

When your partner or relative dies in a work-related accident

Information for partners and relatives

Feedback

It is important to us that this publication is of assistance to you. If you think of areas where it could be improved, you are welcome to let us know. Contact us by email at: safety@dmirs.wa.gov.au

Acknowledgement

This booklet was developed by a working party consisting of representatives from the Coroner's Court, WorkCover WA, the Coronial Investigation Unit, the Victim Support and Child Witness Service, EnergySafety and WorkSafe. The contributions of these agencies is acknowledged

Introduction

The loss of your partner or relative in a work-related accident is likely to be a traumatic and difficult experience. To help you, this publication has information on what different government agencies will do after the death of your partner or relative.

You do not need to read all of the information at once. Use this booklet to refer to as you have questions and to note names and telephone numbers of people you have spoken to.

Although everybody experiences grief differently, your normal way of functioning is likely to be disrupted during this difficult time. Try to be around friends and family and ask them to help you with practical matters.

If you need further help, there is a list of organisations that may be able to provide you with some assistance in Section 3 of this booklet.

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1. What will happen following the death of your partner or relative

Summary

After the death of your partner or relative in a workplace accident, the Police will normally notify you or a family member. Following this, various government officers or agencies will inquire into or investigate the death to meet their responsibilities under the Western Australian law. In particular:

- with the assistance of Police officers usually from the Coronial Investigation Unit, the Coroner will hold an inquiry and, in some instances, also hold an inquest;
- safety inspectors from WorkSafe may investigate;
- if the accident involved electricity or gas, safety inspectors from EnergySafety may investigate;
- in some instances, the Police will investigate to find out whether someone has committed a criminal act; and
- if the safety inspectors and/or the Police investigations reveal that someone has broken a law, court action will be considered and may proceed.

The above information is explained in more detail in the following pages.

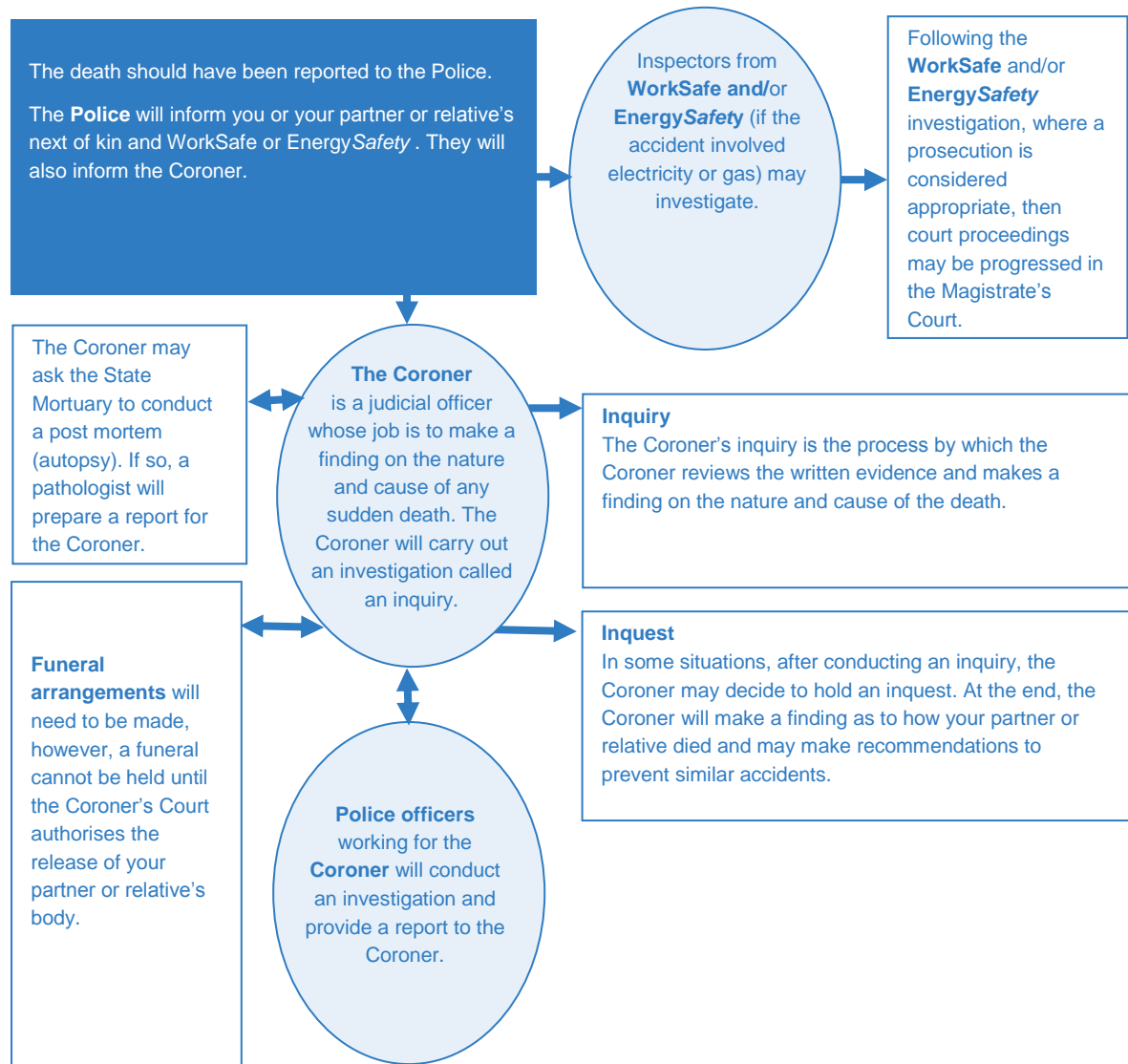
Mining accidents

If your partner or relative' died on a mine site, you should refer to the booklet, *Information for bereaved families following a mining fatality* produced by the Department of Mines, Industry Regulation and Safety Resources Safety. This is available on the internet at www.dmp.wa.gov.au/ResourcesSafety

WorkSafe and EnergySafety

References to WorkSafe and EnergySafety in this publication are to the WorkSafe and EnergySafety divisions of the Department of Mines, Industry Regulation and Safety.

Figure 1 What will happen following the death of your partner or relative in a workplace accident – a summary



Workers' compensation – If your partner or relative was an employee, WorkCover WA will write to their employer's workers' compensation insurer. As a result, the employer should contact you or your partner or relative's next of kin and provide information about workers' compensation payments.

