



Australian Government  
Comcare

# After the workplace death of a loved one

Who might contact you?



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The terms under which the Coat of Arms can be used are detailed on the Commonwealth Coat of Arms - Prime Minister and Cabinet (PMC) website; <https://www.pmc.gov.au/government/commonwealth-coat-arms>

## **Enquiries**

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# List of definitions

Below is a list of definitions for some of the technical and legal terms used within the Support Guide. The terms are denoted by a \* throughout the guide.

**Jurisdiction** – A specific area of responsibility. Comcare’s jurisdiction includes the Commonwealth, public authorities and a small number of companies (non-Commonwealth entities)

**Person Conducting a Business or Undertaking (PCBU)** – An organisation or person who is usually ‘the employer’. A person who is engaged solely as a worker or an officer in a business or undertaking is not a PCBU. In some cases, there will be multiple PCBUs involved in work at the same workplace who will share duties under work health and safety laws in relation to the same matter. For example, a principal contractor and sub-contractors at a construction site.

## Introduction

You may be reading this guide because your loved one has died suddenly and unexpectedly at work. We extend our sincere condolences for your loss. Coping with the loss of someone close to you is never easy, but when it is sudden and connected with work activities, it can be particularly difficult and confusing.

This guide provides information about who may contact you following your loved one’s death at work.

You do not need to read this guide all at once – use it as a resource when you need it. Some of the information will be useful soon after the incident, other information will not be applicable until a later date. The Comcare Family Liaison Officer is available to assist you through this guide and answer any questions you have.

It explains:

- > The roles of the various government agencies that may be involved following your loved one’s death at work;
- > What inquiries or investigations might be undertaken, when and by whom; and
- > The role of Comcare and the support available to you through the Comcare Family Liaison Officer.

## Who might contact you in the coming months?

### Police

It is often the role of local police to inform family members when a person has died in a workplace incident. Police may commence an investigation on behalf of the state coroner into a death. They may determine an incident to be a criminal matter based on the evidence collected during the investigation. For example, if a person has died in a motor vehicle accident on a public road, there may be breaches of road laws.

Police officers may request information from you, your loved one’s work colleagues, witnesses, close family members and the employer to gather evidence for their investigation.

## The Coroner

It is generally the role of the Coroner to determine the cause of death, especially when the death appears unnatural or unexpected. The Coronial process varies across every state and territory. The Coroner has the discretion to hold an independent investigation. The Coroner's investigation commences immediately once the death is reported to the police. It may be necessary to conduct a post-mortem or autopsy.

Sometimes the Coroner may hold an inquest after an investigation. A coronial inquest is a public hearing into a death. It is not a trial and the Coroner will not make findings of guilt or apportion blame. In some circumstances, it may be possible for you to request an inquest to be held.

After an inquest, the Coroner may refer or recommend a matter for criminal or civil prosecution.

For more information, see below:

- > ACT: [Information for Family and Friends - ACT Magistrates Court](#)
- > NT: [Coroner and inquests | NT.GOV.AU](#)
- > NSW: [When a death is reported to the Coroner \(nsw.gov.au\)](#)
- > Qld: [Coroner's role | Queensland Courts](#)
- > SA: [The coronial process - CAA \(courts.sa.gov.au\)](#)
- > Tas: [Magistrates Court : Coronial information for families](#)
- > Vic: [For families | Coroners Court of Victoria](#)
- > WA: [Family Information \(coronerscourt.wa.gov.au\)](#)

It may be several years before a coronial process is finalised. Typically, the coroner will not finalise their procedures until outcomes of any criminal or workplace prosecution and associated appeals are completed.

## Comcare

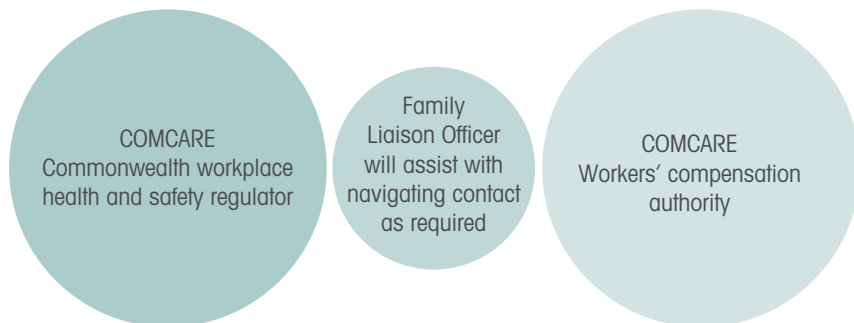
Comcare is the Commonwealth workplace health and safety regulator and workers' compensation authority. Comcare has a duty to conduct inquiries into work related incidents within the Commonwealth jurisdiction\* under the *Work Health and Safety Act 2011* (Cth) (WHS Act) and the *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations).

Comcare's regulatory functions include:

- > Monitoring and enforcing compliance with the WHS Act and WHS Regulations;
- > Initiating legal proceedings under the WHS Act; and
- > Promoting public awareness and discussion of work health and safety matters in the community.

Comcare's role in responding to a workplace death or serious injury is to undertake an inspection to find out what happened, try to prevent it from happening again and determine whether any non-compliance with the WHS Act and/or WHS Regulations occurred.

Comcare may work collaboratively with the PCBU\*, police and coroner as well as other regulators to assist in the progress of inquiries and potential investigations.



