



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION



When to report a death to the coroner

A guide to reportable deaths for medical practitioners

When a death occurs, a medical practitioner who was responsible for a person's medical care immediately before death, or who examines the body of a deceased person after death has an important decision to make:

Do I write out a Medical Certificate of Cause of Death (MCCD) or report this death to the coroner?

- If you can issue a MCCD but don't *within 48 hours*, you are guilty of an offence.
- If you have to report a death to the coroner and you don't *as soon as possible*, you are guilty of an offence.
- Both these offences carry a penalty not exceeding 10 penalty units (\$1,570 in 2016-2017).

So how do you make the right decision?

- Take a reasonable time to review the deceased person's medical records.
- Ask the police, or other relevant parties, about the circumstances of death.

You do not need to have treated the deceased within a certain period before death, (or ever) to complete a MCCD or report a death.

You do not need to report a death if someone else has already done so.

Is this death reportable?

The *Coroners Act 1995* (Tas) contains an exhaustive definition of 'reportable death'. The most relevant sections of the definition for medical practitioners are:

A death:

iv. that appears to have been unexpected, unnatural or violent or to have resulted directly or indirectly from an accident or injury; or

v. that occurs during a medical procedure, or after a medical procedure where the death may be causally related to that procedure, and a medical practitioner would not, immediately before the procedure was undertaken, have reasonably expected the death; or

vii. the cause of which is unknown; or

ix. of a person who immediately before death was a person held in care or a person held in custody;

...

Whether a death was “natural” in a medical or a legal sense is often very difficult to ascertain. There are often natural and unnatural causes contributing to a death, which may be present in various degrees. With this in mind, below is a practical checklist to assist medical practitioners to determine whether they are required to report a death to the coroner.

If you answer “yes” to *any* of the following questions, the death is reportable.

Does it appear that an injury or an accident contributed to the death?

- The injury / accident does not need to be recent; there is no time limit.
- It includes any injury / accident that contributed to the death in any way that was **not minimal or trivial**.
- Example one: If a motor vehicle crash causes paraplegia and the person dies years later from a complication of the paraplegia, this death is reportable.
- Example two: If an elderly person suffers a **fall** which results in a fractured neck of femur and this accident hastens death, even if natural processes contributed to the fall, it is likely the death is reportable.

Was the death possibly a suicide (or unintentionally self-inflicted)?

- this includes situations where you have concerns that a person may have contributed to their own death by overdose or neglect.

Does it appear that violence contributed to the death?

- Are there suspicious circumstances, or a history of violence, which suggests violence may have contributed to the death?

Was the person in police or government care or custody?

- this includes someone who is being taken into custody or trying to escape from custody
- this includes a prison, a detention centre or a secure mental health unit
- this includes a person under a Mental Health Order
- this includes a child under a Child Protection Order, who is under the custody or guardianship of the Secretary.

Was the person a child under one year of age, and the death *sudden and unexpected*?

- an infant who is born deceased (a stillborn) is not reportable
- a neonate who shows signs of life outside the womb and then dies will be reportable if the death was also sudden **and** unexpected.

Is the cause of death unknown?

Is the identity of the deceased person unknown?

Did the death occur *during* a medical procedure?

- **A ‘medical procedure’** is any procedure performed on a person by, or under general supervision of, a medical practitioner (including imaging and external examination).

- A death which occurs *during* a medical procedure is reportable if the death would not have been reasonably expected by a medical practitioner immediately before the procedure was undertaken.

Is it reasonably possible that the death is related to a medical procedure, treatment or lack of treatment?

- A death which occurs *after* a medical procedure is reportable, if:
 - the person would probably not have died at the same time if the treatment had not been provided, **and**
 - the death would not have been reasonably expected by a medical practitioner immediately before the procedure was undertaken.
- A death may be related to lack of treatment, if:
 - the death would probably not have occurred at the same time if the treatment had been provided, **and**
 - a medical practitioner in the same situation would reasonably have expected that the treatment would be provided.

NOTE for medical setting deaths:

In deciding what it was reasonable to expect, take account of:

- the state of the deceased's health at the time medical treatment was sought
- the clinically accepted range of risk associated with the treatment
- the circumstances in which the treatment was sought.

If you answered “no” to *all* these questions and you are confident you are able to attest to the cause of death then you must complete a MCCD.

If you have any doubt about whether a death is reportable, you should seek advice from a senior medical practitioner. Coroners' associates are available at the coroner's court during business hours. The deceased person should be left in place pending advice.

Completing a MCCD

If you require guidance on how to fill out a MCCD, please see '[Information Paper: Cause of Death Certification](#)'¹ ABS 2008, 1205.0.55.001 and the accompanying Quick Reference Guide.

Reporting a death to the coroner

How are deaths reported to the coroner?

- All deaths should be reported *immediately* to police via the police radio room (131 444). You can also report the death to a police officer if a police officer is already present.
- The *Coroners Rules* say that deaths must be reported in writing, or the report confirmed in writing, within 48 hours. *The police will complete the written report for you.*

¹ <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/1205.0.55.0012008?OpenDocument>

- **If you are a doctor in a hospital**, that hospital may have its own form to report deaths to the coroner. Seek advice from your supervisor to ascertain if you have to complete a form.

Is there a requirement to provide a requested document or statement to the coroner?

- You are advised to comply immediately with any request for documents as the coroner has the power to authorise a police officer to enter any place, seize the documents and take a copy. This includes medical records and imaging.
- The coroner is not required to pay for copies of documents (once they are requested, they become evidence in a coronial investigation).
- Any requests should be treated as urgent.
- Confidentiality laws do not apply to documents requested by the coroner. Any records or documents provided will only be used for the purpose of the investigation.
- The coroner may request that you provide a statement to aid the investigation. You are not required by law to provide a written statement. However, any person who reports a death must give the coroner any information which may help the investigation (failure to do so is an offence).
- The coroner may send a summons requiring you to attend court and give evidence. Failure to comply with a summons is an offence.

Preparing the deceased person for the coroner:

- Always leave any clinical support equipment / medical apparatus in place.
- If there are any needles or other “sharps” present in the body at death and these are left in place, you must notify the coroners’ associate upon reporting the death.
- Do everything possible to ensure that the deceased person remains in the same condition as they were at the time of death.

Religious and cultural concerns

Certain religions have beliefs regarding burial / cremation that require the body to be released very quickly. Others may object to post mortem procedures such as autopsy or the taking of blood. If you are aware of any such concerns, you should notify the coroner upon reporting the death.

Contact the coroner’s court

Southern Tasmania

Business Hours Only:

27 Liverpool Street, Hobart 7000
 (03) 616 57132 (administrative)
 (03) 616 57127 (coroners’ associates)

After hours – whole of Tasmania
 Contact Police on: 131 444

[Coroner’s court](#)

http://www.magistratescourt.tas.gov.au/about_us/coroners

Northern Tasmania

73 Charles Street, Launceston 7250
 (03) 677 72920

Whole of Tasmania email

Coroners.Hbt@justice.tas.gov.au

[Magistrates Court](#)

<http://www.magistratescourt.tas.gov.au/>