



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: **COR 2019 4329**

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

Findings of:	PHILLIP BYRNE, CORONER
Deceased:	ROSS BENNETT
Date of birth:	22 SEPTEMBER 1955
Date of death:	OVERNIGHT 14-15 AUGUST 2019
Cause of death:	I (a) COMPLICATIONS OF MESOTHELIOMA
Place of death:	18 LISCARD STREET, ELSTERNWICK, VICTORIA, 3185

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I, PHILLIP BYRNE, Coroner having investigated the death of ROSS BENNETT
without holding an inquest:
find that the identity of the deceased was ROSS BENNETT
born on 22 September 1955
and the death occurred on 15 August 2019
at 18 Liscard Street, Elsternwick, Victoria, 3185

from:

I (a) COMPLICATIONS OF MESOTHELIOMA

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

BACKGROUND

1. Ross Bennett, 63 years of age at the time of his death, resided at 18 Liscard Street, Elsternwick. Mr Bennett had an intellectual disability, melanoma, and among other ailments, suffered mesothelioma. At the time of his death he was being palliated in a Department of Health and Human Services (DHHS) residential service; he was therefore “in care” within the meaning of the definition in the *Coroners Act 2008*.

CIRCUMSTANCES SURROUNDING THE DEATH

2. At about 10pm on the evening of 14 August 2019, Mr Bennett was noted by the carer to be in bed snoring. However, shortly before 7am the next morning, he was located on the bedroom floor, apparently deceased. Ambulance paramedics attended and formally declared Mr Bennett deceased.

REPORT TO CORONER

3. Mr Bennett's death was reported to the coroner. Having considered the circumstances and having conferred with a forensic pathologist, I directed an external only post mortem examination. Subsequently, Forensic Pathologist Dr Gregory Young of the Victorian Institute of Forensic Medicine provided a report confirming Mr Bennett died due to

I (a) COMPLICATIONS OF MESOTHELIOMA

Dr Young opined Mr Bennett's death was due to natural causes.

CORONIAL PROCESS

4. Until a relatively recent amendment, the Coroners Act 2008 (the Act) provided that as Mr Bennett was "in care" within that definition, the matter had to proceed to finalisation by way of mandatory inquest. However, with the amendment I am able to finalise my investigation without inquest if the death under investigation was due to natural causes.
5. As I am satisfied Mr Bennett's death was due to natural causes, I finalise my investigation with this short Finding without Inquest. However, the Act requires the finding to be published on the Court website.

FINDING

6. I conclude no further investigation is warranted and I formally find Ross Bennett died at 18 Liscard Street, Elsternwick overnight 14-15 August 2019 due to complications of diagnosed mesothelioma.

DISTRIBUTION OF FINDING

7. I direct that a copy of this finding be provided to the following:
- Mrs Valerie Krawec, Senior Next of Kin; and
 - Senior Constable Pierre Devienne, Reporting Officer, Victoria Police
8. Pursuant to section 73 (1B) of the *Coroners Act 2008* I direct that a copy of this finding be published on the Coroners Court of Victoria website.

Signature:

PHILLIP BYRNE
CORONER

Date: 25 September 2019

