FACT SHEET 9

My loved one's body and things

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This fact sheet explains what happens to the body of your loved when 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 my loved one's things that were with them when they died?

- The Tasmanian Police will take all your loved one's belongings until they are no longer needed. There are two types of items taken by police for a coronial investigation:
    - items taken for safekeeping; and
    - items taken as evidence.

- All items taken by police are held at the 'police property store' at the relevant police station (usually Hobart or Launceston). If the police take items for safekeeping (for example, a deceased person's wallet or keys) these can be returned to families and friends very quickly. Sometimes items such as clothing may be disposed of if they are soiled, damaged or wet, or if occupational health and safety could be negatively affected. If the police take something as evidence for the investigation, it stays in the custody of the coroner until their findings are complete.

- Once the findings are handed down, the coroner will usually release any evidence taken by police to the senior next of kin.

What happens to the body?

- If the body requires medical examination, the body will be transported to the mortuary at the Royal Hobart Hospital or the Launceston General Hospital.

Preliminary examination

A doctor or pathologist will do a 'preliminary examination' of the body of a deceased which is not very invasive. This might include things like collecting fingerprints, looking inside at the teeth and inside the mouth. 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'.

- 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.

- In some instances, a more detailed examination of an organ, like the brain or heart, might be necessary to establish the cause of death. If organs are removed, they may be kept for several weeks.

What can I do if I object to the autopsy?

- ·If the senior next of kin (SNOK) wishes to object to an autopsy being performed, please notify the attending police officer or the Coroners Court immediately. If you are unable to notify the Coroners Court (for example, because it is outside business hours and the Coroners Court is not open) you should notify police via the police radio room (131 444). It is very important that the coroner be made aware of the objection as soon as possible, as autopsies are generally carried out as soon as practicable to allow the deceased person to be returned to family quickly (for more informationsee Fact Sheet 5: Next of Kin and the Coroners Court).

- Any objection to the autopsy must be made:
  - in writing to the Coroners Court or to Tasmania Police; and
  - with reasons specified why you object; and
  - within 24 hours of giving your verbal objection.
- The autopsy will not be performed for 48 hours after an objection is received. 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.
- The coroner must provide notice to the senior next of kin in writing of their decision to refuse your objection. 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.
- The Chief Magistrate (the person who oversees the Coroners Court) may authorise exhumation is where it is believed an autopsy will provide new evidence.
- If the Chief Magistrate authorises exhumation, they must give 48 hours' notice to the SNOK and the owners of the place of burial, unless the Chief Magistrate is satisfied it is not possible to give notice. If the SNOK has asked the Chief Magistrate not to exhume, the body must not be exhumed until 48 hours after the request has been made.
- If the SNOK wishes to object to an exhumation after they have notified the coroner, then they can apply to the Supreme Court to prevent the exhumation.

When will my family members body be release?

- The coroner will authorise the release of the body as soon as they can.
- Once the coroner has gathered all the information they require from the deceased person's body, they will sign a certificate authorising release of the body.
- If the Coroners Court is aware that family members have contacted a funeral director, then the mortuary staff will call the funeral director when the deceased person is ready to be collected. The Coroners Court will call the senior next of kin and let them know, so the funeral director may also be contacted by families to request that the deceased person be collected. If a family contacts a funeral director, they will liaise with the mortuary to transfer the deceased person into their care as soon as practicable.
- If there is a dispute about who to release the body to, the parties must apply to the Supreme Court under probate law. There is no rule that specifies that the person whom the coroner names SNOK has a right to collect the deceased person.

More help

For more information about the process in general from the Magistrates Court of Tasmania visit the following webpages:

- Tasmanian Aboriginal Legal Service | TALS
- legalaid.tas.gov.au