



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness



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Coroners Act 2003

(South Australian)

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seek LIGHT

What does the Coroners Act do?

- Provides for the appointment of State Coroner to oversee & co-ordinate coronial services in the State
- Establishes the practices & procedures of the Coroners Court
- Provides for the investigation of certain deaths by the Coroner
- Outlines procedures for the holding of inquests

How does the Act apply to the University?

- The Coroners Act imposes a duty on certain staff members & students to report 'reportable deaths'
- Some academics or professional staff members (such as those in the Schools of Dentistry & Medical Sciences) also work as forensic investigators & may have additional responsibilities under the Act
 - *For example; performing a post-mortem examination or any other such tests*
- The University may need to adhere to recommendations made by the Coroner following an inquest
- A staff member or student may be involved in a coroners inquest or may be summoned to give evidence or opinion in court
- The Act can provide for an authorisation for the disposal of human remains that are donated through the University's [Body Donation Program](#)

Functions of the Coroner

- Ensures investigations & inquests into deaths, fires, accidents & the disappearance of missing persons are properly managed
- Decides if it is necessary to hold an inquest into the death or disappearance of a person, a fire or an accident
- Prepares a written 'finding' about the cause of death in certain cases to establish wherever possible;
 - *the identity of the deceased*
 - *the circumstances surrounding the death*
 - *the cause of death*
 - *the particulars needed to register the death*

Reportable deaths

- There is a legal requirement under the Act that some deaths be brought to the attention of the Coroner because they are considered **reportable** or **reviewable**
- Among others, **Reportable deaths** are defined as deaths where:
 - the identity of the person is unknown
 - the death was violent or unnatural
 - *For example: suicide or homicide, car accidents, falls, drowning, electrocutions, drug overdoses, industrial & domestic accidents*
 - the death happened in suspicious circumstances
 - the death was a health care related death
 - *For example: deaths that result from a failure to treat or diagnose a patient, clinical or medication incidents & errors, or any dental, medical, surgical, diagnostic or other health related procedure including giving an anaesthetic or other drug*

Reportable deaths (cont)

- The court must be advised of a reportable death in order for a Coroner to investigate
- People who must advise the Coroner of a reportable or reviewable death include:
 - *a medical practitioner who was present at, during or after the death*
 - *a police or prison officer who was attempting to take a person who died into custody*
 - *any person who had care or custody of a person in placed care*
- ***It is a criminal offence*** to fail to report a reportable death to the State Coroner or a police officer

Post-mortems

- A post-mortem (or autopsy) is a step by step examination of the outside of the body & the internal organs
- The coroner will direct a pathologist to carry out a post-mortem in order to establish the cause of death
- A formal identification of the deceased is also required
- Arrangements for a funeral can be made, but the burial or cremation cannot be carried out until the Coroner has issued an authority to dispose of human remains

Inquests

- An inquest is a formal court hearing conducted by the Coroner to gather more information about the cause & circumstances of a death
- During the inquest the Coroner will hear evidence on oath from people who have information about the death
- A police officer, family member, Doctor, expert, eye witness or member of the public may be summoned to;
 - *appear before an inquest to give evidence*
 - *produce documents or written statements for use in an inquest*
 - *give an ‘expert opinion’*
- ***It is a criminal offence*** to intentionally provide a false or misleading written statement as evidence, fail to appear before a Court if summoned, or fail to produce documents before a court

Recommendations by the Coroner

- Coroners can make recommendations about matters connected with the death of a person, including matters related to public health & safety or the administration of justice
- Recommendations are intended to prevent other people from dying in similar circumstances
- Examples of recommendations by the Coroner include:
 - that a Code of Practice or internal policy be developed
 - that a governmental initiative be further supported
 - that a particular Act be amended
 - that the construction of a road or building be improved
 - that a departmental process be reviewed
 - that a risk assessment be undertaken

What can happen if I don't comply?

- Fines of up to \$10,000 or imprisonment for 2 years
- Damage to your professional reputation
- A breach of the Act may be considered misconduct actionable under the University's Enterprise Agreement

University Consequences:

- Negative publicity
 - *Damage to the University's reputation*
 - *Attraction & retention of staff & students is compromised*

University obligations under the Act

- Permit the Coroner (upon written request), or any person authorised by him/her to enter, inspect & seize any University place, premises or thing
 - *Assist & do not hinder or obstruct the Coroner in the performance of his/her duties*
- Adhere to relevant recommendations made by the Coroner
- Immediately report to the Coroner any death that you believe is a reportable or reviewable death
- Contact [Legal & Risk](#) if you are unsure about your obligations under the Act
 - 8313 4539

Additional Resources

- [Jim Manavis](#), Manager, Ray Last Laboratory
 - 8313 0131
- [Coroners Office Web Site](#)
- [Courts Administration Authority](#)
 - Coroners Court
- [National Coroners Information System](#)
- [Coroners Act 2003 \(SA\)](#)
- [Coroners Regulations 2005 \(SA\)](#)



Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Coroners Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Wes Fisk, Manager, Ray Last Laboratory* or Legal & Risk if you are unsure of your compliance obligations under the Act.