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NEXT OF KIN

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While there is no statutory definition of next of kin, the *Coroners Act 2008* (Vic) contains the following definitions:

¹**immediate family** in relation to a deceased person, means spouse, domestic partner, son, daughter, parent, sibling, executor, personal representative or a person determined to be the senior next of kin.

²**senior next of kin** in relation to a deceased person, means —

- (a) if the person, immediately before death had a spouse or domestic partner — the spouse or domestic partner; or
- (b) if the person immediately before death did not have a spouse or domestic partner or if the spouse or domestic partner is not available — a son or daughter of or over the age of 18 years; or
- (c) if a spouse, domestic partner, son or daughter is not available — a parent; or
- (d) if a spouse, domestic partner, son, daughter or parent is not available — a sibling who is of or over the age of 18 years; or
- (e) if a spouse, domestic partner, son, daughter, parent or sibling is not available — a person named in the will as an executor; or
- (f) if a spouse, domestic partner, son, daughter, parent, sibling or executor is not available — a person who, immediately before the death, was a personal representative of the deceased; or
- (g) if a spouse, domestic partner, son, daughter, parent, sibling, executor or personal representative is not available — a person determined to be the senior next of kin.

³**child** means a person under the age of 18 years.

⁴**domestic partner** of a person means —

¹ Coroners Act 2008 (Vic) s 3.

² Coroners Act 2008 (Vic) s 3.

³ Coroners Act 2008 (Vic) s 3.

⁴ Coroners Act 2008 (Vic) s 3.

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person —
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation).

⁵**parent**, in relation to a child, includes —

- (a) a step-parent;
- (b) an adoptive parent;
- (c) a foster parent;
- (d) a guardian;
- (e) a person who has custody or daily care and control;
- (f) a person who has all the duties, powers, responsibilities and authority (whether conferred by a court or otherwise) which, by law, parents have in relation to children.

⁶**sibling** in relation to a person includes a half-brother, half-sister, adoptive brother, adoptive sister, step-brother or step-sister of the person.

⁷**spouse** of a person means a person to whom that person is married.

⁵ Coroners Act 2008 (Vic) s 3.

⁶ Coroners Act 2008 (Vic) s 3.

⁷ Coroners Act 2008 (Vic) s 3.