



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair), Mr Andrew Braddock MLA

Inquiry into Annual and Financial Reports 2020-2021
ANSWER TO QUESTION TAKEN ON NOTICE
22 February 2022

Asked by Mr Andrew Braddock MLA on 22 February 2022: Ms Tara Cheyne MLA took on notice the following question(s):

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In relation to:

MR BRADDOCK: I have a question about the policy on death certificates—in particular, those who have died via suicide. It has come to my attention that the details that are incorporated into those certificates contain the detailed, graphic means of suicide from the coroner’s reports, which can be, as you can imagine, quite traumatising for the family. Is it possible to look at that policy and get that changed?

Ms Cheyne: Thank you, Mr Braddock. I am happy to take that and see whether there is any further detail that can be added. Essentially, what is included in a death certificate is what is included in the death register. What has been noted in a coroner’s report as the cause of death is then what is recorded on the death register. That is the back-of-house system, I suppose.

What people physically or tangibly get is the death certificate, which is essentially an extract of the death register. Generally, a death certificate will include all of the information that is included on the death register. However, at Access Canberra the registrar-general, Mr David Pryce, can use his discretion to agree, if it is raised by a family, to provide a different extract. We cannot change the information that is included on the death register, but we can provide an extract of the death certificate that looks largely identical to a death certificate as you would come to know it, but it simply says “Extract of a death certificate” and it may omit something.

This is not something that is proactively offered, but we are looking to update the information on the Access Canberra website for people who might be pursuing this option. You will appreciate that there are some circumstances where the cause of death is required to be provided, perhaps for insurance purposes. But I very much take your point that what you are describing can be very distressing for the family, by potentially sharing what might be quite private or very detailed information about the cause of death with organisations or other figures.

Importantly, when this extract is provided, it is done free of charge. Again, we are looking to make it a bit clearer on the Access Canberra website how this can occur and also increase the training of our customer service operators. If it would assist the committee, I would be very happy to send through a copy of what a death certificate looks like and what an extract of a death certificate looks like so that you can see how they are presented.

MR BRADDOCK: Thank you; I would appreciate it if you could look into the matter. For your information, some federal agencies—for example, the passports office—might not necessarily accept an extract, so we will need to look through some of those issues.

Ms Cheyne: Yes. Mr Braddock, it comes down to what is required to be on the death register. The Coroners Act is outside my jurisdiction; it is in the Attorney-General's jurisdiction. I would suspect that the Coroners Act requires what the coroner says is the cause of death to be included on the death register. That is probably the issue that we have here. I can get some further advice and perhaps continue my discussions with the Attorney-General.

THE CHAIR: Minister, in response to Mr Braddock, will you take those as questions on notice and respond accordingly?

Ms Cheyne: I will discuss it with the Attorney-General, regarding the Coroners Act element of this, because that is a bit outside my jurisdiction. I will take it on notice, yes.

THE CHAIR: Yes, and the extracts; I think birth certificate extracts were mentioned as well.

Ms Tara Cheyne MLA

The answer to the Member's question is as follows:—

When a person dies in the ACT, under section 35 of the *Births, Deaths and Marriages Registration Act 1997*, a doctor who is able to form an opinion on the probable cause of death is required to report this to the Registrar-General of Births, Deaths and Marriages within 48 hours of the death.

This information, and other particulars of the death required by regulation, are recorded in the Register maintained by the Registrar-General under the Act.

Where a cause of death cannot be ascertained, a referral must be made to the Coroner, and the Coroner will later provide any findings regarding cause of death to the Registrar-General, to be included in the Register. The way in which information is provided is set out in sections 56 and 52 of the *Coroners Act 1997*. While the Coroner's findings may contain disturbing and sensitive information, it is important for the cause of death to be recorded accurately in the Register as a historical record.

However, while cause of death is recorded in the Register, the Registrar-General does have some discretion regarding the information that may be included on a death certificate, which is an extract of the information in the Register. Under section 44 of the *Births Deaths and Marriages Registration Act*, in providing information extracted from the register, the Registrar-General must, as far as practicable, protect a person to whom the entry in the register relates from unreasonable intrusion into the person's privacy.

This provision may be used to provide a death certificate to a family, on request, which omits certain details regarding cause of death, recognising the difficult and sensitive nature of these matters in some situations, particularly in the case of suicide.

There may be entities such as Commonwealth entities or insurers who require more detailed information regarding the cause of death and, in those circumstances, it may be necessary for a certificate to be issued that contains a more detailed extract from the Register to meet the requirements of those entities. Access Canberra can work with families to consider these situations and seek to provide documentation that is needed in these circumstances.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature: 

Date: 9/5/22

By the Minister for Human Rights, Ms Tara Cheyne MLA