

III INDEPENDENT INVESTIGATION PROCESS

The coroner may investigate a death which is reported.¹ This includes investigating whether the death is a reportable death.²

There are three stages of the investigation process: investigation, inquest (where appropriate), and the publication of findings and making of recommendations. Each stage has criteria which must be satisfied before the next stage can be reached. At the conclusion, and throughout the process, there are opportunities to appeal decisions made by the coroner.

A Investigation

Whether the coroner conducts an investigation depends on the circumstances of the death. During an investigation the coroner has wide powers. However, there are duties upon the coroner to keep certain persons informed throughout the process.

1. Determining whether to investigate

(a) Must investigate: s. 15³

A Court must investigate a death where

- (i) reportable death; AND
- (ii) death/cause of death occurred in Victoria; AND
- (iii) occurred within 50 years; AND
- (iv) interstate coroner not investigating.

(b) May investigate: s. 14⁴

If it appears that the death *is or may be* reportable and it occurred within 100 years of being reported, the coroner may investigate it. This includes an investigation of whether it is a reportable death.⁵

(c) Not required to investigate: s. 17⁶

The coroner isn't required to investigate a reportable death under the following circumstances. These do not apply to a death where the deceased was under custody/care immediately beforehand, however.⁷

¹ *Coroners Act 2008* (Vic), s. 14.

² *Coroners Act 2008* (Vic), s. 14(3).

³ *Coroners Act 2008* (Vic), s. 15(1)(a)-(d).

⁴ *Coroners Act 2008* (Vic), s. 14(1).

⁵ *Coroners Act 2008* (Vic), s. 14(3).

⁶ *Coroners Act 2008* (Vic), s. 17.

⁷ *Coroners Act 2008* (Vic), s. 17(3).

(i) coroner determines not an unexpected death during/following a medical procedure (see s. 4(2)(b); AND

(ii) medical investigator reports opinion death due to natural causes after conducting medical examination; AND

(c) not a reportable death other than being unexpected; AND

d) not a reviewable death.⁸

(d) *Mustn't investigate: s. 16(5)*⁹

Investigation must discontinue if coroner determines it probably occurred over 100 years before being reported, regardless of whether a reportable death or not.

2. *Provision of information*

(a) *Investigating*

Prescribed information must be provided to particular persons as soon as practicably after the coroner has commenced an investigation.¹⁰ The principle registrar provides this to:

- senior next of kin; and

- any other person who has advised principle registrar they have an interest in the investigation who the principle registrar considers to have a sufficient interest.¹¹

(b) *Not investigating*

A coroner may determine that a reported death is not a reportable death¹² in which case the investigation is discontinued.¹³ Written notice must be given to the person who reported the death.¹⁴

⁸ *Coroners Act 2008* (Vic), s. 17(1)(a)-(d).

⁹ *Coroners Act 2008* (Vic), s. 16(5).

¹⁰ *Coroners Act 2008* (Vic), s. 21.

¹¹ *Coroners Act 2008* (Vic), s. 21.

¹² *Coroners Act 2008* (Vic), s. 16(1).

¹³ *Coroners Act 2008* (Vic), s. 16(3).

¹⁴ *Coroners Act 2008* (Vic), s. 16(2).