need to be completed.

A doctor must provide the Coroner with all information requested of him/her, including preparing a statement.

What is the process?

Police will attend the hospital on behalf of the Coroner in order to obtain relevant details.

Note that legislative provisions requiring confidentiality do not apply to requests for information by someone acting on behalf of the Coroner.

SPECIFIC ISSUES

Asbestos related

Not reportable per se.

Stillbirths

Cannot be investigated by the Coroner.

Removal of medical apparatus

Ideally the body should be left as it was at the time of death, and unwashed.

Exceptions are safety issues (eg, requiring the removal of a needle) or at the request of the patient's family. Contact the Initial Investigations Office in such an instance.

Medical records

The original should be transported to the Coroner's Court as soon as possible. Ensure a photocopy is kept.

Death Certificates

A doctor MUST NOT issue a Medical Certificate of Cause of Death in relation to a death if the Coroner is required to be notified of the death, or if the death is reviewable/reportable.

Contact us



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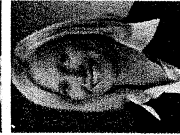
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