

CORONERS BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Coroners Act 1951.

PART I

PRELIMINARY

Clause 1 relates to the Short Title and commencement. The Bill is to be brought into force by Order in Council.

Clause 2 relates to interpretation.

Clause 3 provides that the Bill binds the Crown.

PART II

REPORTING OF DEATHS

Clause 4 specifies the deaths that have to be reported under the Bill. There are, in effect, 3 situations where a death must be reported. First, there are suspicious deaths; a death must be reported if a doctor has withheld a death certificate, or if the death appears to have been without known cause, suicide, unnatural, or violent. Secondly, there are deaths occurring in certain formal situations; a death must be reported if it occurs during an operation or during or because of the administration of an anaesthetic, or if the person concerned was a patient detained under the Alcoholism and Drug Addiction Act 1966, a child or young person placed in an institution or residence under the Children and Young Persons Act 1974, an infant placed in a foster-home under that Act, a special or committed patient under the Mental Health Act 1968, a prison inmate, or a person in the custody of the Police. Thirdly, there are deaths in respect of which some other Act requires an inquest.

Clause 5 relates to the reporting of deaths. Any person who finds a body must report the finding to the Police. Any person who learns of a death that *clause 4* requires to be reported, or a death on or from a New Zealand aircraft or ship, must report it to the Police unless he or she believes that the Police already know or will be told by some other person.

The Police must report the finding of any body, and all deaths reported to the Police under the Bill, to a coroner, and must make all inquiries necessary for the purposes of the Bill.

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Clause 6 enables a death to be reported to a Justice if a coroner is not available.

PART III

INQUESTS

Clause 7 limits the jurisdiction of coroners to hold inquests. Except where the Solicitor-General has exercised the power contained in *clause 8* to direct a coroner to hold an inquest, an inquest is not to be held unless the body of the person concerned is in New Zealand, or was in New Zealand immediately before it was destroyed or became irrecoverable or lost; and if the death or its cause occurred outside New Zealand, an inquest is not to be held unless the person concerned was ordinarily resident in New Zealand, died while travelling to or from New Zealand, or was in New Zealand not long before the circumstances in which death occurred arose.

Clause 8 empowers the Solicitor-General to direct a coroner to hold an inquest into any death occurring outside New Zealand on or from an aircraft or ship.

Clause 9 specifies the kinds of death into which an inquest must be held. These are deaths that appear to have been suicide, deaths of persons in an institution, residence, foster-home, hospital, or prison as described in *clause 4*, deaths in Police custody, and deaths into which some other Act requires an inquest.

Clause 10 empowers a coroner to decide not to hold an inquest into a death into which *clause 9* would otherwise require the holding of an inquest, if satisfied that the death occurred outside New Zealand and some official inquiry or inquest into it has been or is being held outside New Zealand.

Clause 11 provides that where there is reported to a coroner a death into which the coroner is not required to hold an inquest, the coroner decides whether or not to hold an inquest into it.

Clause 12 specifies the matters to which a coroner is to have regard in deciding whether or not to hold an inquest into a death. These matters include how much the coroner already knows about the death; whether or not it appears to have been natural; whether (if it appears to have been unnatural or violent) some other person appears to have been responsible; the existence and extent of allegations, rumours, suspicions, and public concern, about the death; and the likelihood that publicity about the death's circumstances will reduce the chances that other similar deaths will occur.

A coroner who decides not to hold an inquest into a death must notify the Secretary for Justice, and may later open an inquest into the death if satisfied that it is desirable to do so.

Clause 13 empowers a coroner to authorise a doctor to perform a post-mortem.

Clause 14 requires a coroner, in deciding whether or not to authorise a post-mortem, to have regard to the same matters (specified in *clause 12*) as those to which regard must be had in deciding whether or not to hold an inquest.

Clause 15 empowers a coroner to require a doctor to perform a post-mortem forthwith, if persons having the ethnic origins, spiritual beliefs, or social attitudes or customs of the person concerned or the person's family customarily require bodies to be available to the family as soon as possible after death.

Clause 16 relates to doctors who may be present at a post-mortem. A doctor who attended the dead person has a right to be present, and the coroner may

require such a doctor to be present, to give the coroner a report on the dead person, or both.

The coroner may also authorise any doctor to be present as the representative of any person.

Clause 17 requires a coroner to notify the family of the person concerned of the fact that there is to be a post-mortem, and the coroner's reasons for authorising it.

Clause 18 empowers a coroner to undertake any inquiries and examinations the coroner thinks fit for the purpose of an inquest, or deciding whether or not to hold one.

Clause 19 empowers coroners to give directions for the removal and disposal of bodies. Where there has been no post-mortem, a coroner must give the Police 24 hours notice of the intended disposal of a body.

Clause 20 specifies the purpose for which inquests are held. An inquest is held to establish that a person has died, the person's identity, and the time, place, causes, and circumstances of the death, and to enable the coroner to make recommendations or comments that may reduce the chances of other similar deaths occurring.

The clause makes clear that a coroner may criticise any person if the person has been given notice of the proposed criticism and an opportunity to respond to it.

Clause 21 provides that inquests are generally to be held before coroners alone; but the Minister of Justice may appoint an assessor to assist a coroner with a particular inquest.

Clause 22 specifies which coroner is to hold any inquest. Normally, an inquest is to be held by the coroner to whom the death was reported; but if the coroner is not available or the death was reported to a Justice, or if the High Court has ordered a new inquest to be held by a different coroner, the Secretary for Justice may authorise some other coroner to hold it. Also, a coroner who feels that he or she has a personal interest in an inquest, or believes that there is some other good reason not to hold it himself or herself, may authorise some other coroner to hold it.

Clause 23 empowers a coroner to fix a date, time, and place for an inquest, and arrange for the Police to notify interested persons.

