

Queensland



CORONERS ACT 1958

**Reprinted as in force on 31 January 1997
(includes amendments up to Act No. 79 of 1996)**

Warning—see last endnote for uncommenced amendments

Reprint No. 2A

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 31 January 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**



CORONERS ACT 1958

TABLE OF PROVISIONS

Section	Page
PART 1—PRELIMINARY	
1 Short title	5
4 Savings	5
5 Definitions	6
6 Coroners and deputy coroners	7
PART 2—FUNCTIONS AND POWERS OF CORONERS	
7 Inquiries by coroners	9
7A Extent of jurisdiction	10
7B Inquests on death	10
8 Inquests into fires	11
9 Inquiry when body destroyed or irrecoverable	12
10 Inquiries respecting missing persons	13
PART 3—MEDICAL CERTIFICATES	
11 Medical certificates	13
PART 4—NOTIFICATION OF DEATHS	
12 Duty to notify discovery of dead body	14
13 Medical practitioner to notify coroner	14
PART 5—DUTY OF CORONER ON NOTIFICATION	
14 Duty of coroner to act	15
14A Any coroner may act	15
14B Minister may direct coroner to act	15
PART 6—WHERE NO INQUESTS ARE HELD	
15 Fact of no inquest within 12 months to be reported	16
16 Inquest need not be held in certain circumstances	16

PART 7—EXHUMATIONS

17	Exhumation	17
----	----------------------	----

PART 8—POST-MORTEM EXAMINATIONS

18	Post-mortem examinations may be ordered	18
----	---	----

PART 9—REMOVAL AND DISPOSAL OF BODIES

19	Removal of bodies for post-mortem examination	20
20	Order for removal of bodies out of State	21
21	No burial without medical certificate, death certificate, or coroner's order	22
22	No cremation when post-mortem examination directed	24
23	Orders for burial and certificates of cremation	24

PART 10—INQUESTS

24	Scope of inquest on death	25
25	Inquest to be before coroner alone	26
25A	Places where, and days when, inquest may be held	26
26	Inquest where several deaths arise from 1 incident	26
27	Inquest may be completed by a coroner other than coroner who commenced inquest	26
28	View of body	26
29	Time and place of inquest	27
29A	Summons to witness	27
30	Court of record	29
30A	Hearing in public	29
31	Appearances	30
32	Examination of witnesses	30
33	Protection of witnesses and counsel	30
34	Admission of evidence	31
35	Coroner to examine witnesses on oath	32
35A	Depositions	32
36	Adjournments	32
37	View of the locus	33
38	Penalty on witnesses neglecting to attend	33
38A	Witness not answering	34

39	Further offences	35
40	Addresses	35
41	Committal for trial	35
42	Procedure where person charged with offence	37
PART 11—FINDINGS AND INQUISITIONS		
43	Finding of coroner	38
44	Inquisitions	39
PART 12—DEPOSITIONS TO BE SENT TO CHIEF EXECUTIVE		
45	Coroner to forward depositions to chief executive	39
PART 13—VERDICTS FELO-DE-SE		
46	Verdicts of felo-de-se	40
PART 14—REOPENING OF INQUESTS		
47	Inquests may be reopened	40
PART 15—GENERAL POWERS OF CORONER		
48	General powers of coroner	41
PART 16—EXHIBITS		
49	Custody of exhibits	42
PART 17—MISCELLANEOUS		
50	Police to assist	43
51	Enforcement of and appeals against summary punishments imposed under this Act	43
52	Penalty for unlawful publication of proceedings	44
52A	Penalty for taking or publishing photographs at inquests	45
53	Summary proceedings	45
54	Evidence of order	46
55	Service of summons and execution of warrant	46
56	Service	46
57	Witnesses' expenses	47
58	Register of deaths	47
59	Copies of depositions	48
59A	Copies of reports on post-mortem and other examinations	48
59B	Approval of forms	48

60	Rule making power	49
----	-------------------------	----

PART 18—TRANSITIONAL

61	References to earlier Acts	50
----	----------------------------------	----

ENDNOTES

1	Index to endnotes	51
2	Date to which amendments incorporated	51
3	Key	52
4	Table of earlier reprints	52
5	Tables in earlier reprints	52
6	List of legislation	53
7	List of annotations	54
8	Provisions that have not commenced and are not incorporated into reprint	59

CORONERS ACT 1958

[as amended by all amendments that commenced on or before 31 January 1997]

An Act to amend the law relating to coroners and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Coroners Act 1958*.

Savings

4.(1) Unless otherwise expressly provided, nothing in this Act shall in any way derogate from or otherwise affect any of the provisions of—

- (a) the *Commissions of Inquiry Act 1950*; or
- (b) the *Coal Mining Act 1925*; or
- (c) the *Explosives Act 1952*; or
- (d) the *Mines Regulation Act 1964*; or
- (e) the *Traffic Act 1949*; or
- (f) any other Act relating to the holding of any inquiries or inquests into deaths resulting from certain incidents or into certain explosions or fires or relating to the notification of any deaths.

(2) Save the *Commissions of Inquiry Act 1950*, section 4A, no provision of any of the Acts specified or referred to in subsection (1) shall derogate from or otherwise affect the jurisdictions, powers, functions, authorities, and duties of coroners under this Act.

(3) This Act shall be read and construed subject to the provisions of the *Commissions of Inquiry Act 1950*, section 4A.

(4) Nothing in this Act shall limit, prejudice, or otherwise affect the jurisdiction of the Supreme Court or of the judges or any judge in relation to, or over, a coroner or the coroner's duties.

(5) Any principle or rule of law, practice, or procedure, or existing usage or custom shall remain in full force except where, and so far as, it is inconsistent with this Act.

(6) Nothing in this Act shall limit, prejudice, or otherwise affect any power, function, authority, or duty had by or conferred or imposed upon any police officer to make any inquiry or take any step or proceeding for any purpose other than the purpose of a coroner's inquiry or inquest under this Act.

Definitions

5. In this Act—

“approved form” see section 59B.¹

“body” includes any portion of a human body.

“child not born alive” means a child whose heart has not beaten after its complete expulsion or extraction from its mother and who is either—

- (a) a child of not less than 20 weeks gestation; or
- (b) a child weighing not less than 400 g at birth.

“coroner” includes a deputy coroner.

“inquest” means any inquest, including any reopened inquest, under this Act, and includes an inquiry pursuant to section 9 or 10.

“Justices Act” means the *Justices Act 1886*.

“medical practitioner” means a medical practitioner or a specialist within the meaning of the *Medical Act 1939*, section 4 or within the meaning of a corresponding law of another State or of a Territory.

“newspaper” means a newspaper within the meaning of the *Printers and Newspapers Act 1981*, section 5.

“prison” see *Corrective Services Act 1988*.

¹ Section 59B (Approval of forms)

Coroners and deputy coroners

6.(1) Every person who at any time holds or occupies under the Crown in right of this State the office of—

- (a) stipendiary magistrate or acting stipendiary magistrate; or
- (b) (being also a justice of the peace and public service officer), clerk of the court or acting clerk of the court;

shall, by virtue of the person's office and without further appointment or other authority and while the person holds or occupies or performs the duties of that office, be a coroner.

(1A) However, where a coroner (other than a deputy coroner) appointed under this Act, or a stipendiary magistrate or an acting stipendiary magistrate and a clerk of the court or an acting clerk of the court are both present at any place, then (unless requested or directed to so act by the coroner appointed under this Act, stipendiary magistrate, or acting stipendiary magistrate, as the case may be), the clerk of the court or acting clerk of the court, as the case may be, shall not act as coroner.

(2) The Governor in Council may from time to time by notification published in the gazette appoint any persons to be coroners.

(2A) Every coroner appointed hereunder shall hold office for such term as is fixed by the Governor in Council at the time of appointment, or if no such term is fixed, shall hold office during the pleasure of the Governor in Council.

(2B) A coroner may be appointed hereunder and act as coroner notwithstanding that there is at the place at which the coroner will usually officiate or usually officiates, another coroner appointed by or under this Act.

(2C) Every notification published in the gazette under subsection (2) shall be judicially noticed.

(3) Every coroner shall have and may exercise jurisdiction, powers, functions and authorities throughout Queensland including the territorial waters of Queensland.

(4) A coroner (other than a deputy coroner) may appoint at any time and from time to time by writing under the coroner's hand, any person or persons whether at the place where the coroner usually officiates or

elsewhere who is or are a justice or justices of the peace to be the coroner's deputy or deputies and may revoke any such appointment in like manner at any time.

(4A) The appointment of a deputy may be limited to a particular purpose or for a fixed time.

