

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

**COR 2023 001115**

**DETERMINATION BY CORONER THAT REPORTED DEATH IS NOT A REPORTABLE  
DEATH**

*Form 2 Rule 27(1)*

*Section 16 of the Coroners Act 2008*

I, Coroner Paul Lawrie, having investigated the deaths of:

**Details of deceased:**

Surname:	Unknown
Given names:	Unknown
Date of Birth:	Unknown
Death occurred:	Unknown
Place of death:	Unknown

reported on 27 February 2023 by –

**Details of reporting person:**

Eastern Health

5 Arnold Street, Box Hill, Victoria

## INTRODUCTION

1. On 14 February 2023, human tissue (largely comprised of temporal bones from multiple deceased persons) was discovered at the premises of Eastern Health at 5 Arnold Street, Box Hill.
2. The source of the human tissue was not known. Also, the manner in which the tissue had been stored raised immediate concerns regarding its origin.
3. Section 4 of the *Coroners Act 2008* (**the Act**) defines a “reportable death” and prescribes the constituent circumstances.
4. A coroner may investigate a death that is or may be a reportable death if the death appears to have occurred within 100 years before the death was reported to the coroner.<sup>1</sup> A coroner may also investigate whether a death is a reportable death.<sup>2</sup>
5. Ordinarily, in investigations of this type, the identity of the deceased is determined at an early stage and inquiries are focussed upon whether any of the circumstances surrounding the death fall within the framework of section 4 of the Act. In this instance however, the identities of the deceased individuals are unknown and the focus of the Court’s investigation has been to determine if there is sufficient evidence to conclude that each death was, or was not, reportable. In the absence of the identity of the deceased individuals, and in the absence of any document recording the provenance of the human tissue itself, the challenge has been to identify sources of evidence which may resolve the question of reportability.

## HUMAN TISSUE ACT 1982

6. Human tissue may be removed from a deceased in accordance with Part VI of the *Human Tissue Act 1982* (Donations for Anatomical Purposes) and is thereby authorised to be transferred to a

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<sup>1</sup> *Coroners Act* – s.14(1)

<sup>2</sup> *Coroners Act* – s.14(3)

“school of anatomy” for retention and use, subject to the *Human Tissue Regulations 2015*, for the purpose of anatomical examination<sup>3</sup> or the study and teaching of the anatomy of the human body<sup>4</sup>.

7. A “school of anatomy” is an authorised entity within a prescribed institution<sup>5</sup> for the purposes of Part VI of the *Human Tissue Act*. The authorisation exists where the Minister for Health has, by notice published in the Government Gazette, authorised conduct for the teaching and study of anatomy and for the carrying on of the practice of anatomy.<sup>6</sup>
8. The handling of human tissue is closely governed by the *Human Tissue Act* and the *Human Tissue Regulations*, and the buying<sup>7</sup> or selling<sup>8</sup> of human tissue is an offence.

## **CIRCUMSTANCES OF DISCOVERY**

9. On 14 February 2023, Sonya Lavery, a Clinical Nurse Educator at Eastern Health, observed fluid leaking into a common area hallway from below the door of a room located on the third floor of Eastern Health premises at 5 Arnold Street, Box Hill. The room is known as the “Bone Room”. Ms Lavery entered the room and discovered several items, including two clinical waste bins, a plastic specimen container containing a brown liquid, a white plastic bag containing what appeared to be dry bone fragments, a table with a towel and tray on it that contained metal implements and what appeared to be tissue fragments and a fine white/yellow powder, and a small fridge that was turned on and leaking clear fluid onto the floor.
10. A Victorian Health Incident Management System incident was documented, and this was reported to Infection Prevention and Control, Occupational Health and Safety, Engineering and Monash Medical School.

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<sup>3</sup> *Human Tissue Act* – s.32(1)(c)

<sup>4</sup> *Human Tissue Act* – s.32(1)(d)

<sup>5</sup> The University of Melbourne is a “prescribed institution”: *Human Tissue Regulations 2015* – r.7(d)

<sup>6</sup> *Human Tissue Act* – s.35(2)

<sup>7</sup> *Human Tissue Act* – s.39(1), save where authorised by written permit from the Minister for Health per s.39(2).

<sup>8</sup> *Human Tissue Act* – s.38(1), save where the vendor is acting subject to, or in accordance with, a permit from the Minister for Health per s.39(2).