Clause 24 provides that (except in the case of deaths on or from aircraft or ships where an inquest has been directed under *clause 8*) an inquest is not to be concluded unless the coroner is satisfied that the body has been viewed in New Zealand, or was in New Zealand immediately before it was destroyed or became irrecoverable or lost. A coroner is not required to view a body himself or herself.

Clause 25 requires an inquest to be public, but empowers a coroner to exclude the public, or prohibit the publication of evidence, in the interests of justice, decency, or public order.

Clause 26 relates to evidence at inquests. A coroner may admit any evidence. Evidence is to be given on oath; and the coroner, and any person with a sufficient interest (or the counsel of such a person), may cross-examine witnesses. Provision is made for evidence to be given by way of a previously prepared written statement, confirmed on oath; and a witness may be cross-examined on such a statement.

Clause 27 enables evidence to be taken at a distance by a Justice or some other coroner.

Clause 28 relates to the situation where an inquest is to be held, and either some person has been or may be charged with a criminal offence in relation to the death concerned, or some other inquiry is being or may be held into the death or its circumstances. In such situations, a coroner may postpone the inquest if satisfied that to proceed with it may prejudice the person or inquiry. The inquest may later be opened or resumed; or the coroner may decide not to proceed with the inquest, if satisfied that the matters required by *clause 20* to be established at inquests have already been established elsewhere.

Clause 29 restricts the publication, by both broadcast and print media, of details relating to the deaths that may have been suicide.

Subclause (1) forbids the publication without the consent of a coroner of the manner in which any person died in New Zealand after the commencement of the Bill if there is reasonable cause to believe that the death was suicide. The subclause applies whether or not the death has been reported to the Police or a coroner, and is intended to discourage “copy-cat” suicides.

Subclause (2) forbids the publication without the consent of the coroner of any details (other than the name, address, and occupation of the person concerned, and the fact that the death was suicide) of a death, or an inquest into a death; if the coroner has found the death to be suicide.

Clause 30 gives a right of appeal to a District Court Judge against a decision by a coroner to prohibit the publication of evidence (under *clause 25 (2) (b)*) or to refuse to authorise the publication of details relating to a suicide (under *clause 29*).

Clause 31 requires a coroner to consider the evidence at an inquest, complete a certificate of findings, and send it and any recommendations or comments to the Secretary for Justice.

PART IV

CORONERS

Clause 32 provides for the appointment of coroners.

Clause 33 requires coroners to retire at 68. At present coroners must retire at 72, and existing coroners will continue to be able to serve until that age. A retired coroner may be reappointed for specific terms not exceeding 12 months each or 2 years in total.

Clause 34 empowers the Governor-General to remove coroners for inability or misbehaviour.

Clause 35 gives coroners the general powers, privileges, authorities, and immunities of District Court Judges.

PART V

MISCELLANEOUS PROVISIONS

Clause 36 empowers the Secretary for Justice to authorise a coroner to deal with a death reported to a Justice or to another coroner who is unable to deal with the report, to hold an inquest that a coroner who is unable to hold it has been authorised to hold under the Bill, or to authorise a coroner to complete an inquest opened by a Justice or by another coroner who is unable to complete it.

Clause 37 requires the Police to assist coroners in their inquiries.

Clause 38 empowers the Solicitor-General to obtain from the High Court an order to hold an inquest or further inquest into a death. An order will be granted if the Court is satisfied that an inquest should have been held and was not, or that an inquest has been held but there is good reason to hold another. The Court may specify which coroner is to hold the inquest, or may order the inquest to be held by a coroner who has not previously held an inquest into the death.

Clause 39 gives witnesses and counsel at inquests the same privileges and immunities they have in Courts of law.

Clause 40 relates to offences and penalties.

Clause 41 enables members of the public to have access to information held in the Department of Justice concerning inquests.

Clause 42 provides for the making of regulations.

Clause 43 relates to consequential amendments.

Clause 44 relates to consequential repeals.

Right Hon. Geoffrey Palmer

CORONERS

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A BILL INTITLED

An Act to consolidate and amend the Coroners Act 1951

BE IT ENACTED by the Parliament of New Zealand as follows:

No. 170—1

PART I

PRELIMINARY

1. Short Title and commencement—(1) This Act may be cited as the Coroners Act 1987.

(2) This Act shall come into force on a day appointed by the Governor-General by Order in Council. 5

2. Interpretation—In this Act, unless the context otherwise requires,—

“Body” means a dead person, and includes—

(a) Any part of a person without which no person 10 can live; and

(b) Any part of a person discovered in such circumstances or such a state that it is probable that the person is dead,—

whether or not the identity of the person concerned is 15 known when the part is discovered or is later determined; but does not include a foetus or a still-born child:

“Burial order” means an order under **section 19 (2)** of this Act, and includes a Coroner’s or Justice’s certificate 20 under the Burial and Cremation Act 1964:

“Death”, in relation to reporting to a member of the Police, a Justice, or a coroner, includes the finding of a body:

“Disposal”, in relation to a body, means burial or 25 cremation; and includes all other lawful modes of disposing of a body; and “to dispose of” has a corresponding meaning:

“Doctor” means a registered medical practitioner:

“Irrecoverable” means impossible or impracticable to 30 recover:

“New Zealand” includes the Ross Dependency:

“Secretary” means the Secretary for Justice.