(4B) A copy of every such appointment of revocation shall be sent forthwith to the chief executive and be kept among the records of the department.

(4C) The Minister may, by writing under the Minister's hand, revoke any such appointment at any time.

(4D) For the purposes of and subject to the deputy coroner's appointment and so far as that appointment extends, a deputy coroner shall have and may exercise all of the jurisdiction, powers, functions and authorities, and shall perform all of the duties, and shall be subject to all the obligations and liabilities of the coroner whose deputy the deputy coroner is, and the provisions of this Act shall, with and subject to all necessary adaptations, apply accordingly.

(4E) Unless the appointment of a deputy coroner is limited to a particular purpose, a deputy coroner shall not act as coroner when the coroner, whose deputy the deputy coroner is, is present except at the direction of that coroner.

(4F) An inquest by a deputy coroner need not be described as being taken before the principal, and the deputy coroner may sign without signing in the name of the principal.

(4G) Every writing which purports to be an appointment or a copy of an appointment of a deputy coroner shall be received in all courts as evidence of that appointment and of the matters therein contained and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of that appointment and of those matters.

(4H) The word 'coroner' after the signature to any act which a coroner is authorised or permitted or required to do under this or any other Act shall be prima facie evidence that the person whose signature it purports to be is a coroner lawfully doing that act.

(5) Any appointment by or under this section of a coroner or deputy coroner shall not prejudice or otherwise affect the jurisdiction, powers,

functions and authorities of any other coroner including in the case of a deputy coroner, the coroner whose deputy the deputy coroner is.

(6) A revocation of the appointment under this Act of a coroner or deputy coroner shall not prejudice the validity of anything done prior to the revocation.

(7) Save as may be authorised by the rules in any case or cases, a coroner or deputy coroner shall not take any fee or remuneration in respect of anything done by the coroner or deputy coroner in the execution of his or her office or appointment.

PART 2—FUNCTIONS AND POWERS OF CORONERS

Inquiries by coroners

7.(1) A coroner shall have jurisdiction to inquire and shall inquire forthwith whether the death has occurred and into the cause of the death and the circumstances of the death of a person where the coroner is informed that the person is dead and—

- (a) in the coroner's opinion there is reasonable cause to suspect that the person—
 - (i) has died either a violent or unnatural death (but so that the meanings of the terms 'violent' and 'unnatural' shall not be affected by anything contained in subparagraphs (ii) to (ix));
 - (ii) has died a sudden death of which the cause is unknown;
 - (iii) has died in any circumstances of suspicion;
 - (iv) has died by drowning;
 - (v) has died while under an anaesthetic in the course of a medical, surgical, or dental operation or operation of a like nature;
 - (vi) has died but no certificate of a medical practitioner has been given as to the cause of death;

- (vii) has died not having been attended by a medical practitioner at any period within 3 months immediately prior to the person's death;
- (ix) has died in such circumstances as to require the cause of death or the circumstances of death or both to be ascertained or more clearly and definitely ascertained; or
- (b) that the person has died within the State while detained in any prison or psychiatric hospital; or
- (c) in the coroner's opinion the person has died within the State in such a place as to require that inquiry; or
- (d) the Minister has directed the coroner to so inquire (the Minister being hereby empowered to so direct at any time when the Minister is of the opinion that the person has died in such a place or in such circumstances as to require such inquiry).

(2) However, a coroner shall not inquire or hold an inquest into the death of any patient who dies in any psychiatric hospital to which the coroner is an official visitor.

(3) Where under this Act a coroner inquires into any death, the coroner may from time to time make or cause to be made such inquiry, investigation, inspection, examination, and test, or any of these, as the coroner considers fit.

Extent of jurisdiction

7A. The jurisdiction conferred by this Act to inquire and to hold an inquest shall exist in every case where a person has died within the State, whether the dead body of that person is within or outside the State, and, except where otherwise expressly provided, where a person has died outside the State and the dead body of that person is within the State.

Inquests on death

7B.(1) If as the result of a post-mortem examination, or otherwise as the result of the coroner's inquiry the coroner is of the opinion that—

- (a) there is reasonable cause to suspect that the person—

- (i) has died either a violent or an unnatural death; or
- (ii) has died a sudden death of which the cause is unknown; or
- (b) the person has died within the State—
 - (i) while detained in any prison or psychiatric hospital; or
 - (ii) in such a place as to require an inquest to be held; or
- (c) the person has died in such circumstances as to require an inquest to be held;

the coroner shall hold forthwith an inquest into the death of that person unless, in a case specified in paragraph (a) or (b) it is decided, pursuant to section 16, that the holding of an inquest is unnecessary.

(2) In any case in which pursuant to this Act the coroner may inquire into the death of any person, the coroner shall hold forthwith an inquest into the death of that person if so directed by the Minister.

(3) The Minister is hereby empowered to give at any time such a direction.

(4) The commissioner of the police service or an inspector of police or a person authorised by subsection (6) may, at any time, request the coroner to hold an inquest into the death of a person in any of the circumstances specified in subsection (1), but before so doing the coroner may require a statement in writing of the grounds for such request.

(5) If the coroner is of the opinion that such grounds do not warrant the holding of an inquest, the coroner may refuse to hold the inquest but in that event the coroner shall forthwith notify the chief executive in writing of such refusal and forward with such notification a copy of such grounds.

(6) The persons authorised to request a coroner to hold an inquest shall be the husband or wife, father, mother, sister, brother, son, daughter, or guardian of the deceased person concerned or any other person having, in the opinion of the coroner, a sufficient interest in the cause and circumstances of the deceased person's death.

Inquests into fires

8.(1) A coroner shall have jurisdiction to hold and shall hold forthwith an inquest into the cause and origin of every fire whereby any property of any

kind has been endangered, destroyed, or damaged, or whereby the life of human or beast has been lost or endangered—

- (a) if the coroner is of opinion that the inquest should be held; or
- (b) if the Minister directs the coroner to hold the inquest; or
- (c) if requested to hold the inquest by any person and upon payment by that person to the coroner of such sum as may be prescribed by the rules, or, if no such sum is prescribed, the sum of \$50 and in every case upon the giving, at the same time, an undertaking, under security to the satisfaction of the coroner, to pay such further costs as may be entailed in the holding of such inquest;

and the provisions of this Act shall, with and subject to all necessary adaptations, apply to any such inquest.

(2) The certificate of the coroner shall be final and conclusive as to the amount of the further costs mentioned in subsection (1).

(3) All such further costs may be reimbursed out of the security given and if such further costs are not thus fully satisfied the Crown may recover from the person so requesting the holding of the inquest the balance not so reimbursed by action in any court of competent jurisdiction.

Inquiry when body destroyed or irrecoverable

9. Where a coroner has reason to believe that a death has occurred, whether within or outside the State, in such circumstances that an inquiry under this section into the death ought to be held in the State but, because the body has been destroyed or cannot be recovered, an inquest under the provisions of this Act other than this section cannot be held, the coroner may report the facts to the chief executive and the Minister may, if the Minister considers it desirable so to do, direct the inquiry to be held and the inquiry shall be held forthwith upon receipt of the direction by the coroner making the report or by such other coroner as the Minister may direct, and the provisions of this Act shall apply, with and subject to all such modifications as may be necessary in consequence of the inquiry being held otherwise than on or after view of a body.

Inquiries respecting missing persons

10.(1) Where any person has whether before, on or after the commencement of this Act, been reported to the police as a missing friend and the police have not, within the period of 12 months next succeeding the date of such report, found such missing person or the body of such missing person, a coroner shall, if—

- (a) the coroner is of the opinion that such an inquiry ought to be held; or
- (b) the Minister directs the coroner to hold such an inquiry; or
- (c) a person authorised in that behalf by this section requests the coroner to hold such an inquiry;

have jurisdiction to inquire into and shall inquire forthwith into the cause and circumstances of the disappearance of such missing person and into all such matters and things as will or will be likely to reveal whether such missing person is alive or dead and, if such person is alive or likely to be alive, the whereabouts of such person at the time of such inquiry, and the provisions of this Act shall, with and subject to all necessary adaptations, apply to every such inquiry.

(2) The persons authorised to request the coroner to hold an inquiry under this section shall be the commissioner of the police service, or an inspector of police, or the husband or wife, father, mother, sister, brother, son, daughter, or guardian of the missing person concerned or any other person having, in the opinion of the coroner, a sufficient interest in the cause and circumstances of the missing person's disappearance.