11. On 16 February 2023, Dr Patrick Guiney, an Ear, Nose and Throat (**ENT**) Surgeon, accessed the room and identified the contents of an orange bucket in the fridge as human temporal bones preserved in formaldehyde.
12. On 27 February 2023, a report was made to the Coroners Court of Victoria (the **Court**) regarding the discovered human tissue.<sup>9</sup>
13. On 28 February 2023, staff at the Coronial Admissions and Enquiries section contacted 000 Emergency to request police attendance at the Box Hill Hospital to retrieve the human tissue.
14. Police arrived at the hospital at approximately 11.20am and spoke to several Eastern Health staff members before being taken to the Bone Room at 5 Arnold Street, Box Hill. The police members entered the Bone Room and found that the scene had been cleaned and the remains had been placed in yellow hazardous waste bins. A plastic bag containing unidentified material was also located in the freezer section of a refrigerator in the room.
15. The remains were photographed and conveyed to the Victorian Institute of Forensic Medicine (**VIFM**). Subsequent examination by a forensic pathologist determined that the collection of temporal bones<sup>10</sup> represented at least 21 individual persons.

## **FURTHER INVESTIGATIONS**

### **Eastern Health – initial inquiry**

16. On 2 March 2023, I requested a statement from Eastern Health regarding the circumstances leading up to the discovery of the human tissue. I also required production of Eastern Health policies and procedures relating to the storage of such material.

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<sup>9</sup> The report was received by the Coronial Admissions and Enquiries section of the Victorian Institute of Forensic Medicine (**CAE**), acting on behalf of the coroner.

<sup>10</sup> Throughout this finding the human tissue discovered in the Bone Room is variously referred to as “human tissue”, “temporal bones” or “remains” depending on the grammatical context.

17. On 17 March 2023 Eastern Health provided its initial response and stated that the Bone Room was set up in 2008 by the then Clinical Director, ENT Surgeon Dr Sheryl Wagstaff.<sup>11</sup> The temporal bones were accessed by ENT medical trainees to support specific training up until 2016, at which time Dr Wagstaff left the organisation.
18. Eastern Health was unable to produce any records confirming that the Bone Room was a designated school of anatomy under the *Human Tissue Act*.
19. It was also unable to provide any records relating to its use of the human tissue for anatomical examinations and or the teaching or study of anatomy. It was unable to locate any records relating to the origin of the human tissue, including when and from whom it had been received. Eastern Health did however state that it had most likely been “purchased” from the University of Melbourne (**the University**) in 2014.
20. Eastern Health also advised the Court that it was engaging an external investigator to review the circumstances surrounding the discovery of the human tissue, the framework and processes they should have in place with respect to operational requirements and legal obligations, and what, if any policies are needed.

#### **University of Melbourne – initial response to Eastern Health statements**

21. Following the initial response from Eastern Health, the Court sought information from the University and, on 27 March 2023, it advised that it held records dating back to 2008 but could not find any record of Box Hill Hospital lodging an application to access human tissue or temporal bones. They also found no chain of custody records showing that temporal bones were transferred to Eastern Health or the Box Hill Hospital by its funeral directors.

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<sup>11</sup> Dr Wagstaff was later more fully described by Eastern Health as “former Clinical Director of the ENT unit at Eastern Health and Specialist Otolaryngology Head and Neck Surgery Surgeon”.

22. On 13 April 2023 I conducted a directions hearing attended by the legal representatives for Eastern Health. At that hearing I asked that Eastern Health complete its independent investigation and provide a report as soon as possible.

### **Department of Health – advice regarding Schools of Anatomy**

23. On 13 April 2023, the Victorian Department of Health advised:
- (a) There are no locations run by Eastern Health (including Box Hill Hospital) deemed to be a School of Anatomy as defined in the *Human Tissue Act*, either currently or in the past.
  - (b) The University of Melbourne – Department of Anatomy & Physiology, the Royal Victorian Eye and Ear Hospital (**RVEEH**) and the Royal Australasian College of Surgeons (**RACS**) are Schools of Anatomy.<sup>12</sup>
  - (c) Schools of Anatomy are subject to the superintendence of an Inspector of Schools of Anatomy from within the Department of Health.
  - (d) Schools of Anatomy are requested to keep a register of cadavers and cadaveric material in their possession which documents:
    - (i) Specimen ID number, description and originating body donor program.
    - (ii) Date of acquisition.
    - (iii) Labelling of any subdivided parts to link with the original specimen identification.
    - (iv) Where specimens are of unknown provenance these are recorded on the Register with an institutionally generated identification number and specimen description, and kept separate from body donor programs.
    - (v) Date and place where specimens of unknown provenance are sent for disposal.