1.1 Initial response by the Police

The Police will inform people and take statements

- Usually the Police will arrive at the scene of the accident first, after the workplace has notified them about the death.
- A Police officer will then inform you or your partner or relative's next of kin about the accident.
- The Police or the hospital will report the death of your partner to the Coroner (see section 1.3 of this booklet).
- The Police will take statements from any witnesses and prepare a report on the death for the Coroner's Court.
- The Police will also report the death of your partner or relative to WorkSafe, which investigates workplace deaths except for those on mining and offshore petroleum sites.
- If electricity or gas was a factor in the accident, the Police will also report the death of your partner or relative to EnergySafety, which may investigate at the same time as WorkSafe.

Note: There are some instances where another government department that looks after laws relating to safety will investigate your partner or relative's death instead of or in addition to WorkSafe and EnergySafety – see Section 1.10 of this booklet, which explains this further.

The Police will be in contact about identification

- A Police officer will arrange for someone, normally a close relative, to formally identify the body of your partner or relative. They will explain where and when this will take place. The person who does this will be required to view the body and confirm their identity in the presence of a Police officer.

1.2 Media reports

- After you or your partner or relative's next of kin have been informed, the Police will release your partner or relative's name to the media. However, you or their next of kin can request that their name not be released for 24 hours.
- As a result of the Police releasing your partner or relative's name to the media, there may be radio and television news reports about their death.

- The WorkSafe Western Australia Commissioner will issue a media statement about the accident. This will provide brief details about what happened and let everyone know that an investigation into the safety matters surrounding their death is underway – see also Section 1.6 for details on the WorkSafe investigation.
- If the death of your partner or relative involved an electrical or gas safety issue, the Director of EnergySafety may issue a media statement to alert the public to dangers that need to be avoided. See Section 1.9 for details on the EnergySafety investigation.
- Journalists may contact you or the next of kin. You or your family do not have to speak to the media if you do not want to. An option is to ask a family member or close friend to speak on your behalf.
- If a journalist is persistent, and you do not wish to deal with them, advise them that you may contact their employer and/or the Police to lodge a complaint.

1.3 The Coroner's inquiry will start

- Following a report from the Police about the death of your partner or relative, **the Coroner will have legal control over their body** and will seek to establish the circumstances, cause, identity and particulars needed to register their death. This is because the Coroner is required by law to make a finding on what happened in relation to their death. It means that a funeral cannot be held until the Coroner's Court issues a certificate to the State Mortuary permitting the release of your partner or relative's body.
- The Police will arrange for a government contractor to take your partner or relative's body to the State Mortuary in Perth – the contact details are in Section 1.4 of this document.
- The Coroner may ask the State Mortuary to conduct an examination of their body. This will be done by conducting a post-mortem (also called 'an autopsy'). It is a detailed examination of your partner or relative's body by a forensic pathologist. It can help establish the cause of death.
- If there is a post-mortem, the pathologist will prepare a detailed report (called an 'autopsy report') for the Coroner. The Coroner will take this information into account when making a finding on the death. The important conclusions in the autopsy report will be set out in a letter, which will be sent to you or the senior next of kin and other senior family members.
- If you or a senior next of kin would like to read the full autopsy report, a request in writing must be made to the Coroner. (See the contact details for the Coroner in Section 7 of this booklet.) If this happens, the autopsy report will be sent to a doctor of your choice, usually your GP. They will discuss and explain any medical terminology in the autopsy report, after which it will be handed to you.

- In most instances, the body of your partner or relative will be released by the Coroner for burial or cremation immediately after the identification and post-mortem examination are completed. This is usually within one to four days. Once this occurs, the Coroner has no further control of their body.

Who is the 'senior next of kin'?

The senior next of kin is the first person who is available, from the following people:

- a person who, immediately before the death, was living with the person who died and was either:
 - (i) legally married to them; or
 - (ii) aged 18 years or over and in a marriage-like relationship with them;
- a son or daughter, who is 18 years of age or over;
- a parent of the person;
- a brother or sister, who is 18 years of age or over;
- an executor named in the will of the person who died or a person who, immediately before the death, was their personal representative; or
- any person nominated by the person who died to be their contact in an emergency.

If the death of your partner or relative occurred in the country

- The majority of autopsies conducted on people who have died in the country are performed at the State Mortuary in Perth. However, there are instances when the autopsy is performed by a doctor in a country area. If this is to happen, the arrangements for the autopsy are made by the Registrar at the local Magistrates' Court.
- If your partner or relative's body is to go the State Mortuary in Perth, the Coroner's Court will cover the cost of transporting their body to Perth and back to their place of death. If a funeral is to be held elsewhere, the Coroner's local government contractor will advise the Coroner's metropolitan contractor who will ensure their body is transported to the right place. This does not include transport to another state or overseas.

Who is the Coroner?

The Coroner is a judicial officer who must be advised immediately when someone dies from apparent non-natural causes or where the cause of death is unknown. When your partner or relative has died in a workplace accident, the Coroner has the power to investigate the circumstances surrounding their death. The Coroner's investigation will vary depending on the circumstances of their death and may include:

- a review of their medical history and the circumstances of the accident;
- a post mortem ('an autopsy');
- pathology tests; and
- reports from investigators, such as the Police, doctors and engineers.

Once the investigation is completed, the Coroner will make findings in relation to the death of your partner or relative. See Section 1.12 of this publication.

If the death of your partner or relative occurred in a **country area**, the investigation will usually be carried out at one of the Regional Magistrates' Courts at Albany, Broome, Bunbury, Carnarvon, Geraldton, Kalgoorlie, Kununurra, Northam or South Hedland. The procedure for deaths in country areas is the same as for those in the metropolitan areas.

Contact details for the Coroner are in Section 7 of this booklet and more information is available on the Coroner's internet site at www.coronerscourt.wa.gov.au/

How do I find out about the post-mortem examination?

The Coroner's Court has a brochure called, *When a person dies suddenly: Information for families*, which explains post-mortems, your rights in relation to them and the Coroner's role. An investigating Police officer usually gives this brochure to you, the senior next of kin or the oldest relative available. It can also be obtained from the Police, the Coroner's Court or from the internet at www.coronerscourt.wa.gov.au

Objecting to a post-mortem – the senior next of kin has the right to object to a post-mortem taking place. If the Coroner over rules such an objection, the senior next of kin may make an application in the Supreme Court for an order that no post-mortem be performed.

If the senior next of kin is considering objecting, then they should do this within 24 hours of receiving the above brochure by contacting a duty counsellor in the Coroner's Court between 7am and 6pm. If more than 24 hours has passed, the post-mortem may have already commenced.

Coroner's Court contact details

Business hours – Phone 9425 2900. Country callers can phone 1800 671 994.

Weekends and public holidays – Phone 0419 904 476.

May I see my partner or relative's body at the State Mortuary?

You and your family are able to attend the State Mortuary to view their body.