Cf. 1951, No. 73, s. 2

3. Act to bind the Crown—This Act binds the Crown. 35

PART II

REPORTING OF DEATHS

4. Deaths that must be reported—(1) The following deaths shall be reported:

(a) Every death that appears to have been— 40

(i) Without known cause; or

- (ii) Suicide; or
 (iii) Unnatural or violent.
- (b) Every death in respect of which no doctor has given a certificate under section 25 of the Births and Deaths Registration Act 1951:
- 5 (c) Every death that occurred—
- (i) While the person concerned was affected by, or as a result of the administration to the person concerned of, an anaesthetic administered in the course of a medical, surgical, or dental, operation or procedure, or some similar operation or procedure;
- 10 or
- (ii) While the person concerned was undergoing, or as a result of, any such operation or procedure:
- 15 (d) The death of any patient detained in an institution pursuant to an order under section 9 of the Alcoholism and Drug Addiction Act 1966:
- (e) The death of any child or young person in an institution or residence established under section 69 of the Children and Young Persons Act 1974:
- 20 (f) The death of any infant placed in a foster-home (within the meaning of section 72 of that Act):
- (g) The death of any special or committed patient (within the meaning of the Mental Health Act 1969) in a hospital:
- 25 (h) The death of any inmate (within the meaning of the Penal Institutions Act 1954):
- (i) The death of any person in the custody of the Police:
- (j) The death of any person in such circumstances that an enactment other than this Act requires the holding of
- 30 an inquest.

(2) Paragraphs (d) to (h) of subsection (1) of this section apply to a death whether or not it occurred in the institution, residence, foster-home, hospital, or penal institution, concerned.

Cf. 1951, No. 73, s. 5 (1)

35 **5. Reporting of deaths**—(1) Subject to subsection (3) of this section, every person who finds a body in New Zealand shall report the finding to a member of the Police.

(2) Subject to subsection (3) of this section, every person who learns of a death required by section 4 of this Act to be

40 reported—

- (a) In New Zealand; or
 (b) On or from—

- (i) An aircraft registered in New Zealand under the Civil Aviation Act 1964; or
 - (ii) A New Zealand ship (within the meaning of the Shipping and Seamen Act 1952); or
 - (iii) An aircraft or ship of the Armed Forces (within the meaning of the Armed Forces Discipline Act 1971); or
 - (iv) A ship owned by the Crown,—
- shall report the death to a member of the Police.
- (3) A person who believes that a death— 10
 - (a) Is already known to the Police; or
 - (b) Will be reported to a member of the Police,—
 is not required to report it to a member of the Police.
 - (4) A member of the Police— 15
 - (a) Who finds a body in New Zealand; or
 - (b) To whom a report of a death is made under this section,—
 shall cause the finding or death concerned to be reported forthwith to the coroner nearest (by the most practicable route) to the presumed place of death. 20
 - (5) Where a death has been reported to a coroner under this section, the Commissioner of Police shall cause to be made all inquiries—
 - (a) Necessary for the due administration of this Act in relation to the death; or 25
 - (b) Directed by the coroner.
 Cf. 1951, No. 73, s. 5 (4), (5)

6. Power of justices where no coroner available—

- (1) Where—
 - (a) The coroner to whom a death is required by this Act to be reported is not available to act; or 30
 - (b) The office of coroner in the place where a death is required by this Act to be reported is vacant,—
 the death shall be reported to a Justice.
- (2) A Justice to whom a death is reported under **subsection (1)** of this section may— 35
 - (a) Exercise in respect of the death all the powers of a coroner under **sections 13 to 19** of this Act:
 - (b) Open an inquest in respect of the death:
 - (c) Adjourn any such inquest: 40
 - (d) Hear, admit, and record evidence of identification of the person concerned:

(e) Authorise the disposal of the body concerned.

Cf. 1951, No. 73, s. 7

PART III

INQUESTS

5 **7. Power of coroners to hold inquests**—(1) Except as provided in **section 8** of this Act, a coroner shall not hold an inquest into any death unless—

(a) The body of the person concerned is in New Zealand; or

10 (b) The coroner is satisfied that the body of the person concerned is destroyed, irrecoverable, or lost, but was in New Zealand immediately before it was destroyed, or became irrecoverable or lost.

(2) Except as provided in **section 8** of this Act, if a death or its cause occurred outside New Zealand, a coroner shall not hold

15 an inquest into it unless the person concerned—

(a) Died while ordinarily resident in New Zealand; or

(b) Died while travelling to or from New Zealand; or

(c) Was in New Zealand not long before the circumstances of the death arose.

20 Cf. 1951, No. 73, s. 8

8. Aviation deaths and deaths at sea—Where a death occurs outside New Zealand on or from an aircraft or a ship, the Solicitor-General may direct a coroner to hold an inquest into the death; and in that case the coroner shall do so.

25 Cf. 1952, No. 49, s. 330

9. Deaths into which coroners must hold inquests—Subject to **sections 7 and 10** of this Act, a coroner to whom a death is reported shall hold an inquest into it if—

(a) It appears to have been suicide; or

30 (b) It appears to be a death of a kind described in any of **paragraphs (d) to (j) of section 4 (1)** of this Act; or

(c) It occurred in circumstances such that an enactment other than this Act requires the holding of an inquest.

Cf. 1951, No. 73, s. 5 (1)

35 **10. Overseas inquests**—Subject to **sections 7, 8, and 38** of this Act, if satisfied that—

(a) A death occurred outside New Zealand, or was caused by matters arising outside New Zealand; and

40 (b) An inquest or other official inquiry into it has been or will be held outside New Zealand,—

the coroner to whom it was reported shall decide whether or not to hold an inquest into it.