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<sup>12</sup> There are 23 Schools of Anatomy in Victoria as at March 2023.

- (vi) Date and place where specimens sourced from body donor programs are returned for cremation.
- (vii) Documented receipts for any transfer of specimens to and from the Schools of Anatomy.

### **Eastern Health – investigation report**

24. Under cover of a letter dated 26 May 2023, Eastern Health produced its investigation report dated 25 May 2023 (**investigation report**). The covering letter summarised some of the findings of the investigation as follows:
- (a) The investigation had not uncovered any records of the source of the temporal bones.
  - (b) Dr Wagstaff confirmed that, until 2013 at least, she had procured the temporal bones from the University – she collected them, and transported them to Eastern Health, where they were kept in a locked room. Access to the room was restricted, but no records were kept of who accessed the room or when the room was accessed.
  - (c) Dr Wagstaff also confirmed that any procurement of temporal bones from the University would have occurred under her name, and not Eastern Health or Box Hill Hospital.
  - (d) The last confirmed use of the Bone Room was in 2010. This was according to Dr Natalie Sist, the Surgical Supervisor of the Surgical Education and Training program for Otolaryngology Head and Neck Surgery (**OHNS**), who took over the role from Dr Wagstaff. However, Dr Wagstaff thought the room may have been used after 2010, while she was still supervising (that is, possibly after 2010 but not after 2016).
  - (e) According to Dr Sist, no further temporal bones have been procured since 2010 and the most likely timeframe for their procurement was between 2006 and 2010.

- (f) The Bone Room was decommissioned following the discovery of the bones and the report to the coroner.

25. Among the key findings summarised in the investigation report were the following:

- (a) Since 2006, Box Hill Hospital has been an accredited training post for trainee surgeons specialising in OHNS (also referred to as ENT surgeons). The training is conducted by the RACS in conjunction with the Australian Society of Otolaryngology Head and Neck Surgery (ASOHNS).
- (b) Temporal bones are used for the training of specialist OHNS surgeons<sup>13</sup> and the Bone Room was established as a temporal bone lab to aid trainee surgeons posted to Box Hill Hospital. The presence of, or access to, a temporal bone lab is pre-requisite to a hospital being accredited as a training post for OHNS training.
- (c) Between 2008 and 2009 the Bone Room was relocated from the old research wing of the Box Hill Hospital (when that was decommissioned) to its current location at 5 Arnold Street, Box Hill.
- (d) The temporal bones located in the Bone Room were procured by Dr Wagstaff at various times in the years leading up to approximately 2013.
- (e) Dr Wagstaff procured the temporal bones from the University – she collected them and transported them to Box Hill Hospital (and other locations where they were used, specifically the RACS Skill Lab or the RVEEH). The person she dealt with at the University was Matthew Jackson.

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The findings of the investigation report also included a consensus opinion among ENT surgeons who had been interviewed that the use of real temporal bones provided the best aid for the specialist training, rather than alternatives such as artificial bones or virtual reality technology.



- (f) The temporal bones did not have markings on them that would allow them to be identified and did not have to be returned. Indeed, the process of dissection or drilling was destructive in that it progressively expended the bone or reduced it to fragments or powder. When the bones had no further utility they were cremated.
- (g) At no time has the Box Hill Hospital been a “prescribed institution” under *the Human Tissue Act* or the *Human Tissue Regulations* nor has it been granted a permit to carry out the activity under section 35(4) of the *Human Tissue Act*.
- (h) There are no Eastern Health policies pertaining specifically to the activities in the Bone Room.

