FACT SHEET 8

My loved one's body and things

THIRRILI

This fact sheet explains what happens to the body of your loved if a medical examination is required, what you can do if you object to a medical procedure happening, and when and who can get the body when the coroner is ready to release it.

What happens to the body?

- If the body requires medical examination, the body will be transported to either the Lidcombe Mortuary or a regional hospital.
- Personal belongings on the body are often taken by the police to use as exhibits and stored at the police warehouse. Otherwise, they will be taken to the Lidcombe Mortuary.

Preliminary examination

- A doctor or pathologist will do the 'preliminary examinations' of the body of a deceased which are not very invasive. This might include things like collecting fingerprints, looking inside at the teeth and inside the mouth, and taking samples of blood and urine. The internal organs are left alone.

Autopsy

- An autopsy is a type of medical procedure performed by a pathologist. It might also be referred to as a "post-mortem". In some cases where the cause of death cannot be found, an autopsy is required.
- An autopsy includes external and internal examinations using techniques like those used in surgical operations. The chest, abdomen and skull are examined, and some organs are examined. This may involve removing the organs. When deciding the type of examination required, the religious and cultural needs of the family will be considered. Where more than one procedure is available to determine manner and cause of death, the least invasive procedures will be used.

What can I do if I object to the autopsy?

- The senior next of kin will be informed before any examination commences and they will have an opportunity to object. The senior next of kin can also object to the coroner holding the organs (for more information, see Fact Sheet 5: Next of Kin and the Coroners Court, including about who is considered to be the senior next of kin.
- Any objection to the autopsy must be made in writing addressed to the Coroners Court (this can be done via email to the coroner, stating the reasons for objection).
- The coroner will take your concerns into account, but may still decide that an autopsy is required. This is more likely to happen if the coroner believes there is a remaining suspicion surrounding the death.
- If the coroner notifies you that your objection has been refused, you can apply to the Supreme Court for an order preventing the autopsy. This application needs to be made within 48 hours of being notified by the coroner.

What is exhumation?

- If the body has already been buried and an autopsy is needed, the body may need to be removed from the ground or burial site. This is called exhumation.
- If exhumation is needed the State Coroner will need to issue a warrant to a police officer.
- The senior next of kin can make an urgent application to the Supreme Court requesting that the exhumation not go ahead. The application must be made within 48 hours after the notice was given.

When can I get the body?

- The coroner will authorise the release of the body as soon as they can.
- Once the coroner has completed their investigation, control of the body will go to whoever has made the application for release and has the best claim to the body. The coroner will make an order in writing for the disposal of the body. You are not able to bury or cremate the body until the coroner authorises it.
- The senior next of kin or a delegate nominates the funeral director. The funeral director receives the remains and will then carry out the burial according to instructions from the senior next of kin.
- The Aboriginal Coronial Information and Support Program can arrange financial support for sorry business for the family. This can cover the return of the body to country. They can help the family navigate the available grants for repatriation and funeral expenses. This could include support for the body to be returned interstate.

More help

- You can notify the coroner in writing of your objection by emailing: lidcombe.coroners@justice.nsw.gov.au
- For more information about the process in general from the New South Wales Coroners Court visit: https://www.coroners.nsw.gov.au/the-coronial-process.html
- The Aboriginal Coronial Information and Support Program – NSW Coroners Court can be contacted via phone or email: (02) 8584 7777 or at ACISP@dcj.nsw.gov.au

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