



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: **COR 2017 4540**

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

Findings of:	PHILLIP BYRNE, CORONER
Deceased:	PHYLLIS FRANKE
Date of birth:	14 JUNE 1943
Date of death:	9 SEPTEMBER 2017
Cause of death:	I (a) COMPLICATIONS OF METASTATIC INTRA ABDOMINAL MALIGNANCY (UNKNOWN PRIMARY)
Place of death:	BEECHWORTH HEALTH SERVICE, 52 SYDNEY ROAD, BEECHWORTH, VIC, 3747

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I, PHILLIP BYRNE, Coroner, having investigated the death of PHYLLIS FRANKE
without holding an inquest:

find that the identity of the deceased was PHYLLIS FRANKE

born on 14 June 1943

and the death occurred on 9 September 2017

at Beechworth Health Service, 52 Sydney Road, Beechworth, VIC, 3747

from:

1 (a) COMPLICATIONS OF METASTATIC INTRA ABDOMINAL MALIGNANCY
(UNKNOWN PRIMARY)

Pursuant to section 67(1) of the **Coroners Act 2008** I make findings with respect to **the following circumstances:**

BACKGROUND

1. Phyllis Franke, 74 years of age at the time of her death, resided in a Department of Health and Human Services (**DHHS**) group facility home at 8 McHarg Place, Beechworth. Ms Franke had resided at the facility since 1993. Ms Franke had an extensive past medical history.

CIRCUMSTANCES SURROUNDING DEATH

2. Late in August 2017, Ms Franke had been feeling unwell. After consulting her general practitioner (**GP**), Ms Franke was admitted to Beechworth Health Service before being transferred to the Wangaratta Hospital. Ms Franke was then returned to Beechworth Health Service for palliation. A computed tomography (**CT**) taken at Wangaratta Hospital demonstrated Ms Franke had advanced metastatic cancer. The cancer was considered untreatable. Ms Franke was palliated, and she passed away on 9 September 2017.

REPORT TO THE CORONER

3. As Ms Franke was “in care” within the meaning of the *Coroners Act 2008* her death was reported to the coroner.
4. Having considered the circumstances, and having conferred with a forensic pathologist, I directed an external only post mortem examination.
5. I subsequently received an Inspection and Report under the hand of Senior Forensic Pathologist Dr Matthew Lynch who advised Ms Franke’s death was due to:

1 (a) complications of metastatic intra abdominal malignancy (unknown primary).

FURTHER INVESTIGATION

6. Even though Ms Franke died due to natural causes, the Disability Services Commissioner (DSC) undertook an investigation into her death. I left my investigation in abeyance while the DSC undertook its review.
7. In early January this year, 2019, I was provided with a copy of the DSC investigation report, which was provided with the usual caveat as to the use of the information contained therein.
8. The DSC investigation concluded that several aspects of Ms Franke’s management were considered to be sub-optimal.

CONCLUSION

9. Section 7 of the *Coroners Act 2008* provides that a coroner should liaise with other investigative statutory officers to avoid unnecessary duplication of investigations. Based on the thorough investigation undertaken by the DSC, in accordance with section 7 I propose no further investigations and finalise my investigation by way of Finding Without Inquest.

FINDING

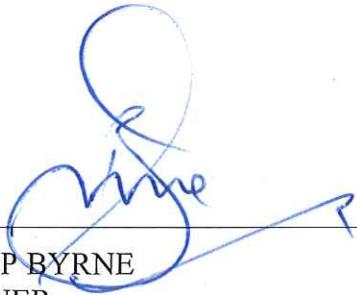
10. I formally find Phyllis Franke died at Beechworth Health Service, 52 Sydney Road, Beechworth, Victoria, on 9 September 2017 due to complications of metastatic intra abdominal malignancy (unknown primary). Ms Franke’s death was due to natural causes.
11. Pursuant to section 73 (1) (B) of the *Coroners Act 2008*, I order that this Finding be published on the Coroners Court of Victoria website.

DISTRIBUTION OF FINDING

12. I direct that a copy of this finding be provided to the following:

- Mr Anthony Kolmus, Deputy Commissioner, Disability Services Commissioner; and
- Constable Andrew Deegan, Reporting Officer, Victoria Police

Signature:



PHILLIP BYRNE
CORONER

Date: 8 February 2019

