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‘The Victorian Institute of Forensic  
Pathology — Its Background,  
Structure and Functions’

*by*

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The Chairman of the meeting was Dr. R. L. C. Sutcliffe

*Mr. President, Ladies and Gentlemen*

First of all I would like to thank you very much for a most enjoyable dinner at the Athenaeum Club. I would like to talk to you tonight about a development of major significance in the world of Forensic Pathology taking place in Victoria. The Victorian Institute of Forensic Pathology was constituted by the Coroners Act (1985) and will be housed in the new Coronial Services Centre of Victoria. The Centre is presently under construction in South Melbourne and the Institute will share the Centre with the new State Coroner's Office. The purpose of this paper is to outline the background, structure and function of the Victorian Institute of Forensic Pathology and I would like to conclude by floating some ideas about the possible relationships which might develop between the Institute and the legal profession. First of all, the background.

#### BACKGROUND

The first mortuary in Victoria was built at Williamstown in 1860. Prior to that time, the Publicans Act required that all dead bodies be stored in hotel cellars. Not surprisingly, this was viewed as a major inconvenience by publicans. Notwithstanding that, an appreciable amount of business was generated by having the inquest held in the main bar of the hotel. In 1860, Dr. John Wilkins, the Port Surgeon who incidentally owned three hotels in the city, was successful in persuading the government to allocate £500 for the construction of a mortuary in Williamstown. This mortuary functioned until 1890 when a second mortuary was built in Batman Avenue on the site of the old Olympic Swimming Pool. This mortuary was extended in 1930 and was replaced in 1954 by the present Coroner's Court and Mortuary building on the site of the World Trade Centre in Flinders Street Extension. This building rapidly became redundant and, in 1975, an interdepartmental committee was set up to 'enquire into the report on whether the existing arrangements for the identification of deceased persons, post mortem examinations, forensic toxicology and analysis services for Coroners were satisfactory, both in relation to present needs and likely future needs'. The Committee reported to the government in terms not normally associated with such bodies 'We wish to stress the conditions for the storage of bodies are a disgrace to the State of Victoria and there is an urgent need

for new facilities for the Coroner's Court and Mortuary'. It further stressed that there was a gross lack of specialist forensic pathologists in Victoria and that the conditions of the City Mortuary were such that it was inconceivable that a suitable medical undergraduate could be attracted to undergo training there. In March, 1981, the Government approved a new Coronial Services Centre consisting of the State Coroner's Office, including two courts, and a new organization to be called 'The Victorian Institute of Forensic Pathology' to provide the autopsy and laboratory services for the Coroner. In June, 1981, Monash University agreed to establish a Chair of Forensic Medicine and it was established that the Professor would be ex-officio Director of the Institute. In March, 1982, a new State Government was elected meaning that lobbying for the Coronial Services Centre had to be restarted. In late 1983, the present Attorney-General, Jim Kennan, was appointed. He was rapidly convinced of the Centre's importance for Victoria and it became a very high priority for his Department. In January, 1985, the Cabinet approved a schematic design for the building of a new Coronial Services Centre at a total of \$25 million. A 1.5 hectare site at South Melbourne, a light industrial area, was appropriated. Contracts for the building were let in March 1986 and the building has proceeded since then with the expected completion date being April, 1988. The next two slides show the present state of progress of the building and also its position in relation to some of the major landmarks of the city of Melbourne. I would like now to talk about the physical and organisational structure of the Institute.

#### STRUCTURE OF THE INSTITUTE

The Coronial Services Centre is a 14,000 m<sup>2</sup> building housing the State Coroner's Office and the Victorian Institute of Forensic Pathology. It is divided into three areas, one each for the Coroner and the Victorian Institute of Forensic Pathology and a central third area for administration and staff amenities. The ground floor contains the State Coroner's Office, two Coroner's Courts, a central administration area and the Mortuary. The administration area includes a lecture theatre seating 70 people, a conference room and a library. The Mortuary has refrigerated storage for 170 bodies with additional deep freeze storage, an autopsy room with eight autopsy stations, and three separate rooms for homicide,

putrified and infectious autopsies. Facilities for x-ray examinations, macro and video photography and osteology, are also included. The offices of the Institute, its laboratories (toxicology, biochemistry, microbiology, serology, histology), museum and computer facilities, occupy the first floor.