PART 3—MEDICAL CERTIFICATES**Medical certificates**

11. A medical practitioner shall not, unless with the consent of a coroner, give a medical certificate as to the cause of death (other than a certificate in connection with a post-mortem or other examination made by the medical practitioner under this Act) in relation to any death which has occurred or which in the medical practitioner's opinion has occurred in any of the

circumstances specified in section 7(1)(a)(i) to (v) or (vii) or (b).

Maximum penalty—8 penalty units.

PART 4—NOTIFICATION OF DEATHS

Duty to notify discovery of dead body

12.(1) It shall be the duty of every person finding a dead body, or having knowledge of the finding of the dead body or of the death of any person in any of the circumstances specified in section 7(1)(a)(i) to (vii) or (b) of this Act to report forthwith the death to the police officer in charge of the nearest police station who shall thereupon report the death to a coroner.

(1A) Every person who fails to discharge the duty imposed upon the person by subsection (1) commits an offence against this Act.

Maximum penalty—2 penalty units.

(1B) However, a person shall not be convicted of such an offence if the court is satisfied that the person honestly and reasonably but mistakenly thought that the death had been or was being so reported by any other person or if in fact the death had been so reported.

(2) Where practicable, all reports to a coroner under this section and section 13 shall be made to the nearest coroner.

(3) The provisions of this section shall not derogate from or otherwise affect the provisions of any other Act whereby any person is required to give notice of the death of any person to the coroner or to any other person.

(4) This section does not apply in a case where a medical practitioner gives a medical certificate under section 11(2).

Medical practitioner to notify coroner

13.(1) In any case of death where, in the opinion of any medical practitioner, the death has occurred under any circumstances of suspicion, that medical practitioner shall forthwith report the case to a coroner.

Maximum penalty—8 penalty units.

(2) The provisions of section 12 and of this section shall not derogate from or otherwise affect any other duty imposed by law, whether laid upon particular persons by statute or otherwise imposed, to give any information which may lead to a coroner having notice of circumstances requiring the coroner to inquire or hold an inquest into a death.

PART 5—DUTY OF CORONER ON NOTIFICATION

Duty of coroner to act

14. It shall be the duty of the coroner to whom the death of any person in any of the circumstances specified in section 7(1) is reported to act as the coroner in relation to that death unless the coroner is credibly informed that another coroner is cognisant of that matter and is proceeding to inquire there into.

Any coroner may act

14A. On the death of any person in any of the circumstances specified in section 7(1) any coroner who is informed of the death may act as the coroner in relation to that death notwithstanding that the death of that person has not been reported to the coroner pursuant to this Act.

Minister may direct coroner to act

14B. When a direction to hold or to reopen an inquest into a death has been given by the Minister to a coroner then no coroner other than the coroner so directed shall hold or as the case requires reopen an inquest into that death unless and until a further direction has been given by the Minister and then in accordance with that further direction.

PART 6—WHERE NO INQUESTS ARE HELD

Fact of no inquest within 12 months to be reported

15. Any coroner who by or under this Act is required to act, or has in any way acted, as the coroner in relation to any death shall, if the coroner has not commenced, before the expiration of 12 months from the date of death or before the expiration of 12 months from the date of the finding of the dead body, whichever is the later, to hold an inquest into that death and unless it has been decided pursuant to section 16 that the holding of an inquest is unnecessary, forthwith upon the expiration of that time report in writing to the chief executive that fact, and shall furnish to and upon and in accordance with the request of the chief executive such information and documents within the coroner's knowledge or in the coroner's possession and such reports in relation to the death as the chief executive may from time to time require.

Inquest need not be held in certain circumstances

16.(1) Subject to the provisions of section 7B(1), where the coroner as a result of the coroner's inquiry, whether with or without a post-mortem examination, or of an inquiry made pursuant to any other Act by any other person, is satisfied—

- (a) that the death was due to natural causes and did not occur in such place or in such circumstances as to require the holding of an inquest; or
- (b) that no good purpose will be served by the holding of an inquest;

then, in the case set forth in paragraph (a), the coroner may decide, and in the case set forth in paragraph (b), the coroner may recommend to and for the decision of the chief executive, that the holding of an inquest is unnecessary.

(1A) Upon receipt from a coroner of a recommendation made under subsection (1), the chief executive may decide, with or without further inquiry for that purpose, that the holding of an inquest is unnecessary.

(1B) Notification of the chief executive's decision that the holding of an inquest is unnecessary shall be sent to the commissioner of the police

service.

(2) If, under this section, a coroner decides that the holding of an inquest is unnecessary the coroner shall, in the approved form, forthwith notify the chief executive of the coroner's decision and forward a copy of such notification to the commissioner of the police service.

(2A) A recommendation under this section by a coroner to and for the decision of the chief executive that the holding of an inquest is unnecessary shall be in the approved form.

(3) There shall be forwarded with each notification or recommendation under this section by a coroner to the chief executive the medical certificate or, as the case may be, the post-mortem certificate as to the cause of death (if any), together with all reports in the coroner's possession in connection with the death.

(4) Nothing in this Act shall be read as relieving a coroner from the obligation of holding an inquest into the death where pursuant to any other Act the coroner is required to hold an inquest, or where under the provisions of this Act the Minister has directed that an inquest be held by the coroner.

(5) Notwithstanding that the coroner or the chief executive has decided under this section that the holding of an inquest is unnecessary, the Minister may direct that an inquest be held and the coroner so directed shall forthwith comply with that direction and proceed to hold an inquest.

PART 7—EXHUMATIONS

Exhumation

17.(1) Where it appears to the Minister that there is grave suspicion that any person whose body has been buried has died in any of the circumstances specified in section 7(1), the Minister may order the exhumation of the body for the purpose of making a post-mortem or other examination or holding an inquest thereon, and for that purpose the coroner may with such assistants as the coroner may require enter and re-enter on or into any land, cemetery, or other place whatsoever and break open any

grave or vault or other place and take and remove the body to some other place for such purposes and do such other things as may be necessary for that purpose including the use of force for doing any of these things.

(2) In every such case it shall not be necessary to obtain any licence as required by the *Cemetery Act 1865*, section 38.

PART 8—POST-MORTEM EXAMINATIONS

Post-mortem examinations may be ordered

18.(1) For the purpose of—

- (a) an inquiry or inquest under this Act into the death of any person;
or
- (b) in an appropriate case, determining whether a body is that of a child not born alive;

a coroner may at any time, and if so directed by the Minister (who may give such a direction at any time) shall forthwith, by order in writing, require any medical practitioner to make a post-mortem examination of the body and to report the result thereof to the coroner in writing.

(2) Without limiting the provisions of section 17 or of subsection (1) of this section, a coroner may order a post-mortem examination of the body of the deceased before the termination of the holding of an inquest into the death of the person in question, and whether a medical certificate as to the cause of death or a post-mortem examination of the body has been previously given or made or not.

(3) The coroner may at any time and from time to time, and by direction of the Minister shall forthwith, by order in writing, whether included in an order for a post-mortem examination or not or without a post-mortem examination, require an analyst or pathologist or other qualified person to make a special examination by way of analysis, test or otherwise of any parts or contents of the body or of any other substance or thing and to report the result thereof to the coroner in writing.

(4) Unless in the opinion of the coroner it is impracticable so to be made

by another medical practitioner, a post-mortem or other examination shall not be made by a medical practitioner who to the knowledge of the coroner attended professionally the deceased person at or immediately prior to the deceased person's death or during the deceased person's last illness.

(5) Any medical practitioner who attended professionally the deceased person at or immediately prior to the deceased person's death or during the deceased person's last illness may be present or be represented by a medical practitioner at the post-mortem examination but, unless the coroner is previously notified by the first named medical practitioner of the medical practitioner's intention to exercise that right, neither the coroner nor any other person shall be obliged to notify that medical practitioner of the intention to hold such examination.

(5A) Where a person states upon oath before the coroner that in the person's belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, that medical practitioner or other person shall not be allowed to make or assist at any post-mortem examination made in relation to the death, but such medical practitioner or other person shall have the right, if the medical practitioner or other person so desires, to be represented at such post-mortem examination.

(6) The coroner may, if the coroner thinks it necessary, direct or request any medical practitioner who attended professionally the deceased person at or immediately prior to the deceased person's death or during the deceased person's last illness—

- (a) to attend the post-mortem examination; or
- (b) to submit to the coroner a report for the assistance of the person making the post-mortem examination;

or to do both of these things.

(6A) Every medical practitioner who attends a post-mortem examination or submits a report in compliance with a direction or request under subsection (6) shall be entitled to such allowance by way of remuneration and expenses as may be prescribed.

(7) Upon application being made to the coroner the coroner may permit any person, other than a medical practitioner who attended professionally the deceased person at or immediately prior to the deceased person's death

or during the deceased person's last illness, to be represented by a medical practitioner as an observer at any post-mortem examination.