When you speak to someone at the State Mortuary, ask them questions about what you can do, such as how long you can stay, who can go with you and how many times you can visit. Touching your partner or relative's body will be permitted, unless the Coroner has determined that it is undesirable or dangerous to do so.

If you wish, a counsellor from the Coroner's Court can go with you to the State Mortuary. You can contact the duty counsellor in the Coroner's Court to arrange this.

State Mortuary contact details

Perth

Contact the State Mortuary on (08) 6383 4881. It is located next to, but separate from, the Accident and Emergency Department at Queen Elizabeth II Medical Centre, Hospital Avenue, Nedlands.

Country areas

Contact the local Police station or the Coroner's Court on 9425 2900. Country callers can phone 1800 671 994. On weekends and public holidays, phone 0419 904 476.

Coroner's Court contact details

Business hours – Phone (08) 9425 2900. Country callers can call 1800 671 994.

Weekends and public holidays – Phone 0419 904 476

What happens to my partner or relative's personal belongings?

Your partner or relative's personal items, including jewellery, will be removed during admission to the State Mortuary or a hospital mortuary and placed in safe custody by Police officers until they can be returned to the family. Return of these personal items is arranged by contacting the investigating Police officer who is your contact person, usually an officer working for the Coronial Investigation Unit. This is the same if your partner or relative's death occurred in the country.

To avoid the personal belongings arriving unexpectedly, you could tell the Police investigating officer that you would like to be contacted before they are sent.

Where can I get help?

The Coroner's Court has a free counselling service available for families and friends of a person who has died. The counsellors can help explain the post-mortem examination, the Coroner's role and arrangements to see the body of your partner or relative. They can also provide counselling on trauma and loss.

Coroner's Court contact details

Business hours

A duty counsellor is available daily between 7am and 6pm. During business hours, phone (08) 9425 2900. Country callers can phone 1800 671 994.

Weekends and public holidays – Phone 0419 904 476.

1.4 Police officers working for the Coroner will carry out an investigation

- After the Police have notified the Coroner about the death of your partner or relative, Police officers working for the Coronial Investigation Unit will carry out an investigation for the Coroner's inquiry (see the previous section). This is referred to as the '**Coronial Investigation**'. You can ask the Police officers to keep you informed of progress with the investigation or make someone else your contact person.
- The Coronial Investigation Unit Police officers will carry out a review of the circumstances of their death and a series of reports will be collected for the Coroner's Court. These will include the post-mortem report and an investigation report. Depending on the circumstances, reports may also be obtained from engineers, experts and the Police.
- In country areas, the Coronial Investigation may be carried out by locally based Police officers on behalf of the Coronial Investigation Unit.
- Anyone with information they believe is relevant to the Coroner's inquiry can write to the Coroner or contact the Coroner's Court or one of the investigating Police officers from the Coronial Investigation Unit. The information will be taken into account in the investigation

How long will the Coronial Investigation take?

This will vary according to the circumstances of your partner or relative's death. The investigation usually takes a number of months and sometimes will take longer to complete. If the Coroner requests that an inquest be held, it may take longer before the investigation is completed.

See Section 1.12 for more details on the Coroner's inquiry and inquest.

1.5 Funeral arrangements

- A funeral cannot be held until the Coroner's Court issues a certificate to the State Mortuary authorising the release of the body of your partner or relative (see Section 1.3). However, you can start to make the funeral arrangements while you are waiting.
- Unless there is a will that appoints an executor to carry out the funeral, it is usually the next of kin, for example the wife, husband, child, parent, legal partner or sibling, who is responsible for arranging the funeral.
- If you are the person organising the funeral, if possible, ask someone to help you make the funeral arrangements. Your partner or relative's employer may provide some assistance.

How can I find a funeral director?

When you are organising the funeral, you might consider speaking to a number of funeral directors to find out about services and prices. If you do not know of a funeral director, the Australian Funeral Directors Association may be able to assist.

Australian Funeral Directors Association

Web site – www.afda.org.au

Business hours – Phone 03 9859 9966 (national office)

- The will should be located as it may contain funeral requests, such as whether your partner or relative wanted a cremation or a burial. If you are unsure whether a will exists, the family solicitor (if there is one) or the Office of the Public Trustee may be able to tell you if there is a will. The Office of the Public Trustee can be contacted on 1300 746 212.
- Once a funeral director has been arranged, they will keep in contact with the Coroner's Court about the release of your partner or relative's body so a date for the funeral can be fixed. The funeral director will claim their body on your behalf and, if you wish, they can also arrange for a viewing and help with newspaper notices and religious services.
- If a funeral director has not been arranged, then you will need to make the funeral arrangements when the Coroner's staff notify you of the release of your partner or relative's body.

How do I get a death certificate for legal or insurance matters?

The funeral director will collect all the information required for registration of your partner or relative's death and send it to the Registry of Births, Deaths and Marriages' office at the Department of the Attorney General. The funeral director will also obtain an interim death certificate, called an *Interim Record of Investigation of Death Form (Finding)*, and provide it to the next of kin. **This is** provided the cause of death was established by the post mortem examination.

The interim death certificate can be used in limited circumstances to assist in progressing estate matters, to access money in bank accounts by a spouse and for Centrelink purposes.

The final death certificate is explained in Section 1.13 of this booklet.

How will the funeral costs be funded?

There are different ways in which the costs of the funeral may be covered. For example:

- in some instances, the funeral costs will be covered by the employer. If this is the case, then they should inform you;
- if your partner or relative was covered by workers' compensation, funds may be available to cover the costs of the funeral to the value of \$8,325.00 (rate as at 1 July 2009, indexed annually). For queries about this, contact the Advisory Services at WorkCover Western Australia on 1300 794 744. See also Section 6 of this booklet;
- if there is a will, it may contain details on payment for the funeral;
- if the workers' compensation scheme does not apply in the case of your partner or relative, funds may be available to assist with the funeral costs from private sickness, accident or life insurance, union membership or a pre-paid funeral plan or funeral bond if it was arranged. If your partner or relative has an accountant or financial advisor, ask them if they know of any financial plans or insurance; or
- depending on the circumstances, Centrelink, the Commonwealth Department of Veterans' Affairs or a health fund may also be able to assist with the costs.