11. Other deaths—Subject to sections 7, 9, and 38 of this Act, the coroner to whom a death is reported shall decide whether or not to hold an inquest into it. 5

Cf. 1951, No. 73, ss. 5, 6

12. Decision whether or not to hold inquest—(1) In deciding whether or not to hold an inquest, a coroner shall have regard to the following matters:

- (a) The extent to which the matters required by this Act to 10
be established at inquests are disclosed in respect of
the death concerned by information available directly
to the coroner or from information arising from
inquiries or examinations the coroner has made or
caused to be made: 15
 - (b) Whether or not the causes of the death appear to have
been natural:
 - (c) In the case of a death that appears to have been unnatural
or violent, whether or not it appears to have been due
to the actions or inaction of another person: 20
 - (d) The existence and extent of any allegations, rumours,
suspicions, or public concern, about the death:
 - (e) The extent to which the drawing of attention to the
circumstance of the death may be likely to reduce the
chances of the occurrence of other deaths in similar 25
circumstances:
 - (f) Any other matters the coroner thinks fit.
- (2) A coroner who decides not to hold an inquest into a death
shall notify the Secretary of the decision, in the prescribed
form, which shall— 30
- (a) Contain or have attached to it (as the case requires) the
prescribed information; and
 - (b) Be accompanied by a written statement as to the identity
of the person concerned— 35
 - (i) Signed by the person making it; and
 - (ii) Having the signature witnessed by a member of
the Police or some other person authorised by the
coroner to do so.
- (3) A coroner who, after deciding not to hold an inquest,
becomes satisfied (whether by reason of information not 40
available at the time of deciding or for any other reason) that it

is desirable to hold an inquest into the death concerned, may do so.

Cf. 1957, No. 73, ss. 5, 6

- 13. Coroner may authorise post-mortem examination**—With the authority of a coroner, a doctor (not being a doctor who, to the coroner's knowledge, attended the person concerned immediately before death) may,—
- (a) For the purpose of enabling the coroner to decide whether or not to hold an inquest into the death concerned; or
- (b) Where the coroner—
- (i) Is to hold such an inquest; or
- (ii) Has opened and not completed such an inquest,—
- perform a post-mortem examination of the body concerned; and in that case shall give the coroner a written report on the results of the examination.

Cf. 1951, No. 73, ss. 6 (1), 10 (1)

- 14. Decision whether or not to authorise post-mortem examination**—In deciding whether or not to authorise a doctor to perform a post-mortem examination, a coroner shall have regard to the matters specified in **section 12 (1)** of this Act.

- 15. Early release of bodies**—(1) A coroner who—
- (a) Has authorised a doctor to perform a post-mortem examination of a person's body; and
- (b) Is satisfied that **subsection (2)** of this section applies to the person or to a member of the person's family,—
- shall direct the doctor to perform it forthwith; and in that case the doctor shall do so.
- (2) This subsection applies to a person if persons having the ethnic origins, social attitudes or customs, or spiritual beliefs of the person customarily require bodies to be available to family members as soon as is possible after death.

- 16. Observers at post-mortem examinations**—(1) A doctor who attended a person before death may be present at any post-mortem examination of the person's body under this Act.

- (2) A coroner may, by notice in writing to a doctor who attended a person before death, require the doctor to do either or both of the following:

- (a) Attend a post-mortem examination of the person's body authorised by the coroner under this Act:
 - (b) Give the coroner a report (containing information specified in the notice) relating to the person.
- (3) Any doctor may, with the authority of a coroner granted on the application of any person, be present as the person's representative at a post-mortem examination authorised by the coroner under this Act. 5
- (4) Any doctor may, with the authority of a coroner, be present as the coroner's observer at a post-mortem examination authorised by the coroner under this Act. 10

Cf. 1951, No. 73, ss. 6 (1), 9, 10 (1)

17. Family to be notified of post-mortem examination—(1) A coroner who has authorised a doctor to perform a post-mortem examination shall, as soon as is practicable, cause written notice to be given to any relative in New Zealand of the person concerned of— 15

- (a) The fact that a post-mortem examination has been authorised; and
 - (b) The coroner's reasons for authorising its performance. 20
- (2) A failure to comply with **subsection (1)** of this section does not affect the validity of any action.

18. Other inquiries and examinations—A coroner may—

- (a) For the purpose of deciding whether or not to hold an inquest; or 25
 - (b) Where the coroner—
 - (i) Is to hold an inquest; or
 - (ii) Has opened and not completed an inquest,—
- cause to be made any inquiries or examinations (medical or otherwise) the coroner thinks proper. 30

Cf. 1951, No. 73, s. 10 (4)

19. Removal and disposal of bodies—(1) For the purposes of an examination under this Act, a coroner may give any directions the coroner thinks fit relating to the removal of a body. 35

- (2) Subject to **subsection (3)** of this section, a coroner to whom a death has been reported may at any time, by written notice in the prescribed form signed by the coroner, direct the disposal of the body concerned. 40

(3) A coroner who decides not to authorise a doctor to perform a post-mortem examination of a body shall not direct its disposal earlier than 24 hours after notifying the Commissioner of Police of the decision unless the
5 Commissioner agrees.

Cf. 1951, No. 73, ss. 10 (5), 11

20. Purpose of inquests—(1) A coroner holds an inquest for the purpose of—

- (a) Establishing, so far as is possible,—
10 (i) That a person has died; and
 (ii) The person's identity; and
 (iii) When and where the person died; and
 (iv) The causes of the death; and
 (v) The circumstances of the death; and
15 (b) Making any recommendations or comments on the avoidance of circumstances similar to those in which the death occurred, or on the manner in which any persons should act in such circumstances, that, in the opinion of the coroner, may if drawn to public
20 attention reduce the chances of the occurrence of other deaths in such circumstances.

(2) Notwithstanding **subsection (1)** of this section, but subject to **section 28** of this Act a coroner—

- (a) May, in the course of or as part of the findings of an
25 inquest, comment on the conduct, in relation to the circumstances of the death concerned, of any person; but
(b) Shall not comment adversely without taking all
30 reasonable steps to notify the person concerned of the proposed comment, and giving the person an opportunity to be heard in relation to it.

Cf. 1951, No. 73, s. 12

21. Inquests to be before coroner alone—(1) Except as provided in **subsection (2)** of this section, every inquest shall be
35 held before a coroner alone.