(8) When an order or a direction pursuant to the provisions of this section has been served upon any medical practitioner or other person to whom the same was directed, or has been left at his or her usual place of residence in sufficient time for the medical practitioner or other person to obey the same, and the medical practitioner or other person fails to obey the same, the medical practitioner or other person commits an offence against this Act unless at the hearing of the case the medical practitioner or other person shows to the satisfaction of the court a good and sufficient excuse for such failure.

Maximum penalty—4 penalty units.

(8A) In any proceedings under subsection (8), it shall be immaterial whether any tender or payment of any allowance by way of remuneration and expenses was made for the doing of the thing ordered or directed and in relation to which the proceedings were taken.

(9) Where a coroner is empowered to order a post-mortem examination to be made and in the opinion of the coroner an external examination of the body is sufficient, the coroner may order accordingly.

(10) Every person (other than an officer of the Crown prohibited from receiving the same) who has made a post-mortem or other examination in compliance with a coroner's order under this Act shall be entitled to be paid such allowance by way of remuneration and expenses as may be prescribed, unless the person has acted in pursuance of an agreement with Her Majesty to perform such examinations and make reports thereof, in which event the person is entitled to such allowance or allowances by way of remuneration and expenses as have been stipulated in the agreement.

PART 9—REMOVAL AND DISPOSAL OF BODIES

Removal of bodies for post-mortem examination

19.(1) For the purposes of this Act the coroner may give such directions as the coroner thinks fit, or if the Minister so directs shall give directions in

accordance with the directions of the Minister, as to the removal of any dead body in respect of which the coroner has jurisdiction under this Act.

(2) Where a coroner has ordered that a post-mortem examination of a dead body or other examination of or of any parts or contents of the body shall be made the coroner may issue a warrant authorising the police officer to whom it is directed or any other police officer to enter (by force if needful) any place and to search for, if necessary, and take and remove the body to the morgue or some other suitable place for the post-mortem or other examination.

(2A) The police officer to whom the warrant is directed or any other police officer may, at any time of the day or night, with such assistants as the police officer deems necessary, enter and re-enter (by force if needful) on or into and search any land, house, building, premises, or other place whatsoever, and any aircraft, vehicle, or vessel, where the police officer has reasonable cause to suspect the body may be found and take and remove the body, according to the direction contained in the warrant, to the morgue or other suitable place for the post-mortem or other examination, and for any such purpose use force if necessary.

(3) Any person who obstructs or hinders any police officer acting in the discharge of the police officer's duty under this section, or who fails to comply with any direction given pursuant to subsection (1), or who does any act to hinder or prevent any such direction being complied with commits an offence against this Act.

Maximum penalty—20 penalty units or 6 months imprisonment.

(4) Any person, other than a person authorised by the coroner, who removes or attempts to remove the body on which a post-mortem or other examination is ordered to be made before such post-mortem or other examination is in fact made and with intent to prevent or hinder the making of such post-mortem or other examination, commits an offence against this Act.

Maximum penalty—20 penalty units or 6 months imprisonment.

Order for removal of bodies out of State

20. Where the dead body of a person who has died outside the State is lying within the State, and the coroner is credibly informed that an inquest

on the body is intended to be held in another State or a Territory, the coroner may make an order directing or authorising any person named or indicated in the order, to remove the body to the said State or Territory.

No burial without medical certificate, death certificate, or coroner's order

21.(1) No person (whether the undertaker or other person having charge of the funeral or removal or not) shall bury the body of any deceased person, or remove such a body outside the State, or otherwise dispose of such a body, or cause or permit or assist in any such things, unless and until the undertaker or other person having charge of the funeral or removal has in respect of that deceased person obtained prior to and is able to produce at the burial, removal, or other disposal either—

- (a) a certificate of cause of death signed by a medical practitioner (other than a certificate in connection with a post-mortem or other examination made under this Act); or
- (b) a certificate of the registrar-general or a district registrar or an assistant district registrar issued pursuant to the *Registration of Births, Deaths and Marriages Act 1962*, section 39; or
- (c) a coroner's order for burial of the body or, according to the mode of disposal of the body, a coroner's certificate for the cremation of the body; or
- (d) in an appropriate case, a coroner's order under section 20.

(1A) No person (whether the undertaker or other person having charge of the funeral or removal or not) shall bury the body of any child not born alive, or remove such a body outside the State, or otherwise dispose of such a body, or cause or permit or assist in any such things, unless and until the undertaker or other person having charge of the funeral or removal has in respect of that child not born alive obtained prior to and is able to produce at the burial, removal, or other disposal either—

- (a) a certificate that the child was not born alive signed by a medical practitioner, or a nurse registered as a midwifery nurse under the *Nurses Act 1964* who was in attendance at the birth or who has examined the body of the child; or
- (b) a coroner's order for burial of the body or, according to the mode

of disposal of the body, a coroner's certificate for the cremation of the body.

(2) Every person who buries, removes outside the State, or otherwise disposes of the body of a deceased person, or the body of a child not born alive, or causes or permits or assists in any such things, without the undertaker or other person having charge of the funeral or removal having obtained prior to and being able to produce at the burial, removal, or other disposal a certificate or order as required by subsection (1) or (1A) shall immediately notify the police officer in charge of the police station nearest to the place of burial or other disposal or from which the body was removed for such burial, removal, or other disposal.

(3) The provisions of this section shall extend to the burial or other disposal of a body at sea.

(4) Every person who fails to comply with any provision of this section commits an offence against this Act.

Maximum penalty—20 penalty units or 6 months imprisonment.

(5) No person shall be convicted of an offence against subsection (4) if the person satisfies the court—

- (a) that a certificate or order as required by this section was, prior to the commission of the offence, issued, but that circumstances existed justifying the non-obtaining of prior to and the inability to produce at the burial, removal, or other disposal such certificate or order or, if such undertaker or other person had so obtained the certificate or order, his or her inability to so produce the same; or
- (b) that no such certificate or order having been so issued, a coroner by reason of distance or other sufficient cause could not have been readily communicated with for the purpose of the issue of such a coroner's order or certificate and that circumstances existed whereby it was necessary to bury or otherwise dispose of the body before the issue of the coroner's order or certificate and, in the case of a body claimed to be that of a child not born alive, that the child was not born alive.

(6) Any coroner, or any police officer, or any person authorised in that behalf by or under any Act, shall have power, at a time when any person is required by subsection (1) or (1A) to be able to produce a certificate or

order, to require the production to the coroner, police officer or person by that person of such a certificate or order as under the subsection the case requires.

(7) In the phrase ‘undertaker or other person having charge of the funeral’ wherever occurring in this section, the words ‘having charge of’ include the words ‘responsible for’ and the word ‘funeral’ includes the burial or other disposal of the dead body without a funeral.

(8) The provisions of this section shall be in addition to and not in substitution for or in diminution or otherwise in derogation of the provisions of any other Act or of any other provision of this Act.

No cremation when post-mortem examination directed

22.(1) Where the coroner by order in writing under the coroner’s hand has required a post-mortem or other examination of a dead body to be made, no person shall knowingly cremate or cause or permit or assist in the cremation of such body or knowingly attempt any such things before the post-mortem or other examination, as the case may be, is in fact made, and the coroner issues the coroner’s certificate for the cremation of such body.

Maximum penalty—20 penalty units or 6 months imprisonment.

(2) This section shall be in addition to and not in substitution for or in diminution of the *Cremation Act 1913*, or any other provision of this Act.

Orders for burial and certificates of cremation

23.(1) A coroner, by writing under the coroner’s hand and in the approved form, may at any time order the burial of the body of any deceased person in respect of which the coroner has jurisdiction under this Act or order the burial of the body of any child not born alive.

(1A) Such an order may authorise the removal of the body for burial outside the State.

(2) A coroner, by writing under the coroner’s hand and in the approved form, may at any time issue a certificate authorising the cremation of the body of any deceased person in respect of which the coroner has jurisdiction under this Act or a certificate authorising the cremation of the body of any child not born alive.

(2A) Such an order may authorise the removal of the body for cremation outside the State.

(3) If a coroner has issued a burial order pursuant to subsection (1) before being informed that the body is to be cremated, the coroner shall (and is hereby authorised to) withdraw and cancel such burial order before issuing a certificate for the cremation of the body.

(4) An order for burial or a certificate for the cremation of the body shall not be issued in the case of the body of any deceased person unless the coroner is sure that evidence of identification will be available at the inquest (if any) or, where such evidence will not be available, unless the coroner is satisfied that circumstances exist whereby it is necessary to bury the body.