1.6 WorkSafe investigation

- After being notified of the death of your partner or relative by the Police or their employer, a WorkSafe inspector or inspectors will carry out an investigation.
- At a later date, a WorkSafe director will contact you or your partner or relative's next of kin. They will usually have obtained the contact details from the Police. They will explain the investigative process and who will be the WorkSafe contact person. They will also ask the family to suggest one family member as the family contact person for WorkSafe.
- If you or your partner or relative's next of kin have agreed to have a meeting with WorkSafe, both a director or team manager and an investigating inspector will attend. They will be able to answer some questions and listen to information you have. They may ask questions to help with the investigation, for example ones related to your partner or relative's state of health. If you think of information or have questions later on, you are welcome to telephone your WorkSafe contact person.
- In some cases, it may not be possible to organise a meeting with family members, for example because the family or next of kin live overseas or interstate. In these instances, a copy of this booklet and a covering letter will be sent.
- At the completion of the investigation, a lawyer will then carefully review the evidence to see if it may support a prosecution of someone for breaking the law under the *Occupational Safety and Health Act 1984* – see the following sections for details on prosecutions and court proceedings.

What does a WorkSafe investigation involve?

The aim of the investigation will be to find out if someone has broken the occupational safety and health law in relation to the death of your partner or relative.

Inspectors may:

- look at the accident site and the incident leading to their death and take and examine physical evidence and photographs as well as make drawings and measurements;
- look at relevant documents;
- consider whether the workplace's safety and health management was adequate;
- interview witnesses such as workers, the employer or their representative and other people with relevant information;
- depending on the circumstances, contact technical experts to provide expert advice; and
- review measures to prevent a similar death happening again, both in your partner or relative's workplace and other workplaces.

How long will the WorkSafe investigation take?

The investigation will begin as soon as possible and may take from several months to three years to complete. The length of time taken to complete the investigation may be frustrating for you. However, it is important that a thorough investigation is carried out and it may take a considerable amount of time to do this properly. Some times an investigation will take a longer time because additional information may have come to light or it might be identified that additional interviews are required.

Who is your contact person at WorkSafe?

The WorkSafe director or team manager to whom the investigating inspector(s) report will be your contact person at WorkSafe.

The director or team manager will give you their telephone number when they contact you.

The investigating inspector(s) will not be your contact person/people because they need to focus on the investigation and remain independent.

What are WorkSafe's contact details

If you misplace the director or team manager's number, call WorkSafe's general number on 1300 307 877.

How often will you get updates on progress with the investigation?

Your WorkSafe contact person will keep you informed of progress. However, the process of conducting the investigation can be slow and there may be long gaps of time when you do not hear from them. This may be for various reasons including delays in interviewing people or getting expert advice and the care required in gathering and considering all the relevant information.

How much information can WorkSafe give you?

The WorkSafe director or team manager who is your contact person will be able to answer some questions and discuss some facts and things that will happen. However, they may only be able to provide limited information because it may affect the investigation and, if it occurs, any prosecution. The law also prohibits release of some information.

1.7 WorkSafe will decide whether to prosecute

- After WorkSafe has completed its investigation into your partner or relative's death, it will decide whether to prosecute a person or a company if it has been determined that the occupational safety and health law may have been broken and it is in the public interest to progress a court case.
- Sometimes a decision will be made not to prosecute in relation to a fatal accident. When this happens, you or a family member will be contacted by your WorkSafe contact person. They will only be able to discuss some aspects of the decision not to prosecute anybody.

How is it decided whether a prosecution will go ahead?

WorkSafe has a **Prosecution Policy**, which WorkSafe uses together with advice from lawyers, to decide whether a case relating to the occupational safety and health law being broken should be taken to court.

The Prosecution Policy requires that, before proceeding with a court case, a prosecution must:

1. **have 'a prima facie case'** – this means that a prosecution will only be started when an investigating inspector has obtained sufficient evidence to establish what is referred to as 'a prima facie case'. This is a question of law. It means: if the available evidence is believed by the court, is it capable of proving, beyond reasonable doubt, all the elements of the offence? If there is not a prima facie case, the prosecutor is not allowed to prosecute the case; and
2. **be in the public interest** – this means it will be considered whether there are reasonable prospects of a conviction and, if so, consideration will also be given to other factors such as the circumstances in which the alleged offence was committed.

The above two factors mean that, in some instances, after receiving legal advice, WorkSafe will not prosecute someone in relation to the death, if it appears that a case will not succeed in court. A lawyer will have carefully considered all the evidence before a decision is made not to prosecute.

When a case is before a court, the court's role will be to determine guilt or innocence and impose penalties for breaches of the occupational safety and health law.

Copies of WorkSafe's Prosecution Policy can be obtained from www.commerce.wa.gov.au/worksafe.

How can I get more information?

WorkSafe will write to the next of kin about the outcome of its investigation.

Coroner's Court contact details

The Coroner's report on your partner or relative's death may also provide you with relevant information. See Section 1.12 of this booklet.

Business hours

Phone (08) 9425 2900. Country callers can phone 1800 671 994.

Freedom of Information (FOI)

If you wish to obtain copies of documents WorkSafe may have in relation to your partner or relative's death, you can apply to WorkSafe for access to them by making a Freedom of Information request.

If you plan to request documents, contact the Freedom of Information (FOI) Co-ordinator at WorkSafe and they will advise you of the process.

WorkSafe Freedom of Information (FOI) Coordinator

Business hours

Phone 1300 307 877

Legislation

The *Occupational Safety and Health Act 1984* is the legislation WorkSafe refers to when looking at whether somebody has broken the occupational safety and health law. This is available from the State Law Publisher's web site at www.slp.wa.gov.au

1.8 Court proceedings by WorkSafe

- When a prosecution has been considered appropriate in relation to the death of your partner or relative, court proceedings will commence to prosecute someone or an organisation for a breach of the occupational safety and health law.
- You or your family's contact person will receive a letter from WorkSafe to advise when it has been decided to prosecute someone. The letter will explain that a **victim impact statement** may be prepared to be read out either by you or the lawyer carrying out the prosecution case or delivered in court to the magistrate. This means that, in the event the accused people or person plead guilty or are found guilty, the WorkSafe prosecutor can ask the magistrate if you can give a victim impact statement to the court. It will be your chance to tell the court how the death has affected you so that, if it wants, the court can take this into account when deciding what sentence to give the offender.

First hearing

- When a prosecution is to be carried out, the legal proceedings will start within three years of the incident that led to the death of your partner or relative.
- You or your partner or relative's next of kin will be notified in writing of the first hearing date in court, after a prosecution notice has been served on the accused. Hearings are always in the Magistrate's Court and usually take place sometime after the completion of an investigation.
- Relatives, partners and members of the public are usually able to go and listen to the court hearings.
- Your WorkSafe contact person should contact you or your family's contact person and discuss what information can be provided to you. It is probable that only limited information will be made available for legal reasons.
- Sometimes the hearing date or venue will change at short notice. If so, staff from WorkSafe will endeavour to keep you or your partner or relative's next of kin informed. You can also telephone the Magistrate's Court.
- The person or organisation accused of breaching the law can plead guilty or not guilty or ask the court for 'an adjournment' (more time).