### **Comcare – Workers' Compensation Authority**

In addition to its role as a regulator, Comcare is also the Commonwealth workers' compensation authority and manages claims from Commonwealth employees. This function is managed by a separate area of Comcare.

Defence-related compensation matters are managed by the Department of Veterans' Affairs. Some PCBU's manage their workers compensation arrangements internally under a self-insurance licence. Your Family Liaison Officer can help you to contact the appropriate compensation authority.

### **Comcare – Commonwealth workplace health and safety regulator (Investigations)**

Comcare's role in responding to a workplace incident is to find out what happened and try to prevent it from happening again.

Inspections and investigations are two of the activities Comcare may undertake to monitor compliance with the WHS Act.

A decision may be made to escalate a matter from an inspection to an investigation, based on the evidence available. This process is outlined in greater detail in Guide 3 '*Comcare Inspections and Investigations*'.

### **Comcare Family Liaison Officer**

The Family Liaison Officer will be your primary point of contact within Comcare throughout the investigation.

The Family Liaison officer is independent from any regulatory response and can:

- > Guide you on the stages of an investigation and the experiences families might encounter;
- > Update you about the formal processes of investigations and prosecutions;
- > Where possible, update you on the progress of an investigation when key decisions are made;
- > Connect you to the appropriate Comcare claims team; and
- > Organise interpreters if required.

While the Family Liaison Officer does not provide counselling, financial, legal or crisis support, they can provide information and offer referrals to support services.

Your engagement with the Family Liaison Officer is voluntary, and when and how they communicate is negotiated to work best for you. At a minimum, the Family Liaison Officer will give you written updates on the Comcare investigation process at critical decision points.

There may be limitations on what information the Family Liaison Officer can share with you, as Comcare investigations are bound by the confidentiality provisions in the WHS Act. The Family Liaison Officer will be transparent and open with you and share everything they are able to.

The Family Liaison Officer is independent from all Comcare investigations. However, if they become aware of information that may be relevant to an investigation through conversations with you, the responsible investigator may want to speak to you.

## Comcare Investigator

Comcare investigators have various powers under the WHS Act to make inquiries regarding workplace incidents. Their role is to investigate potential non-compliance with the WHS Act.

If a Comcare investigator needs to talk to you or other family members, they will make contact with you via the Family Liaison Officer. Before an investigator asks you questions, they will provide you with information about why they need to speak with you, the rights you have, how they will make a record of the conversation, and what happens with the information you provide.

They will then ask you questions related to the incident. The WHS Act provisions govern any information which you may provide to an investigator, including how it is used, disclosed and stored. If you would like to remain anonymous, the investigator will talk with you about the request.

## Safety Regulators in Australia

There are a number of government agencies that are responsible for enforcing laws to ensure the health and safety of people in the workplace. The government agencies responsible for enforcing these laws are called regulators. Each regulator has a duty to investigate workplace incidents within their specific area of responsibility (jurisdiction). There are occasions when a work-related injury falls under the jurisdiction of a regulator, other than Comcare. Another regulator may be required to take the lead role in the investigation or conduct a joint investigation with Comcare. Other regulators who may make inquiries or investigate the incident include:

- > WorkSafe ACT: [Home – WorkSafe ACT](#)
- > NT WorkSafe: [NT WorkSafe](#)
- > SafeWork NSW: [SafeWork NSW](#) | [SafeWork NSW](#)
- > WorkSafe Queensland: [Home](#) | [WorkSafe.qld.gov.au](#)
- > SafeWork SA: [SafeWork SA](#) | [SafeWork SA](#)
- > WorkSafe Tasmania: [WorkSafe Tasmania](#)
- > Work Safe Vic: [Home page](#) | [WorkSafe Victoria](#)
- > WorkSafe WA: [WorkSafe](#) | [Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](#)
- > National Heavy Vehicle Regulator: [NHVR](#)
- > Office of the National Rail Safety Regulator: [Office of the National Rail Safety Regulator](#) | [ONRSR](#)
- > Australian Transport Safety Bureau: [Home](#) | [ATSB](#)
- > Australian Maritime Safety Authority: [Australian Maritime Safety Authority \(amsa.gov.au\)](#)

# Media

## Comcare Media

Comcare issues media releases at the commencement of criminal proceedings and when a judgement is handed down. Mainstream media may also report on cases that are before the courts. If required, Comcare may release statements to media outlets concerning ongoing matters – usually to confirm or clarify procedures and dates.

The Family Liaison Officer will endeavour to keep you informed of upcoming Comcare media releases.

## General Media

Journalists may attempt to contact you or your family members by attending your place of work, calling you directly or through social media. They may be seeking information about the incident or comment on court proceedings. Please note that media can report on information from social media accounts without your permission.

If you are unhappy with the conduct of a media representative or company, you can make a direct complaint to the news director of that organisation, the [Australian Press Council](#), or the Independent Media Council. You can also make a complaint to the industry’s union – the Media, Entertainment and Arts Alliance – if you consider a media representative has breached the [Journalist Code of Ethics](#) in their interactions with you.

*While this document shares who might contact you, each person’s experience is different and some of these services may not need to contact you. If you have any concerns or questions, your Family Liaison Officer is available to answer questions and to connect you to supports. Call us on 1300 366 979 or email us at [familyliaison@comcare.gov.au](mailto:familyliaison@comcare.gov.au).*

*You can also download the guide [Supports available \(following a death\)](#).*

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