



ATSILS
Aboriginal and
Torres Strait Islander
Legal Service (Qld) Ltd

Legal Fact Sheet

Autopsies



Need to know more about procedures related to Autopsies and obtaining a Death Certificate?

This fact sheet outlines:

- What is an autopsy
- Who performs the autopsy and when is the autopsy performed
- Why is an autopsy performed
- Raising concerns about an internal autopsy
- Retaining organs and tissue after autopsy
- How can I get a copy of the autopsy report
- What happens to the personal property of the deceased
- What about tissue donation
- What about organ donation?
- Death certificates
- How to obtain legal advice?

ATSILS is a non-profit, Aboriginal and Torres Strait Islander community-based organisation with 25 locations across Queensland. We provide innovative and professional legal services covering criminal, civil and family law areas.

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1800 012 255

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1. What is an Autopsy?

An autopsy is a detailed medical examination of the body. During the autopsy, the deceased is treated with respect and great care is taken to preserve their dignity.

The coroner can request an external autopsy, partial internal autopsy or full internal autopsy. The coroner decides what type of autopsy is needed based on the circumstances of the case.

An external autopsy involves a visual examination of the body. X-rays may be taken and samples of blood and other fluids may also be taken for testing.

An internal autopsy involves an examination of the internal organs of the body. During a full internal examination, organs from the chest, abdomen and head are removed and examined. A partial internal autopsy involves an internal examination of particular organs or parts of the body only.

Samples of blood, fluids and tissue may be taken for testing and analysis. At the completion of the autopsy examination the organs will be returned to the body. However, sometimes it may be necessary for the doctor to retain whole organs or body parts such as the brain or heart for further detailed examination and tests.

A variety of tests may be performed including:

- Toxicology - samples of blood or urine are tested for poison, drugs, medication or alcohol
- Histology - small samples of tissue may be examined under the microscope for evidence of disease
- Microbiology - samples of tissue may be tested for infection.

It may take some time (up to several months) for the results of specialist testing to be known especially in complex cases. Once all test results have been received by the doctor or pathologist who did the autopsy they will prepare a detailed autopsy report for the coroner.

Who performs the autopsy?

The autopsy is conducted by a pathologist or government medical officer.

When is the autopsy performed?

To ensure that the body is released to the family as quickly as possible the autopsy is performed without unnecessary delay—usually the next day and almost always within three working days.

Why is an autopsy performed?

In most cases, the coroner will require an autopsy to be conducted to help find out how and why the person died. An internal autopsy can also provide the family with a detailed understanding of the cause of death including any underlying condition or disease that might be very helpful for family members to know about. Having an understanding of the various factors which contributed to the death can also help some people come to terms with the death. It is also important to note that sometimes the medical cause of death cannot be determined unless an internal autopsy is conducted. In these cases, if an internal autopsy is not performed the Cause of Death Certificate will note the cause of death as 'undetermined'.

Raising concerns about an internal autopsy

Before ordering an internal autopsy a coroner must consider any concerns that have been raised by a family member or other person with a sufficient interest. If you have concerns about an internal autopsy being performed, you need to notify the coroner as soon as possible and express your views. You can do this by advising the police or contacting the coroner's office.

The coroner is required to listen to your concerns but the final decision about whether an internal autopsy is needed is made by the coroner. If the coroner decides that an internal autopsy is still necessary they must give

you a copy of the autopsy order. You can apply to the Supreme Court for a review of the coroner's decision. You may wish to seek legal advice about this issue.

Retaining organs and tissue after autopsy

Small tissue samples are often kept for further testing. In some cases it is necessary to retain whole organs or body parts such as the brain or heart for further testing and analysis. These organs are retained until the pathologist has conducted the necessary tests. In some very complex cases this can take several weeks.

If whole organs or body parts need to be retained the family will have an opportunity to express their views. The coroner must consider any family concerns and will allow the organs or body parts to be retained only if satisfied that it is really necessary for the investigation.

Counsellors from the Coronial Counselling Service will discuss arrangements for returning organs or body parts with the family. The family may decide to delay the funeral until the testing is complete or may decide to bury or cremate the organs at a later stage.

How can I get a copy of the autopsy report

An autopsy report is a detailed report prepared by the doctor or pathologist for the coroner. The report is prepared after all of the test results have been received and it outlines the doctor's conclusions about the medical cause of death. Family members or other persons with a sufficient interest can request a copy of the autopsy report by writing to the coroner. It can be upsetting for family members to read an autopsy report as it contains graphic descriptions and technical medical terminology. If you obtain a copy of the autopsy report it can you may wish to consider having your doctor go through it with you.

What happens to the personal property of the deceased

Personal property found on the deceased will be returned to the family. In some cases, some items might need to be retained until the investigation is complete. Sometimes damaged or contaminated clothing may need to be destroyed. Any enquiries about the deceased's property should be made to the investigating police officer.

What about tissue donation

Tissues such as heart valves, skin, bone and corneas (part of the eye) may be donated, depending on circumstances of the death. The possibility of tissue donation may be discussed with you by a coronial counsellor.

What about organ donation?

Organ donation can only take place in very special circumstances. The possibility of organ donation may be discussed with you by a member of staff at the hospital or a coronial counsellor.

2. Death Certificates

How do I obtain a copy of the death certificate?

After the autopsy the doctor who performed the autopsy will send a form to the Registry of Births Deaths and Marriages showing the cause of death. Once this happens the death is officially registered. You can obtain a copy of the death certificate from the Registry of Births Deaths and Marriages or the funeral director can obtain a copy for you (the funeral director's fees usually include the cost of the death certificate).

In some cases, the cause of death may not be able to be determined until further test results are known. In these cases, an interim death certificate is issued which is then updated once the doctor advises the Registry of Births Deaths and Marriages of the cause of death. The updated cause of death certificate can be obtained free of charge if you send the interim death certificate back to the Registry of Births Deaths and Marriages.

Where do I get more information?

For information about the investigation contact your local police station or local Coroner (at your nearest Court House).

For information about the coronial system:

Office of the State Coroner
Phone: (07) 3239 6193
Local call cost: 1300 304 605

If your family find themselves in this position, seek legal advice.

3. Obtaining Legal Advice

ATSILS provides innovative and professional legal services for Aboriginal and Torres Strait Islander people across Queensland.

Freecall 24/7  1800 012 255

We can be contacted toll free on **1800 012 255**, 24 hours a day, 7 days a week. We have 25 offices located across Queensland so you will be put in touch with the closest regional office that is able assist you with your legal needs. In some instances, ATSILS might have a conflict of interest and will not be able to provide you with legal advice. If this is the case, you may wish to try Legal Aid Queensland on their Indigenous Information line on **1300 65 01 43**.

This Factsheet is not intended to provide legal advice and has been provided for the purpose of providing information only. Whilst all reasonable care has been taken in the preparation of this information, no liability is assumed for any errors or omissions.