(5) Nothing in this section shall derogate from or otherwise affect the provisions of the *Cremation Act 1913*.

PART 10—INQUESTS

Scope of inquest on death

24.(1) Where an inquest into a death is held under this Act it shall be for the purpose of establishing so far as practicable—

- (a) the fact that a person has died;
- (b) the identity of the deceased person;
- (c) when, where, and how the death occurred;
- (d) the persons (if any) to be charged with murder, manslaughter, the offence of dangerous driving of a motor vehicle causing death as set forth in the Criminal Code, section 328A, or any offence set forth in the Criminal Code, section 311.

(2) The coroner holding an inquest into a death shall also inquire of, and so far as practicable ascertain, the particulars for the time being required under the *Registration of Births, Deaths and Marriages Act 1962*, section 35, to be contained in the certificate referred to in that section.

Inquest to be before coroner alone

25. All inquests shall be held before a coroner without a jury.

Places where, and days when, inquest may be held

25A.(1) Inquests shall, wherever possible and convenient, be held at courthouses, police stations, or other buildings the property of the Crown.

(2) Nothing in subsection (1) shall prevent an inquest being held in any building or other place whatsoever.

(3) An inquest may be commenced or held and any act may be performed by a coroner on any day which is a *dies non juridicus* if in the opinion of the coroner this is necessary or desirable.

Inquest where several deaths arise from 1 incident

26. Where 2 or more persons have died in any of the circumstances specified in section 7(1) and the deaths appear to have been caused by the same incident, the coroner may, if the coroner deems fit, and shall if the Minister so directs, hold the inquests into the deaths concurrently.

Inquest may be completed by a coroner other than coroner who commenced inquest

27.(1) Where a coroner has commenced to hold any inquest and dies or is incapacitated by illness, absence, or other sufficient cause from continuing or completing the inquest, or where any inquest is adjourned from place to place, the inquest may be continued or completed by some other coroner who may act upon any evidence already given at the inquest in all respects as if it were given before the lastmentioned coroner.

(2) However, where the inquest has been adjourned from place to place then the inquest shall not be completed except at the place where, or by the coroner by whom, the inquest was commenced or at the request of such lastmentioned coroner.

View of body

28.(1) Where under this Act a coroner inquires or holds an inquest into

any death it shall not be necessary for the coroner to view the body in respect of which the inquiry or inquest is concerned.

(1A) However, but subject to the provisions of sections 9 and 10, if the coroner does not view the body no inquest shall be concluded unless the coroner is satisfied that the body in respect of which the inquest is being held has been viewed by some person giving evidence at the inquest.

(2) For the purposes of this Act a view of the body shall include a view of such body, whether such view shall take place before burial, or whether such view shall take place by exhumation after burial.

Time and place of inquest

29.(1) Where any inquest is to be held the coroner shall fix the time and place of the commencement of the inquest.

(2) The coroner may notify or cause to be notified in such manner and at such time as the coroner sees fit any persons who, in the opinion of the coroner, have a sufficient interest in the subject or result of the inquest, of the holding of the inquest and of the time and place thereof.

(3) Every person whose conduct is likely, in the opinion of the coroner, to be called in question, and in the case of an inquest into a death, also every medical practitioner who, to the knowledge of the coroner, attended professionally the deceased person at or immediately prior to the deceased person's death or during the deceased person's last illness or viewed or examined the body of the deceased person at or shortly after death, and also every person who has made a post-mortem or other examination in compliance with a coroner's order under this Act of the body shall, unless in the opinion of the coroner it is impracticable so to do, be given reasonable notice in such manner as the coroner sees fit of the holding of the inquest and of the time and place of the commencement thereof.

Summons to witness

29A.(1) The coroner may, by writing under the coroner's hand, summon any person whose evidence the coroner may deem it necessary to obtain, to attend the inquest at a time and place mentioned in the summons, and then and there to give evidence and be examined and may further require the person to produce then and there at the inquest any books, documents, or

other writings or any other thing whatever in the person's custody or control which the person is required by the summons to produce.

(2) If any person served with a summons to attend an inquest as a witness fails to attend the inquest in obedience to the person's summons and no just excuse is offered for such failure the coroner may, on proof upon oath that the summons was duly served upon such person, issue a warrant for the person's apprehension.

(3) A warrant issued under subsection (2) shall authorise the apprehension of the witness and the witness being brought before the coroner holding the inquest, and the witness's detention in custody for the purpose of securing the witness's appearance at the inquest as required by this Act until the witness is released by order of the coroner.

(4) A warrant issued under subsection (2) may be executed by any police officer, or by the person to whom it is addressed, and the person executing it shall have power to enter and re-enter (by force if needful) any land, house, building, premises, or other place whatsoever, and any aircraft, vehicle, or vessel for the purpose of executing it.

(5) The issuing of any warrant or the apprehension and detention of any witness under this section shall not relieve the witness in question from any liability to be punished for the witness's failure to attend at the inquest in obedience to the witness's summons.

(6) A witness in an inquest (whether or not the witness has already given evidence in that inquest) shall appear at the times and places to which the inquest is adjourned from time to time until the witness is released by the coroner from further attendance and every summons to a witness issued pursuant to subsection (1) shall without any authority other than this subsection be enlarged for the appearance of the witness at such times and places.

(7) The provisions of the *Justices Act 1886* relating to witnesses and warrants of apprehension on the nonappearance of witnesses and the punishment of witnesses who fail to appear in obedience to a summons or who refuse to answer questions shall, with and subject to all necessary adaptations, apply with respect to witnesses to whom this Act applies.

Court of record

30. Each Coroner's Court shall be a court of record.

Hearing in public

30A.(1) Subject to the provisions of subsections (2) and (3) the room or other place in which an inquest is held shall be open to all members of the public so far as the same can conveniently contain them.

(2) If the coroner considers it desirable in the interests of public morality, the coroner may exclude all or any persons from the room or other place in which the coroner is holding the inquest during the whole or any part of the proceedings, or the coroner may make an order prohibiting the publication in any newspaper of all or any evidence given at the inquest (including the contents of any book, document, or other writing produced at the inquest), or the coroner may exercise that power of exclusion in addition to exercising that power of prohibition.

(3) However, the coroner's power of exclusion under subsection (2) shall not be exercised for the purpose of excluding from the room or other place in which the coroner is holding the inquest any counsel or solicitor appearing before the coroner or any representative of any newspaper.

(4) The coroner may direct that any witness not yet heard at any inquest shall go and remain outside the place of hearing and out of hearing of the court until required to give evidence.

(5) Without derogating from the provisions of subsections (1) to (3) where, upon the application of a relative or other person having, in the opinion of the coroner, a sufficient interest in the subject or result of an inquest into a death, it appears to the coroner at the commencement or in the course of that inquest that the circumstances are such that it is possible that death has been self-inflicted and that it is desirable so to do, the coroner may make an order prohibiting the publication in any newspaper of any report of any of the proceedings of the inquest unless and until the coroner otherwise orders.

(6) Where the coroner holding an inquest into a death finds that the death was self-inflicted, no report or, according as to whether a report has been previously published, no further report of any of the proceedings of the inquest shall thereafter, without the authority of the coroner, be published in

any newspaper.

(7) However, the publication in any newspaper of the name, address, and occupation of the deceased person, the fact that an inquest has been held, and the finding of the coroner shall not be an offence against subsection (5) or (6).

Appearances

31.(1) At any inquest any person who, in the opinion of the coroner, has a sufficient interest in the subject or result of the inquest, may attend personally or by counsel or solicitor and may examine and cross-examine witnesses.

(2) At any inquest the person assisting the coroner, whether a police officer or not, may examine and cross-examine witnesses.

Examination of witnesses

32.(1) Unless the coroner holding the inquest otherwise determines, a witness shall be subjected firstly to examination by the police officer or other person assisting the coroner or the representative of the witness or by both according to the order as determined by the coroner, secondly to cross-examination by other representatives, then to cross-examination or, as the case requires, re-examination by the police officer or other person assisting the coroner, and lastly to re-examination by the witness's representative (if any).

(2) If there are several persons entitled to cross-examine witnesses, the order of cross-examination of witnesses shall be as determined by the coroner.

(3) The coroner may examine any witness at any stage of the witness's evidence.

Protection of witnesses and counsel

33.(1) Subject to the provisions of this Act, every witness attending and giving evidence at any inquest and every counsel or solicitor appearing before a coroner holding any inquest shall have the same protection and immunities as witnesses and counsel or solicitor appearing before justices

in any proceeding under the Justices Act.