26. The investigation report includes the transcript of an interview with Dr Wagstaff conducted on 19 May 2023. One question and answer reveals a misunderstanding that may have impacted the approach taken by Dr Wagstaff to the handling of the temporal bones. Dr Wagstaff was asked to explain the difference between a school of anatomy and a “bone lab” and replied:

*The school of anatomy is clearly a school of anatomy, at a university site. They do not have microscopes, drills, odontology equipment. The temporal bone labs do. ... The anatomy schools do not have that equipment. So you cannot go to an anatomy school to drill a temporal bone. The only time that happens is when there is a course set up and I'll be really honest, I don't ever recall running a temporal bone course at the school of anatomy. I do sinus courses but not temporal bone courses. Temporal bone courses were always either at the Eye & Ear's lab or at the College of Surgeon's lab.*

27. Of course, the University, RVEEH and RACS are (and were) Schools of Anatomy. However, Dr Wagstaff's understanding appears to be that the classification of the facilities at RVEEH and RACS confined them to being “bone labs” and not Schools of Anatomy. This misunderstanding may have led to a conclusion that the status of the Bone Room at Eastern Health was no different to the RVEEH and RACS facilities.

28. Dr Wagstaff's written response to a series of questions was also included in the investigation report. Notably, Dr Wagstaff recalled the basis for establishing the Bone Room at Eastern Health as follows:

*I understand that the administration at Box Hill were able to approve the temporal bone lab, because the hospital had a morgue and as such were covered by the tissue act to dispose of body parts.*

29. Dr Wagstaff also explained the destructive nature of the drilling done on the temporal bones:

*... there is very little tissue left once the drilling has occurred as it becomes 'bone dust' just like drilling cement. As such the amount of waste created is minimal. The Bone dust should go into the suction bottles which were cleaned.*

30. Notwithstanding the destructive nature of the teaching activity explained by Dr Wagstaff, it is apparent from the condition of the temporal bones found in the Bone Room that they had not been used up as described or had only been partly used. In any event, the notion that the temporal bones are effectively wholly consumed in the teaching activity does not appear to be consistent with the intentions of the University and the agreement (discussed below) which requires the return of the temporal bones after one year.

### **University of Melbourne – further response**

31. On 14 July 2023, the University replied to a notice to provide a statement in response to the Eastern Health investigation findings, covering a period from 2006 to 2013 (**the Relevant Period**). In its reply, the University advised (*inter alia*):

- (a) Before the Relevant Period, the University supplied temporal bones to RACS with documents mentioning "Matt" (Matthew Jackson) and Dr Wagstaff in the context of supply to the RACS in 2004 and 2005.

- (b) Before the Relevant Period, the University supplied temporal bones to RVEEH with documents mentioning Matthew Jackson in the context of supply to the RACS in 2003.
- (c) During the Relevant Period, the University supplied temporal bones to the Department of Otolaryngology – a department of the University physically located at the RVEEH and staffed by university employees, honoraries, and RVEEH staff.
- (d) In all cases of transfer of temporal bones, the overarching agreement to supply was between RACS or RVEEH and the University.
- (e) The University maintains a database which logs the location and movement of human specimens which allows for searching by a unique cadaver identifier number.
- (f) A search of records confirmed that no temporal bones were supplied directly to Dr Wagstaff in the Relevant Period.
- (g) The University had not authorised and was not aware of either the RVEEH or the RACS transferring temporal bones to other external parties (such as Eastern Health).
- (h) Any movement out of RVEEH or RACS was strictly prohibited by the University according to the terms of the Specimen Loan Agreements with those organisations. These agreements stipulate that the human tissue must remain in the full possession and control of the organisation with which the University maintained an agreement and cannot be further loaned to third parties.
- (i) There was no Specimen Loan Agreement between the University and Eastern Health.

32. The University's reply included a letter from the University to Dr Wagstaff dated 1 September 2005 regarding the provision of 50 temporal bones to the RACS in 2006. It is co-signed in October 2005 as a letter of agreement (**October 2005 letter of agreement**). It includes:

*Further to recent discussions in the above matter I confirm that the University will provide 50 temporal bones (the “specimens”) to the Royal Australian College of Surgeons for demonstration purposes in 2006. ...*

*The University will arrange transport of the Specimens to the College of Surgeons in December 2005<sup>14</sup> at a time agreed between the parties. The specimens will be picked up and returned to the University of Melbourne by W.G. Ravens Funerals in December 2006.*

*It is agreed that the College of Surgeons will pay \$4,085.00 for the provision of this service by the University, within 30 days of a receipt of an invoice from the University.*

33. The October 2005 letter of agreement is one of several similar documents and records the intended nature of the arrangement as a loan rather than any notion of buying or selling the human tissue. I am satisfied that the expenses mentioned are attributable to the costs associated with facilitating the loan of the tissue (preparation, transport, recording, etc) and there appears to be no intention to transfer ownership.