- Usually, at the first court hearing, the lawyer representing the accused asks for a two to four week adjournment to get legal advice. They can ask for about three adjournments of about four weeks each, before the accused has to plead 'guilty' or 'not guilty'. This means that there may be three hearings in the court and it will not be until the fourth court hearing that the accused pleads 'guilty' or 'not guilty'.

If the accused pleads 'guilty'

- If the accused person or organisation pleads guilty in the Magistrate's Court, the Magistrate's Court will set a time for them to be sentenced and you will hear a brief summary of what happened.
- If you or a relative have prepared a victim impact statement, it will be read out or delivered in court.
- The Magistrate will determine the sentence, which is usually a fine. This may take time depending on the specifics of the case, or the sentence may be handed out on the day.

If the accused makes a plea of 'not guilty'

- If the accused person or organisation pleads not guilty in the Magistrate's Court, the Magistrate will set a trial date for matters to be fully heard in court, during which the accused will be found guilty or not guilty.
- The trial date is likely to be at least six to twelve months after the plea of not guilty is entered. The trial will be held in the Magistrate's Court and will often take more than a day.
- During the trial, you will hear all the evidence in detail unless you are a witness.
- At the end of the trial, the Magistrate will usually set another time in the next few weeks or months to advise of their decision on whether the accused is guilty or not guilty. If the accused is found guilty, where you or a family member has prepared a victim impact statement, it will be read or delivered in court. The Magistrate's Court will set a time for them to be sentenced.

How is a fine determined by the Magistrate?

The *Occupational Safety and Health Act 1984* sets a maximum penalty for each offence. The maximum penalty will only be imposed in the worst possible case. The penalty will usually be much less than the maximum.

Further court proceedings

- In some instances, either the person successfully prosecuted or WorkSafe will appeal the decision. This means that another court date will be set. Much more time is taken for an appeal to be heard in court.

1.9 EnergySafety investigation – for electrical and gas related accidents

- In situations where electricity or gas was a factor in the death of your partner or relative, EnergySafety will investigate.
- When EnergySafety is investigating, WorkSafe may also carry out an investigation because it investigates where a death occurred at a workplace. This means that there may be two safety investigations occurring at the same time.
- After being notified of the death of your partner or relative by the Police or their employer, an EnergySafety inspector or inspectors will be assigned to carry out the investigation.

What does an EnergySafety investigation involve?

The aim of the investigation will be to establish if electricity or gas was the cause of the death of your partner or relative or if there have been any breaches of the safety legislation.

During the EnergySafety investigation, inspectors may:

- interview witnesses, workers, the employer or their representative and other people with knowledge related directly or indirectly to the incident;
- examine the accident site of your partner or relative's death and remove physical evidence of what happened. They may also take photographs, drawings and measurements;
- look at relevant documents; and
- depending on the circumstances, contact technical experts to review details.

How long will the EnergySafety investigation take?

The investigation will usually begin within 24 hours and may take several months or longer to complete, depending upon the complexities involved.

Who is your contact person at EnergySafety?

Should you require any information about the EnergySafety investigation, the Chief Electrical Inspector or Chief Gas Inspector can provide it.

How can I get more information?

The Coroner's report on your partner or relative's death may also provide you with relevant information. See Section 1.12 of this booklet.

Coroner's Court contact details

Business hours

Phone (08) 9425 2900. Country callers can phone 1800 671 994.

Freedom of Information

If you wish to obtain copies of any other documents EnergySafety has in relation to your partner or relative's death once the investigation is completed, you can make a Freedom of Information application to EnergySafety. You will have to complete an Application for Access to Documents form. This is available at www.commerce.wa.gov.au/Corporate/Services/

Freedom of Information (FOI) Coordinator

For assistance, you may telephone the Freedom of Information coordinator.

1.10 Investigation by other government departments

- As a general rule, when your partner or relative has died in a workplace accident that was not a mine site, it will be investigated by WorkSafe and/or EnergySafety. However, sometimes another government department will investigate instead because the laws they are responsible for are relevant and they have the technical expertise.
- The situations where another government agency may investigate instead of WorkSafe or EnergySafety include:
 - if the accident was at a mine or petroleum site, then the Resources Safety division of the Department for Mines, Industry Regulation and Safety will investigate;
 - if there was a medical condition involved or a motor vehicle accident on a public road or there may have been criminal activity, the Police may investigate – if you need information on the Police investigation and prosecution process, see the Victim Support Services' booklet, *What do I do now?* available on the internet at www.courts.dotag.wa.gov.au (look under Publications) or ring 9425 2850;
 - if there was an aircraft or helicopter crash or an accident at sea, the Australian Transport Safety Bureau may investigate;
 - if there was a workplace rail accident, the Department of Transport's Office of Rail Safety may investigate;
 - if there was a boat involved, then the Department of Transport's Marine Investigation Unit may investigate, as they are required to investigate marine incidents involving serious death or injury and/or sea worthiness of a boat; and
 - if your partner or relative worked for a company that has a self insurance licence for workers' compensation or the Federal government, then Comcare, a Federal government department, may investigate.
- WorkSafe will liaise with the above government departments to work out which government agency will investigate your partner or relative's death.

1.11 Further action by WorkSafe and EnergySafety

- As a result of a WorkSafe and/or EnergySafety investigation into your partner or relative's death, action may be taken aimed at preventing similar deaths.
- WorkSafe may issue a safety and health alert that makes recommendations for safety and health at similar workplaces. Awareness may also be raised in the community about relevant safety issues, such as a safety campaign with workplace visits by inspectors.

1.12 Coroner's inquiry and inquest

The Coroner's inquiry and finding

- As explained in Section 1.3 of this booklet, following a report from the Police about your partner or relative's death, the Coroner will start an inquiry. In most instances, at the end of the Coroner's inquiry, the Coroner will make findings in relation to the death of your partner or relative.
- The findings are presented in a report called, a **Record of Investigation into Death**. This provides the necessary information for the death of your partner or relative to be registered at the Registry of Births, Deaths and Marriages – see Section 1.13.

How can I get more information on how my partner or relative died?

Reading the Coroner's report, *Record of Investigation into Death* may provide more information. However, it may contain details that might upset you.

Sometimes the findings on a death may be that it was not caused by something or someone at the workplace, but by natural causes such as a heart attack.

A copy of the Coroner's report will be provided to your partner or relative's senior next of kin.

Coroner's inquest

- In some situations, after conducting an inquiry into the death of your partner or relative, the Coroner may decide to hold a public hearing known as an **inquest**. If this happens, the next of kin will be advised by a letter from the Coroner.

What is an inquest?