#### **ORGANISATIONAL STRUCTURE OF THE INSTITUTE**

The VIFP was established formally by the Coroners Act (1985) of Victoria which came into force on June 1st, 1986. The objects of the Institute are set out in Section 64(2) of the Act. In summary these are —

- (a) to provide and coordinate forensic pathology and related services for Victoria.
- (b) to provide postgraduate instruction and training of trainee pathologists in forensic pathology.
- (c) to provide postgraduate instruction and training in toxicology and forensic science to persons qualified in biological sciences.
- (d) to provide training facilities for doctors and medical undergraduates to assist in the proper functioning of the Institute.
- (e) to conduct research in the field of forensic pathology, forensic science and associated fields.

In summary then, the Institute has service, educative and research responsibilities in forensic pathology and related fields.

#### **THE DIRECTOR AND THE RELATIONSHIP TO MONASH UNIVERSITY**

Section 68(1) of the Act prescribed that 'The person who holds the Chair of Forensic Medicine at Monash University is the Director of the Institute'. This section is important in underlining the independence of the Institute from any arm of the government, including the Police. Part of the agreement between the State of Victoria and Monash University which established the Chair states that a professorial unit will be established at the Institute and that the Institute shall be the Department of Forensic Medicine within the Faculty of Medicine of the University. This relationship with the University will have important implications

for all three main functions of the Institute. The importance of links with the universities for such Institutes was one of the issues highlighted by Mr. Justice Morling in his report of the Royal Commission of Enquiry into the Chamberlain Convictions. Mr. Justice Morling felt that the isolation of forensic science from mainstream academic science was at the root of much of the scientific debate surrounding central issues in the Chamberlain case.

### THE COUNCIL

The governing body of the Institute is its Council whose members are prescribed in Section 67(2) of the Act as:

- (a) The State Coroner
- (b) The Director of the Institute
- (c) A nominee of the Council of the University of Melbourne
- (d) A nominee of the Council of Monash University
- (e) A nominee of the Minister of Health
- (f) A nominee of the Minister for Police & Emergency Services
- (g) A nominee of the Chief Justice
- (h) Two nominees of the Attorney-General, at least one of whom is to be a Fellow of the Royal College of Pathologists of Australasia"

The existence of the Council is extremely important also in establishing the independence of the Institute.

### STAFF

The Act prescribes that 'the Institute may employ any person it considers necessary to carry out the objects of the Institute'. Its approved head count for 1987/88 is 37 full-time salaried staff. These include:

- The Director/Professor
- Assistant Director (Forensic Pathology)
- Assistant Director (Scientific Services)
- 4 Forensic Pathologists
- 3 Trainee Forensic Pathologists
- 1 EFT position for Sessional Specialists, eg neuropathologist, radiologist, paediatric pathologist, forensic odontologist
- 5 Scientists
- 4 Technical Officers
- 4 Technical Assistants

- 8 Mortuary Technicians
- 2 Secretaries
- 3 Stenographers

This head count does not include staff required to provide coronial toxicology services. These services are presently provided by the Toxicology Branch of the State Chemistry Laboratories, which is administered by the Department of Agriculture and Rural Affairs.

This staff comprises an additional 12 scientists and 3 technical assistants. I would like now to talk a little about the functions of the Institute. Before doing this, I think it is important to have some idea of the case load presented to the Institute. As you saw before, the Institute has the statutory responsibility for the provision of forensic pathology services in Victoria. In practice, this will mean that the Institute will actually carry out the post mortem examinations for the Coroner in metropolitan Melbourne and supervise the performance of those examinations taking place in the country areas. There are approximately 3,500 such examinations in metropolitan Melbourne per year and another 2,500 in country areas. Approximately 75% of the total are sudden, unexpected, natural deaths and 25% are homicides, accidents, suicides or postoperative deaths. Now what are the aims of the post mortem examinations in these cases? The first aim is to determine the pathological mechanisms leading to illness and death. This could be simply called 'determining the cause of death'. The second aim is to contribute to the reconstruction of the events surrounding the death. In the largest group of cases, the sudden, unexpected, natural deaths, it is the first aim which predominates. In the homicides, accidents and suicides, the second aim increases in importance to the extent that in many homicide cases it overwhelms the first aim. Back then, to the specific services that will be offered at the Institute.

#### SERVICE

The Forensic Pathology services will include:

- (a) a 6 days a week routine autopsy service.
- (b) a 7 days a week service for homicides, suspicious deaths and emergencies.
- (c) assistance to the Coroner and the civil and criminal courts as required.

- (d) equal availability to the prosecution and defence in criminal matters.
- (e) use of electronic data processing facilities to identify issues in public health and safety.
- (f) the establishment of a Tissue Bank.

The biological scientific services to be offered at the Institute will include: —

- (a) Histopathology
- (b) Microbiology and Biochemistry
- (c) Immunohaematology
- (d) Toxicology
- (e) The development of a scene of death reconstruction capacity.