#### **University of Melbourne – further documents**

34. On 21 July 2023, the Court sought all records from the University where Matthew Jackson and/or Dr Wagstaff were mentioned in the context of supply of temporal bones to RACS in 2004 and 2005, and all records where Matthew Jackson was mentioned in the context of supply of temporal bones to RVEEH in 2003.
35. On 21 August 2023, the University provided the records sought, together with a letter explaining the various categories of documents. The University explained that the supply of specimens to RACS or RVEEH during the period 2003 to 2005 involved the creation of a suite of documents comprising: a signed letter of agreement between the parties detailing offer and acceptance of the supply; transfer forms detailing the removal of the specimens from the University to the third-party site; and transfer forms detailing the return of the specimens to the University.

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<sup>14</sup> Amended by hand to “Jan 2006”

36. There were some 85 transfer forms for the period – 44 for transfer to RVEEH and 41 for transfer to RACS. In each of the transfers to RVEEH, Matthew Jackson was recorded in the field “Removed or dissected by”. In each of the transfers to RACS, Matthew Jackson was recorded in the field “Removed or dissected for”. In 12 of the transfers to RACS (from May 2005 to October 2005) Matthew Jackson and Dr Wagstaff were both recorded in the field “Removed or dissected for”.
37. The documents also included letters of agreement between the University and RACS dated 18 March 2004, 11 October 2004, 9 February 2005, 21 February 2005 and 10 May 2005.

### **Matthew Jackson - statement**

38. On 7 September 2023 the Court sent a notice to Matthew Jackson requiring a statement detailing the circumstances of his involvement with Dr Wagstaff between 2003 and 2013, in the context of the provision or transfer of temporal bones (or other human tissue) from the University to Dr Wagstaff.
39. On 5 October 2023, Matthew Jackson stated (*inter alia*):
  - (a) From 1993 to 2004 he was employed full-time by the University of Melbourne Department of Anatomy and Cell Biology (the **Department**)<sup>15</sup> as a Senior Technical Officer/Anatomist.
  - (b) The Department runs a Body Donor Program to provide human remains for education and research – the program is the only one of its type in Victoria.

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<sup>15</sup> The Department of Anatomy and Cell Biology was the entity within the University of Melbourne gazetted as a School of Anatomy at the time Matthew Jackson was employed. The Department of Anatomy and Physiology is the currently gazetted entity. Throughout these findings, a reference to either the “Department” or the “University” means the department, howsoever named, within the University of Melbourne gazetted as a School of Anatomy at the relevant time.

- (c) On request, the Department provides donated anatomical material to other institutions that are deemed “Fit for Purpose” and registered as a “School of Anatomy” as defined in the *Human Tissue Act 1982* (or an equivalent interstate Act and licence).
- (d) All human remains that are transferred outside of the Department are either physically labelled with a unique identifier tag or the containing vessel is labelled with the unique identifier number. His tasks included preparation and documentation of human tissue to be transferred.
- (e) All tissue transfers were documented via a Tissue Transfer Form.
- (f) All human tissue transfers were ultimately authorised by the Department manager.
- (g) He did not recall any request for transfer of human tissue from Eastern Health.
- (h) During his employment with the University, Dr Wagstaff was a contact (amongst others) within the RVEEH temporal bone laboratory.
- (i) From 2004 to 2007 he was employed by the RACS as Laboratory Manager at the Surgical Skills, Training and Education Centre. During this time several temporal bone surgical workshops were conducted at RACS with Dr Wagstaff being part of the faculty. All temporal bone material transferred to RACS was promptly returned to the University after a workshop.
- (j) He had no knowledge of the involvement of Dr Wagstaff concerning the human tissue found at Eastern Health and he has had no contact with Dr Wagstaff since he changed employment in 2007.