(2) The Minister of Justice, if satisfied that for technical, medical, or other reasons it is desirable to do so, may, on the recommendation of a coroner, appoint an assessor to sit with and assist the coroner at an inquest.

(3) The appointment of an assessor under **subsection (2)** of this section shall be determined when the coroner's findings are given.

Cf. 1951, No. 73, s. 13

22. Which coroner to hold inquest—(1) Subject to **subsection (2)** of this section and to **sections 36 and 38** of this Act, every inquest shall be held by the coroner to whom the death concerned was reported. 5

(2) Where a coroner—

(a) Has a personal interest in an inquest; or 10

(b) Believes that there is some other good reason for the coroner not to hold it,—

the coroner may authorise some other coroner to hold it; and, subject to **sections 36 and 38** of this Act, the other coroner may then hold it. 15

23. Date, etc., and notice of inquest—(1) The coroner who is to hold an inquest shall fix a date, time, and place for it, and shall direct the Commissioner of Police to cause a member of the Police to give notice of the date, time, and place to every person— 20

(a) Who has a sufficient interest in the inquest or its outcome; or

(b) Whom the coroner has directed to be notified.

(2) Those to be notified under **subsection (1)** of this section shall include— 25

(a) The immediate relatives of the person concerned; and

(b) Any doctor who attended the person—

(i) Immediately before death; or

(ii) In the case of a person who had been ill before death, during the illness; and 30

(c) Every person whose conduct, in the opinion of the Commissioner or the coroner, seems likely to be called into question; and

(d) Every life insurance company known by the Commissioner or the coroner to have issued a policy 35 on the person's life; and

(e) The Life Offices Association of N.Z. Inc.; and

(f) Where the person's death appears to have arisen out of the person's employment,—

(i) Any industrial union registered under the 40 Labour Relations Act 1987 of which the person was a member; and

(ii) The Secretary of Labour; and

(g) Where section 206 of the Mining Act 1971 or section 177 of the Coal Mines Act 1979 or section 71 of the Quarries and Tunnels Act 1982 applies to the death, an Inspector of Mines, Coal Mines, or Tunnels (as the case may be).

(3) A failure to comply with **subsection (1)** of this section does not affect the validity of any action.

(4) **Subsection (3)** of this section does not limit or affect the effect of **section 38** of this Act.

Cf. 1951, No. 73, ss. 14, 17 (3)

24. Viewing of bodies—(1) A coroner shall not conclude an inquest (other than an inquest under **section 8** of this Act) unless satisfied that the body concerned—

- (a) Has been viewed in New Zealand; or
 (b) Is destroyed, irrecoverable, or lost, but was in New Zealand immediately before it was destroyed, or became irrecoverable or lost.

(2) A coroner is not required to view any body.

Cf. 1951, No. 73, s. 15

25. Inquests to be public—(1) Except as provided in this section, every inquest shall be held in a place that is open to the public.

(2) A coroner may—

- (a) Exclude any persons from the whole or any part of an inquest; or
 (b) Prohibit the publication of any evidence given at an inquest,—

if satisfied that it is in the interests of justice, decency, or public order to do so.

(3) A coroner may direct any witness whose evidence has not yet been heard at an inquest to remain, or go and remain, outside the place where it is being held until required to give evidence.

Cf. 1951, No. 73, s. 16

26. Evidence—(1) Except as provided in this Act, at an inquest a coroner shall hear evidence from any person—

- (a) Who tenders, in respect of the death concerned, evidence relevant to any of the matters required by **section 20 (1) (a)** of this Act to be established; or
 (b) Whom the coroner thinks it appropriate to examine.

(2) Every person who gives evidence at an inquest shall do so on oath.

(3) A coroner may cross-examine any person who gives evidence at an inquest.

(4) Any person specified in **section 23 (2)** of this Act, and any person with a sufficient interest in the subject or outcome of the inquest may, personally or by counsel, attend an inquest and cross-examine witnesses. 5

(5) Subject to **subsection (6)** of this section, a coroner may admit at an inquest any evidence the coroner thinks fit, whether or not it would be admissible in a Court of law. 10

(6) A coroner shall not admit any evidence at an inquest unless satisfied that its admission is necessary or desirable for the purpose of establishing any matter specified in **section 20 (1) (a)** of this Act. 15

(7) Notwithstanding **subsection (1)** of this section, a witness at an inquest may give any evidence by tendering a previously prepared written statement and confirming it on oath if—

(a) The coroner is satisfied that there is no reason making it desirable for the witness to give the evidence orally; 20
and

(b) No person attending the inquest who is entitled to cross-examine the witness objects.

(8) A witness who gives evidence at an inquest under **subsection (7)** of this section may be cross-examined as if it had been given orally; and the written statement concerned shall form part of the depositions of the inquest. 25

(9) The evidence given by each witness at an inquest and admitted by the coroner shall be put into writing by the coroner, read over by or to the witness, and signed by the witness and the coroner. 30

Cf. 1951, No. 73, s. 17

27. Evidence at distance—(1) A coroner who—

(a) Intends to hold or is holding an inquest; and

(b) Is satisfied that it is necessary or desirable to have any evidence taken at a place other than the place where the inquest is to be or is being held,— 35

may, by written notice signed by the coroner, authorise some other coroner or, if no other coroner is available, a Justice to take the evidence. 40

(2) A coroner or Justice taking evidence under **subsection (1)** of this section has the same powers in respect of taking it as the

coroner holding the inquest concerned, and shall direct notice to be given in accordance with **section 23** of this Act.

(3) **Subsections (1) to (7) of section 26** of this Act shall apply to the taking of evidence under **subsection (1)** of this section as if it is
5 being taken at an inquest.

