

## Select Committee on the coronial jurisdiction in New South Wales

Hearing – 30/11/2021

### Questions on Notice

#### QUESTION 1 – page 42

The Hon. CATHERINE CUSACK: Can I just jump in? The Wollongong pathologist, are they doing all of southern New South Wales?

Ms GIGLI: No. In terms of the catchment area for our Wollongong—I can take it on notice for the exact police area command coverage and court coverage—it is a large proportion of the southern part of the State. all of southern New South Wales?

#### ANSWER

Forensic Medicine Wollongong receives coronial referrals from the following local police area commands through the respective feeder courts:

- **South Coast Police Area Command** – Batemans Bay, Bega, Bemboka, Bermagui, Berry, Bodalla, Candelo, Cobargo, Culburra, Eden, Huskisson, Kangaroo, Merimbula, Moruya, Narooma, Nowra, Sussex Inlet, Tathra, Ulladulla. The feeder courts are Batemans Bay, Bega and Nowra.
- **Wollongong Area Command** – Corrimal, Helensburgh, Wollongong. The feeder court is Wollongong.
- **Lake Illawarra Police Area Command** – Dapto, Kiama, Lake Illawarra, Port Kembla. The feeder court is Wollongong
- **Murray River Police Area Command** – Deniliquin, Albury, Barham, Barooga, Berrigan, Corowa, Culcairn, Finley, Henty, Holbrook, Howlong, Jerilderie, Mathoura, Moama, Moulamein, Mulwala, Oaklands, Rand, Tocomwal, Tumbarumba, Urana, Walla Walla. The feeder courts are Deniliquin and Albury.

#### QUESTION 2 – page 50-51

Mr DAVID SHOEBRIDGE: This question is probably to you, Mr McLennan. We had the AMA and one of the medical insurers in earlier. Their understanding was that the root cause analysis investigations done by NSW Health following a death are often not requested by the Coroner and not obtained by the Coroner. Can you shed any light upon why that is happening?

Mr McLENNAN: The root cause analysis is often requested by the Coroner, but there is a law that indicates that the root cause analysis cannot be used at an inquest. I cannot think of what the section is now, but the root cause analysis is still routinely requested by the Coroner under section 53. When we request medical records we also request the root cause analysis. But that root cause analysis under the legislation, if I can take on notice what the legislation is, it is a health Act—

The Hon. TREVOR KHAN: Is it under the Public Health Act?

Mr McLENNAN: I am not sure, but it specifically says it cannot be used at inquests or other proceedings.

Mr DAVID SHOEBRIDGE: Can you explain if there is a rationale behind that?

MrMcLENNAN: I am not the author of the legislation; I have no idea.

The Hon. TREVOR KHAN: Yes, if it is legislation then we should know.

Mr DAVID SHOEBRIDGE: I do not recall doing it myself.

Mr McLENNAN: It was a valuable tool for coroners for inquests. It was a very valuable tool because the root cause analysis had recommendations. In my recollection, it cannot even be referred to at the inquest.

Mr DAVID SHOEBRIDGE: Will you take on notice if there is any institutional knowledge about what the rationale for that is?

Mr McLENNAN: I do not know whether—

Ms GIGLI: Yes, there is a NSW Health policy directive around root cause analysis. I would probably dare to say there is meaning within that which on notice we could provide back in relation to that privilege.

Mr DAVID SHOEBRIDGE: That would be useful.

## **ANSWER**

A Root Cause Analysis in the NSW public health system is now known as a Serious Adverse Event Review (SAER) and is required to investigate serious clinical incidents.

More information about SAERs, including legal privilege, is published on the NSW Health website at: [https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2020\\_047.pdf](https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2020_047.pdf).