



ISSUES OF CONCERN TO PUBLIC HEALTH AND SAFETY (IOCPHS)

REPORTING GUIDELINES FOR THIRD PARTY NCIS USERS

1.0 RATIONALE FOR THE GUIDELINES

1.1 The National Coronial Information System (NCIS) is a national data storage, retrieval, analysis, interpretation and dissemination system for coronial information. It assists coroners, their staff, public sector agencies, researchers and other agencies in obtaining coronial data to inform death and injury prevention activities.

1.2 In some instances, it may become clear to third party users that there is a significant issue of public health and safety which must be brought to the attention of relevant authorities.

1.3 Current legislation permits a coroner to make recommendations to the Attorney-General on any matter connected with a death, or series of deaths, that is in the interest of public health and safety. Accordingly, it is essential that State and Chief Coroners are informed of any IOCPHS identified by third party users of the NCIS.

1.4 The Victorian Department of Justice (the department) through the NCIS Unit are in a position to act as the contact point between agencies that become aware of an IOCPHS and the State/Chief Coroners, who are able take appropriate action.

1.5 To ensure that the NCIS is utilised fully and efficiently, these guidelines have therefore been created, with the following aims:

- (a) To emphasise the obligations of NCIS users to report an IOCPHS;
- (b) To provide clear guidelines for the reporting of an IOCPHS; and
- (c) To assure NCIS users that appropriate action will be taken on any IOCPHS they report.

2.0 WHAT IS AN ISSUE OF CONCERN?

2.1 For the purposes of the IOCPHS Reporting Guidelines for NCIS users, the following definition of an Issue of Concern is broadly relied upon:

“Any identified risk factor that has the potential to cause death or injury, regardless of whether there is pre-existing knowledge of such factors, that requires further investigation or action to prevent future death or injury”

3.0 WHAT ARE THE OBLIGATIONS OF THIRD PARTY USERS OF THE NCIS TO REPORT AN IOCPHS?

3.1 Pursuant to the NCIS Access Agreement, which is signed by each Authorised Organisations on behalf of the Organisation's authorised users, Operative Provision 14 provides that:

"If, in the course of accessing, reviewing or analysing Data, an Authorised Organisation or an Authorised User becomes aware of any issue of concern to public health and safety as defined in the "Guidelines Relating to Issues of Concern to Public Health & Safety" determined by the Coroners, the Authorised Organisation must immediately notify the Department."

3.2 Accordingly, if any Third Party authorised user of the NCIS becomes aware of an Issue of Concern to Public Health and Safety, as defined in Clause 2.1 of these Guidelines, that third party, via their Authorised Organisation is obliged to report the IOCPHS to the NCIS Unit, who will act on behalf of the department.

3.3 Any failure by a Third Party User or Organisation to comply with the obligation to report an IOCPHS, may result in the termination or restriction of Access Privileges to the NCIS.

4.0 WHAT ARE THE OBLIGATIONS OF NCIS STAFF?

4.1 The Licence Agreement between the department and each participating jurisdiction considered IOCPHS in the following clauses:

Schedule A:

"2.1 Employees or agents of the NCIS Unit may Access the Data only for the following purposes:

.....

(e) To provide early warning advice to Participating Jurisdictions regarding coronial deaths."

"Clause 4.9 The Access Agreement must provide that if, in the course of accessing or subsequently reviewing or analysing Data, an authorised Third Party becomes aware of any issue of concern to public health and safety as defined in the Guidelines relating to Issues of Concern to Public Health and Safety, the Third Party must immediately notify the NCIS Unit"

"Clause 4.10 Whenever the NCIS Unit is notified by a Third Party of an issue of concern it must immediately notify the relevant State or Chief Coroner"

4.2 Therefore, whenever the NCIS Unit are notified by a Third Party of an IOCPHS as defined in Clause 2.1 of these guidelines, the NCIS team (and in turn the department) are under an obligation to immediately notify the relevant State or Chief Coroner.

5.0 REPORTING PROCEDURES

5.1 When an IOCPHS is identified by a Third Party user, the Authorised Organisation must complete the 'IOCPHS Reporting Form', which is available on the NCIS website at www.ncis.org.au.

5.2 Upon completion of the 'IOCPHS Reporting Form', the Authorised Organisation must forward the form along with relevant attachments which provide evidence of an IOCPHS, to the NCIS Unit. The material should be marked to the attention of the 'NCIS Manager'. The preferred mode for submission is via e-mail. 5.3 If the 'IOCPHS Reporting form' and relevant attachments are to be submitted electronically, the appropriate address to direct the documents to is ncis@ncis.org.au.

5.4 If the 'IOCPHS Reporting form' and relevant attachments are to be mailed by the Authorised Organisation, the appropriate mailing address is as follows: National Coronial Information System, 65 Kavanagh Street, Southbank, Vic 3006.

6.0 REPORTING PROTOCOLS

6.1 Upon receipt of an 'IOCPHS Reporting form' and associated attachments, the NCIS Manager will notify the NCIS Director, who will in turn then immediately notify the relevant State &/or Chief Coroners of an apparent Issue of Concern. Both the Manager and Director will acknowledge the source of the IOCPHS.

6.2 Once an IOCPHS has been reported by the department to the relevant State &/or Chief Coroners, the NCIS Unit and the relevant State &/or Chief Coroners will liaise to decide upon the appropriate action or actions to take place.

6.3 Together the NCIS Unit, the department and the appropriate State &/or Chief Coroners will decide upon the appropriate response to the report of an IOCPHS. There are many options available, including the following examples:

- Further investigation in a particular jurisdiction (either by the NCIS or at local offices)
- Further investigation by all jurisdictions (either by the NCIS or at local offices)
- Involvement of expert bodies to confirm an IOCPHS or to further investigate an IOCPHS.
- Advise relevant Government Department and/or Minister of an IOCPHS.

6.4 Within 60 days of being notified of an IOCPHS, the NCIS Manager or their nominee will contact the Authorised Organisation who reported the Issue of Concern, to advise them of the action or actions taken or proposed to be taken, in response to the report of an IOCPHS.

7.0 PENALTY PROVISION

7.1 The department (through the NCIS Unit) reserve the right to terminate or restrict the NCIS Access Privileges of any Third Party Organisation or User, who fails in their duty (as prescribed in Provision 14 of the NCIS Access Agreement), to report an IOCPHS.

8.0 CAVEAT

8.1 These guidelines are regularly reviewed and may be subject to future amendments and iterations.