



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of David Cecil Mann

Find, pursuant to Section 28(1) of the Coroners Act 1995, that

- a) The identity of the deceased is David Cecil Mann.
- b) Mr Mann was born on 29 March 1945 and was 75 years of age at his death. He was married to Lynette Mann and there are two children of the marriage. With the exception of three years in the Australian Army, Mr Mann spent his entire working life at the New Norfolk paper mill before retiring in 2004. He was exposed to asbestos during his employment at the paper mill. He remained healthy and active until December 2019, shortly after which he was diagnosed with malignant plural mesothelioma, a terminal cancer. I find that this condition was caused by exposure to asbestos in his workplace. His condition was treated and managed by medical specialists. Unfortunately, by mid-2020 his condition worsened significantly. He subsequently succumbed to pneumonia as a complication of his condition and passed away at the Whittle Ward on 8 September 2020.
- c) Mr Mann's cause of death was pneumonia due to metastatic mesothelioma following exposure to asbestos at his workplace.
- d) Mr Mann died on 8 September 2020 at Hobart, Tasmania.

In making the above findings, I have had regard to the evidence gained in the investigation into Mr Mann's death. The evidence includes the police and hospital reports of death; an opinion of the forensic pathologist regarding cause of death; affidavits confirming life extinct and identification; affidavits of Mrs Lynette Mann; employment records for Mr Mann, review by the coronial medical consultant; and medical records and reports.

Comments and Recommendations

After Mr Mann's death was reported and investigation commenced, it became necessary for me to determine whether his death was due to natural causes or whether it was the result of an "accident or injury that occurred at his place of work". These issues were important as the resolution of them governed whether I was required to hold a public inquest into Mr Mann's death and, in fact, whether Mr Mann's death was reportable to the coroner in the first instance.

I have attached to this finding my ruling made in respect of these matters. I have determined that I am not required to hold a public inquest because Mr Mann did not die as a result of an accident or injury that occurred at his place of work. Further, I have determined that his death was due to natural causes and did not come within the definition of a reportable death under the *Coroners Act 1995*.

The circumstances of Mr Mann's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Mr Mann.

Dated: 9 August 2022 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart
Coroner