When the Coroner has decided to hold an inquest, it is a court hearing presided over by the Coroner, in which the circumstances of your partner or relative's death are examined. The Coroner is interested in finding what lessons can be learnt from their death and can comment on any matter connected with it.

During the inquest, the Coroner will hear evidence to assist in determining how your partner or relative's death occurred. The Coroner will finalise the inquest by making a finding in which she or he make recommendations to help prevent deaths occurring in the future. For example, the Coroner might make recommendations about the design of equipment to make it safer.

An inquest is not a trial. The aim of the inquest is to find out how your partner or relative died. The Coroner cannot decide if someone has committed an offence and is guilty or innocent or determine any question of civil liability. That is a matter for other courts, for example a prosecution in the Magistrate's Court to see if someone has broken the safety and health law.

The Coroner's Court is not bound by the legal 'rules of evidence' like other courts. More than any other, it is a 'court of truth' and the Coroner has the power to compel witnesses to answer questions. For this reason, evidence from an inquest cannot generally be used in any other court of law.

- The Police will provide information, such as statements and exhibits, to the Coroner, before an inquest is set down for a hearing in a court. Partners or family members will usually be able to inspect these at the Coroner's Court at the nearest Magistrate's Court, long before the inquest is held. The family contact person will be advised by the Coroner's Court which local Magistrate's Court the documents and items have been forwarded. You can then make suggestions to the Coroner, usually by letter, if you have any concerns or issues regarding the inquiry.
- There is no need to engage your own lawyer to take part in the inquest on your behalf. A person called the Counsel Assisting the Coroner, who will be a lawyer or Police officer, will help you at the inquest and put forward questions to witnesses on your behalf, provided they are relevant. If you feel there is a need for your own lawyer, the Counsel Assisting the Coroner at the Coroner's Court will provide you with advice.
- You may wish to consider taking legal advice from a solicitor before the inquest takes place, particularly if you are considering civil legal proceedings.
- You can attend the inquest and listen in the court. The Coroner's Court will advise contact people of the inquest date. Some of the details that may be revealed, such as detailed post-mortem evidence, may be very distressing.
- During the inquest, witnesses will be called to give evidence and exhibits are produced to enable the Coroner to make the findings.

- At the end of the inquest, the Coroner will make a finding in a report on where, when and how your partner or relative came to die. The Coroner may also make recommendations in the report aimed at preventing similar deaths to that of your partner or relative.
- Once the Coroner has made a finding, it is sent to the Registrar of Births, Deaths and Marriages' office at the Department of Justice, which will be able to issue the final death certificate. See the next section.

How long will it be before a coronial inquest is held?

If the Coroner has decided there should be an inquest, it may take years to occur if other legal action is taking place in relation to the death of your partner or relative. For example, where WorkSafe or EnergySafety may be prosecuting a person or body corporate for a breach of legislation. Any legal proceedings may take a long time, especially if the verdict or sentence is appealed. All legal proceedings must all be completed before an inquest is held.

1.13 Coroner issues final death certificate

- Following completion of the Coroner's inquiry and inquest, if it is held, the finding on your partner or relative's death issued by the Coroner is sent to the Registry of Births, Deaths and Marriages' office at the Department of the Justice.
- Once the Registrar at the Registry of Births, Deaths and Marriages receives the Coroner's finding, they will be able to register the death and issue **the final death certificate**. It may take many months or even years for a final death certificate to be issued depending on other factors, for example if there is going to be a court case, as a result of a WorkSafe, EnergySafety or Police investigation. As mentioned before, the Coroner will not carry out an inquiry until all the court action by investigators is completed.
- Information on how to get the final death certificate will be provided by the Coroner's Court.
- Sometimes the funeral director will organise for a copy of the death certificate to be forwarded to you once it is available, if that was part of the funeral arrangements. Otherwise, you can purchase a death certificate from the Registry of Births, Deaths and Marriages.
- There are requirements in relation to obtaining the final death certificate. You can find these out by contacting the Registry of Births, Deaths and Marriages.

Registry of Births, Deaths and Marriages

Address: Westralia Square, Level 10, 141 St Georges Terrace Perth

Website: www.bdm.justice.wa.gov.au

Phone: 1300 305 021

2. Coping with what has happened

After hearing about your partner or relative's death you may feel shock. It will probably be one of the most difficult experiences you will go through. There is no single or easy way of dealing with the loss, but the tips below may be helpful during the early days following their death.

Choose someone to help with practical matters, such as arranging the funeral and dealing with other immediate issues, such as sorting out finances, contacting friends and family to let them know about your loved one's death and liaising with the Police.

For major decisions, it may be useful to consult a family member or trusted person. Grief can affect concentration, memory and emotion and, consequently, you may not be in the best state to make important decisions.

Be around as many good friends and family as possible. Keeping your support network close by is crucial at this time.

Get as much sleep as you can. Although this may be difficult, having adequate rest will help you cope emotionally.

Although you may not feel like eating, it is important to continue regularly eating nutritious food.

Friends and relatives may ask if they can do anything to help. Although you may feel concerned about imposing on them, taking up an offer of cooked meals, child minding or help with the house work may give you extra time to make arrangements.

Relatives and friends may offer advice about how you should be grieving. Although some advice may be valuable, remember that everyone's experience of grief is different. Try to take on advice that is of use to you and leave behind the advice that is well-meaning but unhelpful.

Some of the people and organisations listed in the following section of this booklet may be of assistance in finding someone to talk to. Counselling or contact with a healthcare professional can be helpful even in the early days.

The above text is reproduced from the document, *Information about the first week* edition no.2 June 2008 by permission from WorkSafe Victoria. The WorkSafe Victoria website at www.worksafe.vic.gov.au should be accessed for more information and future updates on the document.

3. Obtaining help and support

Talking to someone in a safe and confidential environment may help you find ways of coping with your feelings. Listed below are suggestions for finding someone to talk to.