(4) The evidence given by each witness under **subsection (1)** of this section and admitted by a coroner or Justice shall be put into writing by the coroner or Justice, read over to or by the witness, signed by the witness and the coroner or Justice, who
10 shall send it to the coroner holding the inquest concerned; and that coroner shall receive it and act upon it as if it had been given and admitted at the inquest.

Cf. 1951, No. 73, s. 18

**28. Procedure where person charged with offence or
15 some other inquiry to be held—**(1) Subject to **subsection (3)** of this section, where, after a death has been reported to a coroner, the coroner is informed that some person has been or may be charged with a criminal offence relating to the death or its circumstances,—

20 (a) Subject to section 31 of the Births and Deaths Registration Act 1951, if satisfied that to open an inquest in respect of the death may prejudice the person, the coroner shall not open an inquest in respect of the death until criminal proceedings against the person
25 have been finally concluded:

(b) Subject to section 31 of the Births and Deaths Registration Act 1951, if satisfied that to proceed further with an inquest already opened in respect of the death may prejudice the person, the coroner shall adjourn the
30 inquest until criminal proceedings against the person have been finally concluded.

(2) Subject to **subsection (3)** of this section, a coroner to whom a death has been reported may postpone opening an inquest into the death, or adjourn an inquest already opened into it, if
35 satisfied that—

(a) An inquiry into the death or the circumstances in which it occurred is being or is likely to be held under some enactment other than this Act; and

(b) Either—
40 (i) The matters specified in **section 20 (1) (a)** of this Act are likely to be established in respect of the death at the inquiry; or

(ii) To open or continue with the inquest would be likely to prejudice the inquiry or some person interested in it.

(3) A coroner who has postponed or adjourned an inquest under **subsection (1)** of this section may later open or resume it if satisfied that to do so would not prejudice the person charged or thought likely to be charged with a criminal offence relating to the death or its circumstances. 5

(4) A coroner who has postponed or adjourned an inquest under **subsection (2)** of this section may open or resume it if satisfied that— 10

(a) An inquiry into the death or the circumstances in which it occurred is not likely to be held under any enactment other than this Act; or

(b) Such an inquiry is being or is to be held, but— 15

(i) The matters specified in **section 20 (1) (a)** of this Act are unlikely to be established in respect of the death at the inquiry; and

(ii) To open or resume the inquest will not prejudice the inquiry or any person interested in it. 20

(5) Notwithstanding **section 9** of this Act, a coroner may decide not to open or resume an inquest postponed or adjourned under this section if satisfied that the matters specified in **section 20 (1) (a)** of this Act have been adequately established in respect of the death concerned in the course of the criminal proceedings or inquiry concerned (whether finally concluded or not). 25

(6) A coroner who decides not to open or resume an inquest under **subsection (5)** of this section shall give the Secretary written notice of the decision. 30

(7) If no appeal (or, as the case requires, no further appeal) can be made in the course of any criminal proceedings unless the High Court or Court of Appeal grants an extension of time, the proceedings are finally concluded for the purposes of this section. 35

29. Publication of details of suicides—(1) No person shall, without the authority of a coroner, publish in any newspaper or by means of any broadcasting station any information relating to the manner in which any person died in New Zealand after the commencement of this Act, if there is reasonable cause to believe that the death was suicide. 40

(2) Without the authority of the coroner, no details of a death, or of an inquest into a death, that a coroner has found to

be suicide other than the name, address, and occupation of the person concerned and the fact that the coroner has found the death to be suicide shall be published in any newspaper or by means of any broadcasting station.

- 5 (3) In this section, “broadcasting station” and “newspaper” have the same meanings as in the Defamation Act 1954.

Cf. 1951, No. 73, s. 21

30. Review of coroner’s decision as to publication—

- (1) Any person affected by—
- 10 (a) A prohibition under **section 25 (2) (b)** of this Act; or
 (b) A refusal to give authority under **section 29** of this Act,—
 by a coroner who is not a District Court Judge may apply to a District Court Judge for a review of the prohibition or refusal; and the Judge may, in the Judge’s absolute discretion and on
- 15 any ground the Judge thinks fit,—
- (c) In the case of a prohibition, confirm, modify, or revoke it;
 (d) In the case of a refusal, confirm it, or issue an authority, either unconditionally or subject to any condition the Judge thinks fit.
- 20 (2) Until a District Court Judge reaches a decision on an application under this section, the prohibition or refusal concerned shall continue in effect.

Cf. 1951, No. 73, s. 22

31. Findings of coroner—The coroner holding or

25 completing an inquest shall consider all the evidence admitted at the inquest and, in the light of the matters specified in **section 20 (1) (a)** of this Act, complete and sign a certificate of findings, in the prescribed form, in relation to the death concerned, and send it to the Secretary, together with—

- 30 (a) All depositions of evidence admitted at the inquest; and
 (b) A certificate of the registration of the death (if applicable);
 and
 (c) Where the inquest was held pursuant to a direction under **section 8** of this Act, a copy of the direction; and
- 35 (d) Any recommendations or comments under **section 20 (1) (b)** of this Act.

Cf. 1951, No. 73, s. 24

PART IV
CORONERS

32. Appointment of coroners and deputies—(1) The Governor-General may from time to time by warrant appoint any person to be a coroner. 5

(2) The Governor-General may from time to time by warrant appoint any person to be the deputy of a coroner.

(3) Subject to the directions (if any) of the coroner, the deputy of a coroner has and may exercise and perform all the powers, duties, and functions of the coroner. 10

(4) Neither a vacancy in the office of coroner at any place nor the appointment of a new coroner at any place affects the powers, duties, and functions of a deputy appointed under **subsection (2)** of this section.

