

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Tuesday, 28 June 1988

## CORONERS BILL

*Proposed Amendments*

Right Hon. GEOFFREY PALMER, in committee, to move the following amendments:

*Clause 5:* To add to *subclause (4)* the words "or, where the death occurred outside New Zealand and the body is in New Zealand, to the coroner nearest (by the most practicable route) to the place where the body is".

To insert, after *subclause (4)*, the following subclause:

(4A) Any person may report to a member of the Police or to a coroner the death outside New Zealand of a person whose body is in New Zealand.

*Clauses 7 and 8:* To omit the clauses, and substitute the following clause:

**7. Jurisdiction of coroners to hold inquests**—A coroner shall not hold an inquest into a death unless—

- (a) The body of the person concerned is in New Zealand; or
- (b) The coroner is satisfied that it is likely that the person concerned is dead, and that the person's body—
  - (i) Is destroyed, irrecoverable, or lost; but
  - (ii) Was in New Zealand immediately before it was destroyed, or became irrecoverable or lost; or
- (c) The body of the person concerned is not in New Zealand, but—
  - (i) The death occurred outside New Zealand on or from an aircraft or a ship; and
  - (ii) The Solicitor-General has authorised the coroner to hold an inquest into it.

*Clauses 10 and 11:* To omit the clauses, and substitute the following clauses:

**10. Deaths where coroner may decide not to hold inquest**—(1) Subject to sections 37A 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
- (b) An inquest or other inquiry into it has been or will be held outside New Zealand,—

the coroner to whom it was reported may decide not to hold an inquest into it.

(2) Subject to sections 37A and 38 of this Act, if a death occurred outside New Zealand, otherwise than on or from—

- (a) An aircraft registered in New Zealand under the Civil Aviation Act 1964; or

- (b) A New Zealand ship (within the meaning of the Shipping and Seamen Act 1952); or
- (c) An aircraft or ship of the Armed Forces (within the meaning of the Armed Forces Discipline Act 1971),—  
the coroner to whom it was reported may decide not to hold an inquest into it.

**11. Other deaths**—Subject to sections 7, 9, 37A, and 38 of this Act, the coroner to whom a death is reported shall decide whether or not to hold an inquest into it.

*Clause 26:* To omit from *subclauses (1) (a) and (6)* the expression “20 (1) (a)”, and substitute, in each case, the expression “6i (1) (a)”.

*Clause 28:* To omit from *subclauses (2) (b) (i), (4) (b) (i), and (5)* the expression “20 (1) (a)”, and substitute, in each case, the expression “6i (1) (a)”.

*Clause 31:* To omit the expression “20 (1) (a)”, in both places where it appears, and substitute, in each case, the expression “6i (1) (a)”.

*Clause 40:* To omit from *subclause (2) (a)* the expression “section 19”, and substitute the expression “section 6G”.

#### EXPLANATORY NOTE

The amendments to *clauses 5, and 7 to 11* clarify the application of the Bill to situations where the body of a person who died outside New Zealand is returned to New Zealand. Any person may report the death outside New Zealand of a person whose body is in New Zealand. If the coroner is satisfied that an inquest or inquiry has been or is to be held overseas, or if the death did not occur on or from a New Zealand aircraft or ship, the coroner may decide not to hold an inquest. In each case, however, the High Court may reverse the coroner’s decision.

The amendments to *clauses 26, 28, 31, and 40* correct some cross-references that were not altered when the Justice and Law Reform Select Committee moved *clauses 19 and 20* of the Bill as introduced to their present positions as *clauses 6G and 6i*.