Counselling

- The family doctor – you may get some practical help and support from your family doctor. They may also be able to help you find a counsellor, if you need one.
- Your local church or religious group may offer some support.
- Your partner or relative's union may offer some support.
- A workplace employee assistance program – if your partner or relative was an employee, then you may have access to a counsellor through their workplace's employee assistance program. This may provide grief counselling. You could contact the employer to see if such a program is available.
- The Coroner's Court has a free counselling service available for families and friends of deceased people. The counsellors can help explain the post-mortem examination, the Coroner's role and arrangements to see your partner or relative's body. They can also provide counselling on trauma and loss. A duty counsellor is available daily between 7am and 6pm. The contact details are:

During business hours, telephone 9425 2900

Country callers can phone 1800 671 994

On weekends and public holidays, telephone 0419 904 476

- The Victim Support Service — if WorkSafe will be prosecuting someone in relation to your partner or relative's death and they are to be taken to court, then you have access to a free and confidential counselling and support services from the Victim Support Service. These services are provided by professional counsellors and trained volunteers. The contact details are:

Level 2, District Court Building, 500 Hay Street, Perth 6000

telephone: 9425 2850 or 1800 818 988 or fax 9425 4428

email: vss@justice.wa.gov.au

website: www.courts.dotag.wa.gov.au – look under 'Victim Services'

- The Australian Psychological Society Ltd can provide information on finding a psychologist. The contact details are:

telephone: (toll free) 1800 333 497

email: contactus@psychology.org.au

website: www.psychology.org.au

- Anglicare offers grief counselling, charged on a sliding scale based on household income. It also has a state-wide telephone counselling service, charged on a sliding scale. There are offices in the metropolitan area, Albany, Broome, Karratha, Dampier and Kununurra. The contact details are:

telephone: 1300 114 446

website: www.anglicarewa.org.au

- Relationships Australia Western Australia is a not-for-profit organisation that offers relationship support services. It has offices in the city and some country areas. The contact details are:

telephone: 1300 364 277

website: www.relationships.com.au

- Centrecare is a not-for-profit organisation providing counselling, support and mediation. It has offices in the metropolitan area and Bunbury and its fees vary according to service. The contact details are:

telephone: 9325 6644

email: enquiries@centrecare.com.au

website: www.centrecare.com.au

Telephone counselling

- Lifeline Western Australia provides 24 hour (seven day) telephone counselling. The contact details are:

telephone: 13 11 14

website: www.lifelinewa.org.au

- Kids Help Line provides a free and confidential 24 hour telephone counselling service for children aged 5-18. It also offers an email and web counselling service. The contact details are:

telephone: 1800 551 800

website: kidshelp.com.au

Support groups

- The Compassionate Friends of Western Australia is a self help group run by volunteers that aims to assist with grief arising from the loss of a child for parents and grandparents, with assistance also for siblings. It provides a range of free assistance including support group meetings and brochures.

The contact details are:

City West Lotteries House, 2 Delhi Street, West Perth

telephone: 9486 8711

email: info@compassionatefriends.wa.org.au

website: www.compassionatefriendswa.org.au

- The Compassionate Friends Mandurah Inc provides a range of free support services to people who have lost a child. This includes support groups and a telephone service. It provides services to bereaved families in the area from Kwinana to Augusta. The contact details are:

7 Anzac Place, Mandurah Lotteries House, Mandurah

telephone: 9535 7761

- Good Grief is a not-for-profit organisation providing programs for children, young people and adults on how to manage change, loss and grief, enabling them to understand and express their experiences of change. It is a small peer group education program, not therapy or counselling, and facilitated by a trained companion. For children and young people, the program is conducted through an organisation, such as a school or agency. For adults, the program can be run by any organisation or community group covered by required insurances. The contact details are:

telephone: 02 8912 2700

email: info@goodgrief.org.au

website: www.goodgrief.org.au

Online support groups

- www.sharegrief.com– this website states that it provides online grief support, education and resources. It has a team of volunteer ‘grief specialists’ who can assist those who have lost someone in an accident.

Legal advice

- Legal Aid Western Australia provides information, advice and other legal help. Their solicitors and advisers may be available to provide advice on some legal issues. The type and amount of assistance provided depends on your finances and legal problem and Legal Aid’s resources. Legal Aid may ask you to pay or contribute to all or part of your legal costs. Appointments can be made at a Legal Aid office by phoning their Information Line on 1300 650 579. The appointment can be in person or by telephone. There may be a small fee for this service.
- The contact details are:
 - Perth office: 32 St Georges Terrace, Perth. There are also offices in Fremantle, Kununurra, Kalgoorlie, Albany, Midland, Geraldton, South Hedland, Bunbury and Broome
 - telephone: Information line (Infoline) 1300 650 579
 - website: www.legalaid.wa.gov.au
- Citizens Advice Bureau is a not for profit information and referral service. It provides legal advice for a fee and offers mediation and facilitation services. It can provide advice on procedures after a death, administering a will, applications for probate and letters of administration. The contact details are:
 - 25 Barrack Street Perth 6000 and there are branches in Albany, Armadale, Bunbury, Busselton, Esperance, Fremantle, Joondalup, Kwinana, Mandurah, Midland and Rockingham
 - telephone: 9221 5711

The information presented in the above listing is provided as a public service. It is made available in good faith and is derived from sources believed to be reliable and accurate at the time of release. It is not an endorsement of particular services or groups. It is suggested readers compare services and groups and prices (if applicable) to find those that suit their needs.

4. Who to contact to advise about your partner or relative's death

Your partner or relative will have had contact with many organisations and groups. In the coming weeks, you may have to contact these to notify them about your partner or relative's death.

The following list will assist you to identify the services and organisations that you may need to contact. It should be used as a starting point. You may need to look through your partner or relative's papers to find other organisations to notify.

In order to change the records in relation to your partner or family member, you may need to provide a copy of the death certificate and reference numbers, as well as other information. It may be useful, in some circumstances, to speak to the organisation and find out what information they need in order to make the necessary changes. This may save time and prevent unnecessary frustration.

Organisation	Contact details	Notified: Yes/No and date
Accountant		
Australian Electoral Commission		
Australian Taxation Office		
Banks and financial institutions that managed loans, general banking, etc		
Centrelink and/or Department of Veteran Affairs		
Children's school/childcare, sporting and recreational groups		
Family lawyer or executor of will		

Organisation	Contact details	Notified: Yes/No and date
Insurance companies including home, health and car		
Local council (rates, libraries and other council services)		
Medicare		
Priest, minister or other religious contact		
Sporting clubs/groups		
Superannuation fund(s) – the employer may be able to help		
Union/professional associations		
Utility companies such as electricity, water, gas and phone		
Department for Transport for vehicle registration and other licences		
Subscriptions to magazines/publications		

5. Managing finances

Listed below are some financial matters that you may need to consider during this difficult time. The list is to help you get started and is not a full listing of all things you might need to consider.

- **Is there a will?**

A starting point will be to find out whether your partner or relative made a will. It may be stored with personal papers. Or the family solicitor (if there is one) or the Public Trustee (phone 1300 746 212) may hold an original copy or provide you with advice if there is not one.

If there is a will, there should be a person (called 'the nominated executor') named as being the one responsible for ensuring that the instructions in the will are followed.

- **What happens if there is no will?**

If there is no will, then you should seek advice on how to manage the estate. You may consider getting advice from:

- the Citizens Advice Bureau, which can be contacted on telephone 9221 5711. See also the website at: www.cabwa.com.au; or
- a lawyer or accountant.