(5) The fact that the deputy of a coroner exercises or performs any power, duty, or function is conclusive evidence of the deputy's authority to do so. 15

Cf. 1951, No. 73, s. 2 (1)

33. Retirement of coroners and deputies—(1) Subject to **subsection (2)** of this section, every coroner and deputy shall retire from office on or before attaining the age of 68 years. 20

(2) Every coroner who was appointed before the commencement of this Act shall retire on or before attaining the age of 72 years.

(3) Notwithstanding **subsections (1) and (2)** of this section, but subject to **subsection (4)** of this section, a retired coroner or deputy coroner may from time to time be reappointed for a term (not exceeding 12 months) specified in the warrant of appointment. 25

(4) No person shall be appointed under **subsection (3)** of this section for a term such that the sum of the term and previous terms of appointment under that subsection exceeds 2 years. 30

(5) Notwithstanding **subsections (1) and (2)** of this section, a coroner or deputy coroner shall continue in office until—

(a) A successor is appointed; or 35

(b) The Secretary gives the coroner or deputy coroner written notice that a successor is not for the time being to be appointed.

(6) A coroner or deputy coroner may at any time resign the office by written notice to the Minister of Justice. 40

Cf. 1951, No. 73, s. 2

34. Removal from office—The Governor-General may, if the Governor-General thinks fit, remove a coroner or deputy coroner from office for inability or misbehaviour.

35. Powers of coroners—(1) For the purpose of exercising
5 or performing any power, function, or duty under this Act, a coroner has the powers, privileges, authorities, and immunities of a District Court Judge exercising jurisdiction under the Summary Proceedings Act 1957.

(2) In relation to an inquest held by a coroner, the coroner
10 has power to—

(a) Issue summonses for the attendance of witnesses:

(b) Issue warrants to enforce such summonses:

(c) Maintain order:

(d) Administer oaths to witnesses:

15 (e) Punish for contempt:

(f) Adjourn proceedings from time to time and place to place.

(3) **Subsection (2)** of this section does not limit the generality of **subsection (1)** of this section.

(4) The Summary Proceedings Act 1957, so far as it is
20 applicable and with the necessary modifications, applies to the powers, privileges authorities, and immunities conferred on coroners by this section.

Cf. 1951, No. 73, s. 4

PART V

25 MISCELLANEOUS PROVISIONS

36. Coroner may act in place of Justice or other coroner—(1) Where—

(a) A death has been reported under this Act—

30 (i) To a Justice; or

(ii) To a coroner who has died, or is unable, by reason of illness, absence, or other sufficient cause, to deal, or deal further, with the report; or

(b) A coroner authorised under this subsection to deal or deal
35 further with the report of a death has died, or is unable, by reason of illness, absence, or other sufficient cause, to deal, or deal further, with the report,—

the Secretary may authorise a coroner to deal or deal further with the report; and in that case this Act shall apply as if the
40 death had been reported to the authorised coroner.

(2) Where a coroner authorised under this subsection or **section 22 (2)** or **section 38 (4)** of this Act to hold an inquest,—

- (a) Has not yet opened it; and
- (b) Has died, or is unable, by reason of illness, absence, or other sufficient cause, to open it,—

the Secretary may authorise a coroner to hold it; and in that case this Act shall apply as if the death concerned had been reported to the authorised coroner. 5

(3) Where—

- (a) A Justice has opened an inquest under **section 6 (2) (b)** of this Act; or

- (b) The coroner who opened an inquest, or a coroner authorised under this subsection to complete an inquest, has died or is unable, by reason of illness, absence, or other sufficient cause, to complete it,—

the Secretary may authorise a coroner to complete it; and in that case this Act shall apply as if the inquest had been opened by the authorised coroner, and the authorised coroner shall act upon any evidence already admitted at the inquest as if it had been admitted by the authorised coroner. 15

Cf. 1951, No. 73, s. 23

37. Police to assist at inquests and inquiries—The Commissioner of Police shall cause members of the Police to assist at all inquests, inquiries, and investigations, under this Act. 20

Cf. 1951, No. 73, s. 25

38. High Court may order inquest in certain cases— 25

(1) The Solicitor-General may apply to the High Court for an order for an inquest to be held into any death.

(2) Subject to **section 7** of this Act, if satisfied, on application under this section, that—

- (a) An inquest into the death concerned is necessary or desirable; and 30

- (b) The coroner by whom such an inquest should be held has failed or refused to hold one,—

the High Court may order an inquest to be held into the death; and in that case such an inquest shall be held. 35

(3) If satisfied, on application under this section, that—

- (a) One or more inquests into the death concerned have already been held; but

- (b) Another such inquest should be held—

- (i) By reason of fraud, rejection of evidence, irregularity of proceedings, or discovery of new facts; 40
- or

(ii) For any other sufficient reason,—
the High Court may order a further inquest to be held into the death; and in that case such an inquest shall be held.

(4) An order under this section shall specify—

- 5 (a) The coroner who is to hold the inquest concerned; or
(b) That it is to be held by a coroner (being a coroner who has not previously held an inquest into the death concerned) authorised by the Secretary;—

and, subject to **section 36** of this Act, it shall be held accordingly.

- 10 (5) The findings at an inquest held pursuant to an order under **subsection (2)** of this section shall replace the findings at every previous inquest held in respect of the death concerned.

- 15 (6) Except to the extent that the High Court has ordered otherwise, all depositions taken at any former inquest into the death concerned shall be deemed to have been taken at an inquest held pursuant to an order under this section.

(7) Except as provided in this section, an inquest held pursuant to an order under this section shall be held in the same manner as any other inquest.

- 20 Cf. 1951, No. 73, ss. 26, 27

39. Protection of witness and counsel—Witnesses attending and giving evidence for the purposes of inquests held under this Act, and counsel appearing before coroners or Justices for the purposes of this Act, have the same privileges
25 and immunities as witnesses and counsel in Courts of law.