## FINDINGS

40. I am satisfied, on the balance of probabilities, that:
- (a) The unknown remains found at the premises of Eastern Health at 5 Arnold Street, Box Hill on 14 February 2023 originated from the Body Donor Program conducted by the University of Melbourne.
  - (b) The unknown remains were transported to the premises of Eastern Health by Dr Wagstaff on an unknown date or dates between approximately 2006 and 2013.
41. Consequent upon the finding that the unknown remains originated from the Body Donor Program, I am satisfied that the death of each deceased associated with the remains was either:
- (a) not a reportable death; or
  - (b) was a reportable death but one where the body of the deceased had been released to the Body Donor Program after a coroner had been satisfied that it was no longer necessary for the coroner to have control of the body in order to exercise his or her functions under the Act.<sup>16</sup>
42. In the instance (or instances) where the unknown remains are associated with a reportable death, I can safely infer and be satisfied that the death has previously been reported. In this event, no new requirement of reportability is created. Once the remains have been released by a coroner, their discovery at some later time does not render the death reportable for a second time. Although of course, the circumstances of the discovery may lead to an investigation such as has been required in this matter.
43. I accept the matters stated by the University in its response to Eastern Health's investigation report – these matters are supported by the documents produced by the University.

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<sup>16</sup> *Coroners Act* – s.47(1)(a)

44. It is abundantly clear that Dr Wagstaff's recollection and understanding of the nature of the arrangements for the transfer and handling of the temporal bones is at odds with the University's position, and its loan agreements with RACS and RVEEH. I conclude that, whatever Dr Wagstaff's understanding of the arrangements under which she was operating was, this did not comport with the intention or understanding of the University.
45. I determine the deaths associated with the unknown remains are not reportable deaths pursuant to section 16(1) of the Act because each of the deaths is not a reportable death described in section 4 of the Act or is a death which has previously been reported.
46. Accordingly, I discontinue the investigation into the deaths under section 16(3) of the Act.

## COMMENTS

47. Notwithstanding the usefulness of the documents produced by the University for this investigation, certain critical aspects have been limited to the examination of circumstantial evidence and incomplete recollections. One might ask, why not subject each of the items of human tissue to forensic analysis such as DNA testing to determine the actual identity of each deceased? The fundamental difficulties accompanying such an approach render it wholly unfeasible in these circumstances. The number of potential matches is large and each of the remains would require comparison with DNA samples collected from many families. There is also the near certainty that, no matter the approach taken, not all the human tissue would be identified. Any one failure of identification would present very much the same problem that the Court faced from the outset. Moreover, such a process would undoubtedly cause very significant and unjustifiable distress to the families of the deceased.
48. The Body Donor Program provides a critical resource for the teaching of anatomy and specialist surgical skills. It relies on the confidence and good will of donors and their families. This is well recognised in the preamble to the University's "Application for Human Tissues" form<sup>17</sup> –

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<sup>17</sup> 2005 form provided as part of the University's response to the Court's inquiries.



*The use of tissue from deceased persons for medical and scientific purposes should be regarded as a privilege. It is a function of the Department of Anatomy and Cell Biology that the legal and ethical requirements of usage of human tissues originating from the Department are met.*

49. The circumstances giving rise to this investigation, quite simply, should never have occurred. It has not been possible to determine precisely what went wrong in order for the unknown remains to end up at the premises of Eastern Health without any documentation whatsoever, and in such an appallingly disregarded state. However, the following can be said:
- (a) The remains should never have been on Eastern Health premises as it was not, and is not, a School of Anatomy.
  - (b) The remains should never have been without documentation allowing for their tracking, and for their provenance to be determined.
  - (c) The remains were not treated in accordance with the requirements of the University's agreements for the provision of human tissues to third parties – including, not being transported in the authorised manner and not being returned to the University at the appropriate time.
  - (d) The remains were certainly not treated with the respect necessary to properly recognise the significance of the donors' gifts of human tissue through the Body Donor Program and the importance of maintaining confidence in the program.

Pursuant to section 73(1A) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

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

Department of Health

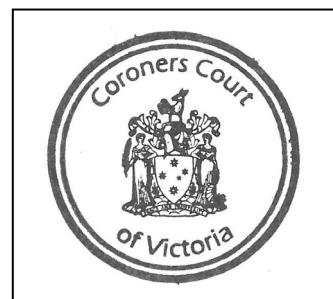
Eastern Health

University of Melbourne

Royal Australasian College of Surgeons

Royal Victorian Eye and Ear Hospital

Signature:



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Date: 30 January 2024

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NOTE: Under section 78 of the **Coroners Act 2008** ('the Act'), the person who reported the death that is determined by a coroner not to be a reportable death may appeal to the Trial Division of the Supreme Court. An appeal under section 78 of the Act must be made within 28 days after the day on which the determination of the coroner is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.

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