



Your ref: COR 2019 4895

7 May 2021

Alex Cottrell, Principal Registrar
Coroners Court of Victoria
65 Kavanagh Street, Southbank VIC 3161
Via email: [REDACTED]

Dear Ms Cottrell

I refer to the findings and recommendations made on 23 February 2021 into the death of Mr Daniel Frawley who died by Multiple injuries sustained in a motor vehicle incident (driver) on 9 September 2019.

I note that Coroner Spanos found that it was most likely that Mr Frawley intentionally took his own life and that Chronic Traumatic Encephalopathy (CTE) was a potential contributor to the depression that Mr Frawley suffered in the years preceding and leading up to his death.

Your recommendations include three directed to the State Coroner and the Director of the Victorian Institute of Forensic Medicine relating to coronial processes and practices:

- Recognise that currently, CTE can only be diagnosed at autopsy and requires a careful brain examination and sampling of the appropriate areas of the brain for histological and immunohistochemical assessment to determine whether the pathological changes ascribed to CTE are present.
- Improve timely identification of cases in which there is a history of head trauma, be that major trauma or minor repetitive trauma, such as may be sustained in sporting activities, so that consideration of the need for an autopsy can be appropriately informed.
- While brain examination and tissue sampling needs to be adequate for CTE assessment and this is ideally achieved by retention of the brain for examination in an appropriate centre, such as the Australian Sports Brain Bank, this option may not be acceptable to the senior next of kin. Therefore, a histological brain sampling protocol should be developed to ensure that appropriate sections are available to allow adequate assessment for the presence or absence of CTE changes without the need for long term retention of the whole brain.

I accept all the above recommendations and have commenced discussions with representatives of the Victorian Institute of Forensic Medicine to determine the most appropriate process to implement these.

If you have any questions regarding this letter, please contact my Executive Assistant, Sophie Friggens on 03 8688 0734.

Yours sincerely

Judge John Cain
State Coroner