(2) Without limiting the generality of subsection (1) and except upon an inquiry under section 10, nothing contained in this Act shall render any person compellable to answer any question tending to incriminate himself or herself or, upon an inquest into a death, render a husband or wife competent or compellable to answer any question tending to incriminate his or her spouse.

Admission of evidence

34.(1) In any inquest the coroner may admit any evidence that the coroner thinks fit, whether or not the same is admissible in any other court, provided that no evidence shall be admitted by the coroner for the purposes of the inquest unless in the coroner's opinion the evidence is necessary for the purpose of establishing or assisting to establish any of the matters within the scope of such inquest.

(1A) In addition, but so that in every death inquest every medical witness may be asked to give evidence as to how in the medical witness's opinion the deceased came to his or her death, no evidence as to opinion upon any matter which would not be admissible in evidence in a court exercising civil or criminal jurisdiction shall be admitted by the coroner unless the coroner is of the opinion that in the special circumstances of the case it is necessary or expedient so to do.

(2) Without limiting the provisions of subsections (1) and (1A) nothing in this Act shall be taken to prevent in a death inquest any person who has made a post-mortem or other examination in compliance with a coroner's order under this Act of the body of the deceased from giving evidence as to the person's opinion upon any matter arising out of the examination, and as to how in the person's opinion the deceased came to his or her death.

(3) The coroner holding an inquest into a death shall, if the coroner's opinion there is any reasonable doubt as to the cause of death and it is possible to obtain such testimony, take the testimony of a medical practitioner thereon.

(4) Without derogating from any other provision of this Act, any person who has or who alleges or has alleged that the person has knowledge or information concerning any matter or thing relevant to an inquiry under section 10, or who the coroner has reason to believe has, or is alleging or

has alleged that the person has such knowledge or information, shall be a competent and compellable witness at such an inquiry both as to such knowledge or information and as to the sources from which the person obtained same.

(5) A statement or disclosure made by any witness at an inquiry under section 10 in answer to any question put to the witness by or before the coroner shall not (except in proceedings in respect of contempt of a Coroner's Court or of an offence against the Criminal Code, sections 123 and 126 to 130 respectively) be admissible in evidence against the witness in any civil or criminal proceedings.

Coroner to examine witnesses on oath

35.(1) At every inquest the coroner shall, unless in the coroner's opinion the matter is already established, examine or have examined on oath (whether or not they have already given any evidence in the inquest) all persons who tender their evidence respecting any of the matters within the scope of the inquest and all other persons whom the coroner thinks it expedient to examine or have examined, but the admissibility of their evidence shall be subject to the provisions of section 34.

(1A) The provisions of the *Oaths Act 1867*, with and subject to all necessary adaptations shall apply to each and every oath administered under this Act.

Depositions

35A. At every inquest the coroner shall put or cause to be put into writing the evidence admitted by the coroner and the depositions of each witness giving evidence at the inquest shall be read over to and signed by the witness and also by the coroner.

Adjournments

36.(1) A coroner may adjourn the inquest from place to place and, whether or not the inquest is adjourned from place to place, from time to time and adjourn to a certain time or to a time to be fixed.

(1A) However, where an inquest is adjourned to a place where another

coroner usually officiates then the inquest shall be adjourned to a time to be fixed.

(1B) The provisions of section 29 shall, with and subject to all necessary adaptations, extend to an inquest adjourned to a time to be fixed.

(2) Where a coroner has fixed a time and place for the holding of an adjourned inquest that coroner or any other coroner holding the adjourned inquest, may, at any time before the time so fixed alter the time or place fixed, or both such time and place, and in that event shall notify or cause to be notified the alteration to the witnesses whose attendance is required and persons appearing in person or represented at the inquest.

View of the locus

37.(1) For the purposes of any inquest or inquiry under this Act a coroner, or a person authorised in writing in that behalf by the coroner, with such assistants as the coroner or person may require, may enter upon and inspect any land, house, building, premises, or other place whatsoever, and any aircraft, vehicle, or vessel, and inspect thereon or therein any goods and other things, the entry upon or inspection of which appears to the coroner or person to be requisite.

(2) Every person who wilfully impedes, obstructs or delays a coroner or any person authorised by a coroner or any person acting under and in accordance with the directions of or assisting a coroner or person so authorised in the exercise of his or her powers under this section, or under any other provision of this Act, commits an offence against this Act.

Maximum penalty—8 penalty units or 6 months imprisonment.

Penalty on witnesses neglecting to attend

38.(1) Where any person who has been summoned to attend as a witness at any inquest fails to appear at the time and place mentioned in the summons, and no just excuse is offered for such failure, then (after proof upon oath that the summons was duly served upon such person) the coroner may then and there impose on such person in the person's absence a penalty not exceeding 2 penalty units.

(1A) The coroner may also issue the coroner's warrant as hereinbefore

provided to bring and have such person, at the time and place to be therein mentioned, before the coroner to give evidence and be examined.

(1B) A penalty imposed under subsection (1) on a person in the person's absence shall not be enforced if, at any time within 7 days (or such longer time as the coroner may allow) after the imposition thereof, that person offers to the satisfaction of the coroner a just excuse for the person's failure.

Witness not answering

38A.(1) If on the appearance of a person before a coroner at any inquest, either voluntarily or in obedience to a summons or upon being brought before such coroner by virtue of a warrant, such person—

- (a) being called to give evidence, refuses without just excuse to be sworn as a witness, or to give evidence, or to answer any question put to the person by the coroner or allowed by the coroner to be put to the person; or
- (b) (having been served with a summons requiring the person to produce at the inquest any books, documents, or other writings, or any other thing) fails without just excuse to so produce those books, documents, or other writings, or that other thing, as the case may be, at the time and place mentioned in the summons for such production;

the coroner may impose on such person a penalty not exceeding 2 penalty units.

(2) No summons need be issued against any such offender, nor need any evidence be taken on oath, but the offender may be taken into custody then and there by a police officer by order of the coroner, and called upon to show cause why the offender should not be punished.

(3) The coroner may also with or without imposing a penalty by warrant commit the person so refusing or failing to gaol, there to remain and be imprisoned for any time not exceeding 14 days, unless in the meantime the person consents to give evidence or to answer or, as the case may be, to produce the books, documents, or other writings, or other thing in question.

Further offences

39.(1) Every person who—

- (a) wilfully insults a coroner while holding an inquest; or
- (b) misbehaves himself or herself before a coroner holding an inquest; or
- (c) wilfully interrupts the proceedings of an inquest; or
- (d) unlawfully obstructs or assaults any person in attendance at an inquest; or
- (e) refuses or neglects to obey any lawful order or direction of the coroner at any inquest;

may be excluded from the room or other place in which the coroner is holding the inquest by order of the coroner, and may, whether the person is so excluded or not, be summarily punished by the coroner, and shall be liable to a penalty not exceeding 2 penalty units.

(2) No summons need be issued against any such offender, nor need any evidence be taken on oath, but the offender may be taken into custody then and there by a police officer by order of the coroner, and called upon to show cause why the offender should not be punished.

Addresses

40.(1) At any inquest except in cases wherein committal for trial is involved, no person shall be permitted to address the coroner upon the facts; a person may, however, address the coroner upon points of law applicable to the case.

(2) Where there are several persons entitled to address the coroner, and no committal for trial is involved, the order of address shall be as determined by the coroner.

Committal for trial

41.(1) If in the opinion of the coroner holding any inquest the evidence taken at the inquest is sufficient to put a person upon the person's trial—

- (a) where a death has occurred—for murder, manslaughter, the

offence of dangerous driving of a motor vehicle causing death as set forth in the Criminal Code, section 328A, or any offence set forth in the Criminal Code, section 311; or

- (b) where a fire has occurred—for any offence punishable on indictment in connection with the fire; or
- (c) in the case of an inquiry under section 10—for any offence punishable on indictment in connection with the disappearance of the missing person;

the coroner may order that person to be committed to take the person's trial for the offence before some court of competent jurisdiction and may issue the coroner's warrant for the apprehension and commitment of that person if no such warrant has already been executed.

(1A) However, whenever it can be done the evidence shall be given and all proceedings incidental to the committal for trial shall be taken in the presence of the person so committed.

(2) A coroner who commits a person for trial shall have the like powers, authorities, functions and duties in relation thereto as are had by justices if the committal were by justices and the relevant provisions of the *Justices Act 1886* and the *Bail Act 1980* shall, with and subject to all necessary adaptations, apply and extend accordingly.

(3) Any person who is committed for trial by a coroner under this Act shall be entitled to have on demand from the person who has the lawful custody thereof a copy of the depositions of the witnesses giving evidence at the inquest concerned and a copy of the coroner's inquisition, and the provisions of the Criminal Code, section 705 shall, with and subject to all necessary adaptations, apply accordingly.