Cf. 1951, No. 73, s. 28

40. Offences and penalties—(1) Every doctor commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$1,000, who fails or refuses to give to a
30 coroner a report required under this Act.

(2) Every person commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$2,000, who—

- 35 (a) Fails or refuses to comply with a direction under **section 19** of this Act; or
(b) Hinders or prevents any person from complying with such a direction.

40 (3) Every person commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$5,000 in the case of a body corporate, or \$1,000 in any other case, who publishes or permits to be published—

- (a) Any information in contravention of **section 29** of this Act, or of a prohibition under **section 25 (2) (b)** of this Act; or
 - (b) A report of—
 - (i) Any proceedings at an inquest; or
 - (ii) Any evidence given at an inquest; or
 - (c) Any question at an inquest that the coroner has—
 - (i) Forbidden or disallowed; or
 - (ii) Warned the witness concerned that the witness is not obliged to answer.
- 5
10
- Cf. 1951, No. 73, s. 29

41. Information held in Department of Justice—

- (1) During ordinary office hours, any person may, without charge, inspect and, upon payment of the prescribed fee, obtain a copy of any certificate or notice given to the Secretary under this Act. 15
- (2) Subject to **section 25** of this Act, during ordinary office hours, any person may inspect and, upon payment of the prescribed fee, obtain a copy of any—
 - (a) Document given by a coroner to the Secretary under this Act, relating to an inquest that was completed during the previous 12 months; or 20
 - (b) Document given by a coroner to the Secretary under this Act during the previous 12 months relating to a death in respect of which the coroner decided not to hold an inquest. 25
- (3) Subject to **section 25** of this Act, the availability of documents given to the Secretary under this Act shall be determined in accordance with the Official Information Act 1982.
- (4) **Subsections (2) and (3)** of this section apply to depositions transmitted to the Secretary under **section 24 (2)** of the Coroners Act 1951. 30

42. Regulations—The Governor-General may from time to time, by order in Council, make regulations for all or any of the following purposes: 35

- (a) Prescribing salaries, fees, allowances, and travelling allowances and expenses, for coroners, deputy coroners, assessors, witnesses, doctors, analysts, and pathologists, who perform any function under this Act or give evidence at an inquest held under this Act: 40

(b) Providing for other matters contemplated by or necessary for giving full effect to this Act and for its due administration.

Cf. 1951, No. 73, ss. 32, 33 (1)

5 **43. Consequential amendments**—The enactments specified in the **First Schedule** to this Act are hereby amended in the manner indicated in the Schedule.

44. Repeals—The enactments specified in the **Second Schedule** to this Act are hereby consequentially repealed.

10

SCHEDULES

FIRST SCHEDULE
CONSEQUENTIAL AMENDMENTS

Section 43

Enactment	Amendment
1954, No. 51—The Penal Institutions Act 1954 (R.S. Vol. 4, p. 65)	By omitting from section 40 the words “the Coroner”, and substituting the words “a member of the Police.”
1956, No. 65—The Health Act 1956 (Rep. 1972, Vol. 2, p. 1449)	By adding to section 84 (1) (a) the words: “. . . and for making good for burial dead bodies on which such post-mortem examinations have been carried out.”
1966, No. 97—The Alcoholism and Drug Addiction Act 1966	By inserting, after section 22, the following section: “22A. Managers to notify Police of deaths —Where the managers of an institution where a patient is detained pursuant to an order under section 9 of this Act learn that the patient has died (whether within or outside the institution) they shall forthwith notify a member of the Police.
1969, No. 16—The Mental Health Act 1969	By repealing section 54 (1), and substituting the following subsection: “(1) The superintendant of a hospital who learns that a patient has died (whether within or outside the hospital) shall— “(a) Forthwith notify a member of the Police; and “(b) Within 14 days after the death notify the Director of the death, the apparent cause of death, and the name of any member of the staff of the hospital who was present at the death.”

FIRST SCHEDULE—*continued*
CONSEQUENTIAL AMENDMENTS—*continued*

Enactment	Amendment
1974, No. 72—The Children and Young Persons Act 1974	By inserting, after section 69, the following section: “69A. Police to be notified of deaths — The person in charge of an institution or residence established under section 69 of this Act who learns that a child or young person under the guardianship or care of the Director-General has died (whether within or outside the institution or residence) shall forthwith notify a member of the Police.”
1974, No. 72—The Children and Young Persons Act 1974— <i>continued</i>	By repealing section 82, and substituting the following section. “82. Foster parent to give notice of death —Where an infant placed in a foster-home dies (whether within or outside the foster-home), the foster parent shall give notice of the death— “(a) Forthwith upon learning of it, to a member of the Police; and “(b) Within 24 hours of learning of it, to the Director of the Social Welfare for the district in which the foster-home is situated”.

Section 44

SECOND SCHEDULE
CONSEQUENTIAL REPEALS

- 1951, No. 73—The Coroners Act 1951 (R.S. Vol. 1, p. 615)
1952, No. 49—The Shipping and Seaman Act 1952: (R.S. Vol. 4, p. 275):
Section 330
1954, No. 61—The Coroners Amendment Act 1954 (R.S. Vol. 1, p. 629)
1956, No. 71—The Coroners Amendment Act 1956 (R.S. Vol. 1, p. 629)
1959, No. 57—The Coroners Amendment Act 1959 (R.S. Vol. 1, p. 615)
1969, No. 16—The Mental Health Act 1969: Section 129 (2)
1970, No. 57—The Coroners Amendment Act 1970 (R.S. Vol. 1, p. 630)
1976, No. 76—The Births and Deaths Registration Amendment Act 1976:
Section 2 (3) (R.S. Vol. 1, p. 374)
1976, No. 85—The Coroners Amendment Act 1976 (R.S. Vol. 1, p. 630)