- **Did your partner or relative have life insurance or belong to a scheme that provided funeral or death benefits?**

Contact the life insurance company or scheme provider as soon as possible.

- **Is there money owing from the workplace, such as holiday and long service pay?**

Contact your partner or relative's employer and ask for these details.

- **Did your partner or relative have superannuation, both current and previous?**

You could contact their past employer(s) or union to find out details.

- **Was your partner or relative a member of a union?**

Sometimes unions have a scheme or entitlements to help the next of kin.

- **Will you need to contact Centrelink for income support?**

Centrelink has a book on its services called, *Needing help after someone has died? A guide to our options and our services*. This book is available at www.centrelink.gov.au or you could call Centrelink's employment services number on 132850.

- **Is there a mortgage on the house?**

If there is a mortgage, contact should be made with the lending institution at once to establish whether payments are covered by insurance or to re-negotiate the mortgage payments.

- **Are there any urgent bills?**

Sometimes regular payments, for example loan payments, can be suspended for a period of time. Contact the lending institutions to get more information.

- **Will you need financial advice?**

If you or your family do not have a financial advisor, you could consider finding one to help with decisions. The Financial Planning Association can help you find a qualified financial planner. See its website at www.fpa.asn.au or phone 1300 626 393.

- **Could you be eligible for workers' compensation payments?**

See the next section of this booklet.

The above text on wills and administering the estate is from the document, *Practical Matters* with some modifications. It is reproduced by permission from the WA Ministerial Council for Suicide Prevention.

6. Workers' compensation payments for dependants

If your partner dies as a result of a work related injury you may have a workers' compensation entitlement if dependent on your partner's earnings. A dependent partner includes any current or former spouse or de facto partner.

WorkCover WA is the government agency responsible for administering the workers' compensation scheme in Western Australia and is dedicated to ensuring that a deceased worker's dependants can claim their legal entitlements as quickly as possible.

To facilitate this WorkCover WA arranges for the worker's next of kin to be notified fairly soon after a work related death about the entitlements available and how to claim them.

Forms of compensation

Compensation following a work related death may include:

- a lump sum entitlement;
- a periodic child's allowance for dependent children;
- funeral expenses up to a statutory maximum amount;
- the worker's reasonable medical expenses resulting from the workplace injury prior to the worker's death.

If a worker was receiving compensation at the time of death but the death did not result from a workplace injury, compensation may also be payable to dependants in specific circumstances.

How can I get more information?

It is a difficult time after losing a family member in a workplace accident and partners and other dependants are encouraged to contact WorkCover WA's Advice and Assistance Line on 1300 794 744.

WorkCover WA's website also has a range of materials to assist claimants understand the entitlements and claim process. This information can be accessed at www.workcover.wa.gov.au.

7. Contact details for government agencies

Coroner's Court

Level 10, Central Law Courts
501 Hay Street, Perth WA 6000
Telephone: (08) 9425 2900 or country callers can phone 1800 671 994
Note: the **Coronial Counsellors** can be contacted on the above telephone numbers.
Coronial Counsellors can also be contacted on the weekends (or after hours) on
0419 904 476.

Coronial Investigation Unit

Western Australia Police Service
Ground Floor, 144 Stirling Street, Perth WA 6000
Telephone: (08) 9267 5700 (all hours)
Internet: www.police.wa.gov.au

EnergySafety

Department of Mines, Industry Regulation and Safety
Level 1, Mason Bird Building, 303 Sevenoaks Street (cnr Grose Ave), Cannington
WA 6107
Telephone: (08) 6251 1900
FOI Coordinator telephone: (08) 6251 1562
Facsimile: (08) 6251 1901
Email: energysafety@dmirs.wa.gov.au
Internet: www.energysafety.wa.gov.au

Legal Aid Western Australia

Perth office: 32 St Georges Terrace, Perth WA 6000
Postal: GPO Box L916 Perth WA 6842
Telephone: (08) 9261 6222
Facsimile: (08) 9261 6554
Legal Advice and Information Line: 1300 650 579 (8.30am-4.30pm Monday to Friday)
Other offices: Albany, Bunbury, Broome, Christmas Island Fremantle, Geraldton,
Kalgoorlie, Kununurra, Midland, South Hedland
Internet: www.legalaid.wa.gov.au

Public Trustee

553 Hay Street, Perth WA 6000
Postal address: GPO Box M946 PERTH WA 6843
Telephone: For wills and deceased estates, call 1300 746 116. For administration
and represented persons, call 1300 746 212.
Email: publictrustee@justice.wa.gov.au
Internet: www.publictrustee.wa.gov.au

Registry of Births, Deaths and Marriages

Westralia Square, Level 10, 141 St Georges Terrace Perth WA 6000
Postal address: PO Box 7720 Cloisters Square PERTH WA 6850
Telephone: 1300 305 021
Internet: www.bdm.justice.wa.gov.au

State Mortuary

JJ Block, Queen Elizabeth II Medical Centre, Hospital Avenue, Nedlands WA 6009

Telephone: (08) 6383 4881

For after hours, call the Coroner's Court on 0419 904 476 / 08 9346 2536.

Note: If your partner or relative died **in the country**, contact the local Police station or the Coroner's Court on 9425 2900 for assistance.

Resources Safety Division (for mine related queries)

Department of Mines, Industry Regulation and Safety

100 Plain Street, East Perth WA 6004

Telephone: (08) 9222 3333

Email: ResourcesSafety@dmirs.wa.gov.au

Internet: www.dmp.wa.gov.au/ResourcesSafety

Victim Support and Child Witness Service

Department of the Attorney General

District Court Building, Level 2, 500 Hay Street, Perth WA 6000

Telephone: A duty officer is available on 9425 2850 or freecall on 1800 818 988

Facsimiles: (08) 9425 2167 for Child Witness or (08) 9425 4428 for Victim Support

Email: vss@justice.wa.gov.au

Internet: www.victimsofcrime.wa.gov.au

Note: The service has regional offices – contact the service on the above telephone numbers or check their internet site to get more details.

WorkCover WA

2 Bedbrook Place, Shenton Park WA 6008

Telephone: 1300 794 744

Facsimile: (08) 9388 5550

Internet: www.workcover.wa.gov.au

WorkSafe

Department of Mines, Industry Regulation and Safety

Level 3, Mason Bird Building, 303 Sevenoaks Street (cnr Grose Ave), Cannington WA 6107

Postal address: Locked Bag 14, Cloisters Square, Perth WA 6850

Telephone: 1300 307 877

FOI Coordinator telephone: (08) 6251 2224

Facsimile: (08) 6251 2824

Email: safety@dmirs.wa.gov.au

Internet: www.commerce.wa.gov.au/worksafe