(4) On the trial for any indictable offence whatsoever of any person all or any of the depositions taken before a coroner shall be admissible and may be used in evidence in the like manner and to the same extent (including subject to the same conditions) as are depositions taken at the examination of witnesses by justices upon a charge of an indictable offence and the provisions of the Justices Act, particularly section 111 of that Act shall, so far as necessary and with and subject to all necessary adaptations, apply accordingly.

(5) Nothing in this section shall prejudice or otherwise affect the

provisions of the Justices Act or the Criminal Code, or any other Act and a person may be arrested, charged, committed for trial, and tried or sentenced upon or without being committed for any offence for which a person might be committed for trial under subsection (1), without the prior holding of an inquest, or in the event of an inquest being held, in any case where the coroner did not commit that person (and irrespective of whether or not the coroner committed any other person) for trial for such an offence.

Procedure where person charged with offence

42.(1) If after the commencement of any inquest, the coroner is informed before the coroner has given the coroner's finding that any person has been charged with an offence in which the question whether the accused caused the fire or death or the person to disappear, as the case may be, is in issue, the coroner—

- (a) in the absence of reason to the contrary, shall adjourn the inquest until after the conclusion of the proceedings in respect of the offence and shall report to the chief executive the adjournment of the inquest and the cause thereof;
- (b) if after the conclusion of the proceedings in respect of the offence the coroner considers that there is sufficient cause to resume the inquest—shall by notice to such persons as the coroner deems proper fix a time for such resumption and continue the inquest and give a finding;
- (c) if after the conclusion of the proceedings in respect of the offence the coroner considers that there is not sufficient cause to resume the inquest—shall close the inquest and shall report to the chief executive that the inquest has been closed.

(2) If before the commencement of any inquest, the coroner is informed that any person has been charged with an offence in which the question whether the accused caused the fire or death or the person to disappear, as the case may be, is in issue, the coroner shall not in the absence of reason to the contrary commence to hold an inquest into that fire or death or disappearance of that missing person until after the conclusion of the proceedings in respect of the said offence.

(3) For the purposes of this section—

“proceedings in respect of the offence” includes proceedings before examining justices and before any court in which the accused person is tried upon indictment, or before which an appeal from the conviction of that person is heard; and such proceedings shall be deemed to be concluded when no appeal, or, as the case may be, no further appeal can be made, without an extension of time being granted.

PART 11—FINDINGS AND INQUISITIONS

Finding of coroner

43.(1) After considering all the evidence before the coroner at the inquest the coroner shall give the coroner’s finding in open court.

(2) Where the inquest concerns the death of any person, the finding shall set forth—

- (a) so far as has been proved—
 - (i) who the deceased was;
 - (ii) when, where, and how the deceased came by his or her death; and
- (b) the persons (if any) committed for trial.

(3) Where the inquest concerns a fire, the finding shall set forth—

- (a) so far as has been proved the cause and origin of the fire; and
- (b) the persons (if any) committed for trial.

(4) Where the inquiry concerns a missing person the finding shall set forth—

- (a) so far as has been proved—
 - (i) the cause and circumstances of the disappearance of such missing person; and
 - (ii) whether such missing person is alive or dead; and
 - (iii) if such missing person is alive or likely to be alive—the whereabouts of such missing person at the time of the

inquiry; and

(b) the persons (if any) committed for trial.

(5) The coroner shall not express any opinion on any matter outside the scope of the inquest except in a rider which, in the opinion of the coroner, is designed to prevent the recurrence of similar occurrences.

(5A) A rider shall not be or be deemed to be part of the coroner's finding but it may be recorded if the coroner thinks fit.

(6) No finding of the coroner may be framed in such a way as to appear to determine any question of civil liability or as to suggest that any particular person is found guilty of any indictable or simple offence.

Inquisitions

44.(1) After giving his or her finding, the coroner shall forthwith certify it in writing by an inquisition, called the 'coroner's inquisition', in the approved form containing the coroner's finding and such further particulars as may be prescribed.

(2) A copy of the inquisition shall be forwarded by the coroner to the commissioner of the police service.

(3) A coroner's finding or inquisition shall not contain any finding inconsistent with the determination of any matter by the result of criminal proceedings holden beforehand.

PART 12—DEPOSITIONS TO BE SENT TO CHIEF EXECUTIVE

Coroner to forward depositions to chief executive

45. The coroner shall, as soon as possible after the conclusion of every inquest, and whether a person is committed for trial or not, forward the depositions and documentary exhibits together with all statements, undertakings as to bail and notices to witnesses to the chief executive with the certificate, as hereinbefore referred to, called the 'coroner's inquisition',

except in a case of committal where the coroner is requested by the Attorney-General or solicitor-general to forward the same to a crown prosecutor when the coroner shall forward the same in conformity with that request.

PART 13—VERDICTS FELO-DE-SE

Verdicts of felo-de-se

46.(1) The verdict of felo-de-se is hereby abolished.

(2) It shall not be lawful for a coroner to forbid the rites of Christian burial at, or give any directions for, the interment of the remains of any person who has committed suicide or died by the person's own act, nor shall any forfeiture or escheat to the Crown of any real or personal property take place by reason of such a finding, any law, statute, or custom to the contrary notwithstanding.

(3) However, nothing herein shall derogate from or otherwise affect the provisions of section 23 or the powers and authorities of a coroner under that section in such a case.

PART 14—REOPENING OF INQUESTS

Inquests may be reopened

47.(1) Where any inquest has been concluded and it is shown to the satisfaction of the Minister that the inquest ought to be reopened, the Minister may direct that the inquest be reopened before the coroner who held the inquest or some other coroner.

(2) Where any inquest has been concluded the commissioner of the police service or an inspector of police or a person authorised in that behalf by this section may request the coroner who held the inquest to reopen the inquest but before so doing the coroner may require a statement in writing

of the grounds for such request.

(2A) If the coroner is of the opinion that such grounds do not warrant the reopening of the inquest, the coroner may refuse to reopen it, but in that event the coroner shall notify the chief executive in writing of such refusal and forward with such notification a copy of such grounds.

(3) Where any inquest has been concluded—

- (a) the coroner who held the inquest or some other coroner, if so directed by the Minister shall; and
- (b) the coroner who held the inquest, if upon the request of the persons specified in subsection (2) or upon the coroner's own volition the coroner is of opinion that such inquest ought to be reopened may;

reopen such inquest and conduct such inquiries as may appear necessary to the coroner and the coroner may accept such of the findings and of the evidence given at the previous inquest as appear to the coroner to be correct.

(4) At the conclusion of the reopened inquest the coroner shall give the coroner's finding in the manner provided by section 43 and certify it by the coroner's inquisition in the manner provided by section 44 and such findings and inquisition shall for all purposes replace the finding and inquisition respectively previously given and certified, as the case may be.

(5) The persons authorised to request a coroner to reopen an inquest shall be the husband or wife, father, mother, sister, brother, son, daughter, or guardian of the deceased person or missing person concerned or any other person having, in the opinion of the coroner, a sufficient interest in the reopening of the inquest.

PART 15—GENERAL POWERS OF CORONER

General powers of coroner

48.(1) Except so far as they are varied by or are inconsistent with this Act, a coroner shall, in the exercise of the coroner's office as coroner, have all the powers, authorities, protection, and immunities, so far as applicable,

conferred upon justices by the Justices Act as well as all the powers, authorities, and jurisdiction that belong by the common law to the office of a coroner in England.

(2) The provisions of the Justices Act, so far as applicable and with and subject to all necessary adaptations, shall apply to and with respect to inquests.

PART 16—EXHIBITS

Custody of exhibits

49.(1) Every exhibit in an inquest (save such exhibits as may have been forwarded to the chief executive or produced or required for production in any other court) shall be kept in the custody of the coroner or, in the case of any exhibit which the coroner deems it necessary for the proper preservation thereof or otherwise, in the custody of such person as the coroner may direct, and may be so kept until such time as the coroner is satisfied that such exhibit is not likely to be, or will no longer be required for the purpose of the inquest, or any other inquest, or any criminal proceedings arising out of the occurrence or fatality in question.

(2) The coroner shall have like powers of custody and disposal of property which comes into the coroner's custody or possession as a result of any inquiry or proceeding by or before the coroner under this Act and which is not tendered as an exhibit at an inquest as the coroner has by virtue of this section in relation to exhibits.