The next major functional area of the Institute is that of education. The Institute will be responsible for the teaching of medical students at Monash University and it is in the process of becoming affiliated with Melbourne University for the purpose of the teaching of its students as well. It is hoped that a series of formal lectures in the 5th year of the medical course will be supplemented by students spending two weeks full time at the Institute involving themselves in the various activities taking place. Students will be welcome to attend for elective periods of study or to pursue the longer course of a Bachelor of Medical Science Degree. We also hope to become involved in the undergraduate teaching of law students. As far as postgraduates are concerned, you saw before that the Institute has a statutory responsibility to train pathologists in forensic pathology. I hope that after we have filled the requirements of Victoria in this respect, that the Institute will be able to attract trainees from not only the rest of Australia but also South East Asia. I hope it will not be too long before we can organise Diploma and Masters Courses in forensic medicine. This will fill quite a large gap in the formal postgraduate academic qualifications available in the discipline. Series of short courses would be run repetitively for pathologists, other medical specialties which come into contact with the law on a regular basis, police surgeons and general practitioners. Short courses for the legal profession would also be run. The third main function of the Institute is to conduct research in forensic pathology and related areas. A cornerstone of this research effort will be the electronic data processing facilities of the Institute. Reference collections of

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material of forensic pathological interest will be made and important research of a fundamental nature remains to be done in Toxicology and areas of clinical pathology in relation to forensic pathology. The research at the Institute will be conducted partly by its staff, by postgraduates who come to the Institute with their own funding, consultant pathologists on sabbatical leave and by obtaining funding for particular projects, such as the National Health and Medical Research Council. The value of undergraduates in research should be mentioned and this is a resource which will be developed.

I would like to finish by raising with you a few ideas about the Institute's relationship with the legal profession, particularly in homicides. Perhaps before dealing with the specifics of this I should explain that I have a background of good experiences of the legal profession. In many ways, I find dealing with lawyers and appearing in court the most enjoyable part of my work. At the time I was in London, there was an atmosphere of mutual respect between the legal profession and the Department of Forensic Medicine at Guy's and I hope that this is something which can be developed in Melbourne with the Institute. One of the things, in particular, which impressed me about the legal process in London was the way in which prosecutions were presented in an understated way. The facts of the case would be presented blandly and without rhetoric. If that was insufficient to carry the day, then that was deemed to be a fair result. It may interest the members of the legal profession present here tonight to hear a little of how I would like pathologists at the Institute to be relating to any pathologist retained for 'the other side', if you like. It will be the practice at the Institute for the pathologist to meet with the other pathologist to attempt to define and refine any differences that exist between the two of them. If there are any differences, then the possibility of further testing or experimentation to resolve those differences can be explored. Any remaining differences can then be subject to the adversarial process in court. This approach has the advantage of eliminating any spurious differences which so easily muddy the waters and confuse the jury. Furthermore, if the defence pathologist can convince the prosecution pathologist that there is a major defect in his report, then it may well be that the prosecution will have to be stopped and a person will not be wrongly put to his trial. If the defence pathologist is, in fact, wrong



then the court will not be bothered with unnecessary confusion and delay. This approach is in accordance with the ethics of the Royal College of Pathologists of Australasia, the ethics of the Forensic Science Society of South Australia, the proposed Code of Ethics for the Forensic Society of Australia and it is an approach which is foreshadowed by the Police and Criminal Evidence Act in England and Wales. Furthermore, Mr. Justice Morling highlights several examples where consultation between scientists may have eliminated the risk of the jury being misled about particular conclusions or particular tests' capabilities. Just as the Institute is interested in the best forensic pathology assistance being available to the court, it is interested in this assistance being given equally to the crown and the defence. The pathologist involved in a case will always be available for a consultation with the prosecutor and his staff or the defence barrister and his instructing solicitors. I hope the defence will make use of this and, of course, if they so wish they always retain the right to instruct their own pathologist and, no doubt, will continue to do so as it seems necessary. I would just like to add, however, that if confidential information was given to the pathologist by the defence then there would be an obligation on the pathologist not to pass such information on to the prosecution. The development of a strong relationship with all aspects of the legal profession is a high priority for the Institute. I would appreciate any thoughts or comments that members of the audience might have as how such a relationship could best be developed. I would just like to conclude by mentioning that whenever I talk about the Institute people tend to think that if it's happening in Victoria now it must have happened elsewhere 20 years ago. I would like to assure you that in this development Victoria is 20 years ahead of the rest of the world.

Thank you very much for your attention.