FACT SHEET 9

My loved one's body and things

THIRRILI

This fact sheet explains what happens to the body of your loved one 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?

- If your loved one passes away in hospital and their body is transported to the Coroners Court, their belongings will go with the body to the autopsy.
- If there is a criminal investigation, Victoria Police will take all your loved one's belongings until they are no longer needed.
- There is an application form to a release a loved one's things. This will only happen when the coroner and Victorian Police say they no longer require them. The Aboriginal Engagement Unit of the Coroners Court can help you with this process: (03) 8685 1157 or email via kooriccov@courts.vic.gov.au

What happens to the body?

If the body requires medical examination for a coronial investigation, it will be transported from the place of death or where it is being stored to the Victorian Institute of Forensic Medicine in Melbourne (next to the Coroners Court), or to a forensic pathology service in regional or rural Victoria.

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, 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'.
- 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 the pathologist thinks this needs to happen, they will require permission from the coroner to remove the organs and keep them for several weeks

What can I do if I object to the autopsy?

- If the coroner believes an autopsy is needed to confirm the cause of death, the Coroners Court will contact the senior next of kin. The senior next of kin has the right to object to an autopsy being performed. It is important to notify the Coroners Court immediately if you want to object. For more information, see the Fact Sheet 5: 'Next of Kin and the Coroners Court'
- Any objection to the autopsy must be made:
  - in writing addressed to the Coroners Court (this can be done via the Contact Form on the Coroners Court website – see link below at 'I need more help'); and
  - within 48 hours of the coroner ordering that an autopsy be performed.
- The coroner will take your concerns into account but may still decide that an autopsy is required. This is likely to happen when 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 of Victoria for an order preventing an 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 be removed from the ground or burial site. This is called exhumation.
- The State Coroner may authorise an exhumation when it is believed an autopsy will provide new evidence.
- If the State Coroner authorises an exhumation, they will give notice to the senior next of kin, unless they believe that the exhumation is urgent and the exhumation should not be delayed, giving notice is impossible, or giving notice would result in the escape of an offender or an accomplice, or the destruction of evidence.
- The senior next of kin and any other person who received the notice of the exhumation may appeal to the Supreme Court of Victoria against the decision of the State Coroner.

When can I get the body?

- The coroner will only authorise the release of the body as soon as they can.
- The senior next of kin will need to decide on a funeral service to release the body and sign for the release of the body.
- The family will then need to work with a funeral service to arrange the funeral.

What about a death certificate?

- You can apply to the Registry of Birth, Deaths, and Marriages Victoria for an official death certificate of the deceased.
- A funeral service will be able to provide an interim death certificate while you are waiting for the official death certificate to arrive.

What if I can't pay for the transport of the body or funeral costs?

Funding may be available for transport and funeral expenses through organisations such as Pay the Rent. Speak to the Aboriginal Engagement Unit of the Coroners Court about applying for this funding.

This information was last updated in December 2024 and does not constitute legal advice.

More help

Aboriginal Engagement Unit of the Coroners Court can be contacted via phone or email: (03) 8685 1157 or at Kooriccov@courts.vic.gov.au

For more information about preliminary examinations from the Coroners Court of Victoria visit: https://www.coronerscourt.vic.gov.au/families/first-48-hours-families/forensic-process

For more information about autopsies from the Coroners Court of Victoria visit: https://www.coronerscourt.vic.gov.au/families/first-48-hours-families/forensic-process

The Coroners Court of Victoria can be contacted using the Contact Form here: https://www.coronerscourt.vic.gov.au/contact-us