(3) Where any property, whether an exhibit or not, has come into the custody or possession of the chief executive, a coroner, a clerk of the court, a police officer or any other person in connection with any inquiry, inquest, or other proceeding whatsoever under this Act, a coroner may, whether on the application by or on behalf of the chief executive, a clerk of the court, a police officer, any other person in whose custody or possession the property is detained, or a claimant of the property, or on the coroner's own motion, and on the expiration of the time specified in subsection (1), make an order for the delivery of the property to the person appearing to the coroner to be the owner thereof, or, if the owner cannot be ascertained,

make such order for the disposal, in any manner whatsoever, of the property as to the coroner may seem meet.

(4) However, no order for delivery of the property shall be a bar to the right of any person to recover the property by action from the person to whom it is delivered by virtue of the order.

(5) In addition, such action shall be brought within 6 months after the order is made.

PART 17—MISCELLANEOUS

Police to assist

50.(1) It shall be the duty of all police officers to assist coroners in their inquiries and in the exercise and performance of their other powers and duties under this Act and to comply with all lawful directions, requests, and orders of any coroner and to assist at all inquests and other proceedings whatsoever under this Act.

(2) Without limiting the foregoing provisions or any other provision of this Act, it shall be the duty of a police officer to whom the request is directed, to comply with any reasonable request of a coroner made for the purpose of expediting any inquiry under this Act by the coroner.

Enforcement of and appeals against summary punishments imposed under this Act

51.(1) The powers conferred upon justices by the Justices Act relating to the discretion of adjudicating justices in directing that the amount of a penalty or costs shall be recoverable by execution against the goods and chattels of the offender (and in such case as part of their decision ordering the term for which the offender is to be imprisoned in default of sufficient distress) or in the alternative in directing that in default of payment of such penalty or costs either immediately or within a time to be fixed by the adjudicating justices the offender shall be imprisoned for any period not exceeding the maximum period fixed by the scale of imprisonment for non-payment of money shall be had and may be exercised by a coroner in

respect of the summary punishment by the coroner under this Act of an offender.

(2) Any summary punishment under this Act by a coroner of a person may be enforced under the Justices Act as if that punishment were a penalty imposed upon conviction for an offence by justices sitting as a Magistrates Court, and for the purposes of the enforcement as aforesaid of that punishment the coroner who imposed it may—

- (a) draw up under the coroner's hand an order in or to the effect of the form in which a conviction or order by justices sitting as a Magistrates Court is drawn up under the Justices Act; and
- (b) make and sign all such other instruments under, and in or to the effect of the respective forms prescribed by, the Justices Act as are required or authorised by that Act to be made and signed by justices with respect to a conviction or order made by them when sitting as a Magistrates Court; and
- (c) cause to be filed in the office of a clerk of the court at a place for holding Magistrates Courts the order referred to in paragraph (a) and any instrument or instruments referred to in paragraph (b) drawn up or made and signed by the coroner.

(3) Any summary punishment imposed under this Act by a coroner may be appealed against under the Justices Act as if that punishment were a penalty imposed upon conviction for an offence by justices sitting as a Magistrates Court at the place where the office of the clerk of the court in which the order in respect of that punishment referred to in subsection (2)(a) is filed is situated, and the provisions of that last mentioned Act relating to appeals from decisions of justices shall with and subject to all necessary adaptations apply accordingly.

Penalty for unlawful publication of proceedings

52. Every person who publishes or permits or allows to be published in any newspaper—

- (a) a report of any proceedings of any inquest or any evidence given at any inquest or the contents of any book, document, or other writing produced at any inquest the publication of which is prohibited by, or by an order made under, this Act; or

- (b) any question at any inquest which the coroner—
 - (i) has forbidden or disallowed; or
 - (ii) has warned the witness the witness is not obliged to answer and has ordered shall not be published;

commits an offence against this Act.

Maximum penalty—8 penalty units or 1 month's imprisonment.

Penalty for taking or publishing photographs at inquests

52A.(1) Every person who, while an inquest is being held or immediately before or immediately after the holding of an inquest or during any adjournment of an inquest, by means of a camera takes a photograph (whether a movie or a still)—

- (a) in the room or other place in which the inquest is being, is about to be or has been held; or
- (b) in a room or place for the time being set apart for a purpose connected with the holding of the inquest; or
- (c) in an entrance or passageway leading to or from any room or place referred to in paragraph (a) or (b);

commits an offence against this Act unless the person takes the photograph with and in accordance with the consent, first had and obtained, of the coroner who is to conduct, has conducted or, as the case may be, is conducting the inquest.

Maximum penalty—8 penalty units or 1 month's imprisonment.

(2) Every person who publishes a photograph taken in such circumstances as to constitute an offence defined in subsection (1) commits an offence against this Act.

Maximum penalty—8 penalty units or 1 month's imprisonment.

Summary proceedings

53.(1) Every offence against this Act (other than offences punishable summarily under this Act by a coroner) may be prosecuted in a summary way under the Justices Act before a stipendiary magistrate.

(2) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding 4 penalty units.

(3) A prosecution for an offence against this Act may be instituted at any time within 12 months after the commission of the offence, or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

Evidence of order

54. A copy of any order made under this Act by a coroner, purporting to be certified under the hand of the person for the time being having custody of the original, shall be received in evidence in any proceedings as evidence of the order and of the matters therein contained and, unless the contrary is proved, shall be conclusive evidence thereof.

Service of summons and execution of warrant

55.(1) The provisions of the Justices Act relating to the service and proof of service of summonses and the execution of, and imprisonment or detention in custody under, warrants issued for the apprehension of witnesses and defendants who fail to appear in answer to their summonses shall, with and subject to all necessary adaptations thereof, apply and extend to and with respect to summonses and warrants issued under this Act.

(2) In addition to any other mode of service thereof provided by the Justices Act a summons issued pursuant to this Act shall be properly served upon the person to whom it is directed if it is served by posting (by means of registered post) a copy thereof addressed to the person at the person's place of business or residence last known to the person who serves the summons a reasonable time before the date on which the person is by the summons required to appear.

Service

56.(1) Any notice, order, document, or writing (not being a summons) required or authorised by this Act to be given or served to or upon any person may be served—

- (a) by delivering the same to such person personally;
- (b) by prepaid post letter containing the same and addressed to such person at the person's usual or last known place of abode, in which case it shall be deemed to be so given or served upon the receipt by that person of that letter;
- (c) by prepaid certified mail letter containing the same and addressed as aforesaid, in which case the production in evidence of the proper receipt from a post office for that letter shall, until the contrary is proved, be sufficient proof that it was so given or served upon the date when the letter would have been received by the person concerned in the ordinary course of post.

(2) The provisions of this section shall not derogate from any other provision of this Act.

Witnesses' expenses

57. Every person attending as a witness or interpreter at any inquest in obedience to a summons or voluntarily at the request of the coroner and, in the discretion of the coroner, any other person attending as a witness shall, for every day during which the person is necessarily absent from the person's place of abode in travelling to and from the inquest, for each day's attendance at the inquest and for each day necessarily detained or prevented from proceeding on the journey from or to the person's place of abode either before or after attending the inquest be entitled to receive such allowances for such attendance, detention and travelling and for travelling expenses as may be prescribed.

Register of deaths

58. The coroner shall keep a register of all deaths in relation to which the coroner is by this Act concerned and of which the coroner is informed containing, in relation to every such death, particulars of the date on which the death was reported or otherwise brought to the coroner's notice, the name, address, age, and sex of the deceased, the procedure used for disposing of the case, the cause of death and the finding at the inquest (if any).

Copies of depositions

59.(1) Without derogating from the provisions of section 41(3), any person having in the opinion of the coroner, or of the person having custody of the inquisition or of the depositions of the witnesses at any inquest, or of any book, document, or other writing put in evidence at any inquest, as the case may be, a sufficient interest in the result of the inquest shall be entitled, upon application and on payment of the fee prescribed under a regulation, to be supplied with a copy thereof.

(2) However, nothing in this section shall entitle—

- (a) any person to be supplied with, or with a copy of, any report made by the coroner to the Minister or chief executive; or
- (b) any person (other than a person who is under this Act committed for trial or sentence by the coroner holding the inquest in question) to be supplied with a copy of the coroner's inquisition.

Copies of reports on post-mortem and other examinations

59A.(1) Where a report has been made to a coroner pursuant to section 18 as the result of a post-mortem examination or a special examination made by an analyst or pathologist or other qualified person, the coroner or other person having custody of any report so made may, upon the written application of a relative or any other person having, in the opinion of the coroner or other person having custody of the report, a sufficient interest in the cause of death and upon payment of the prescribed fee, furnish to the applicant a copy of the report.

(2) Liability at law shall not attach to the Crown or any person by reason of the publication of a report under subsection (1).

(3) In this section—

“relative” means the husband, wife, mother, father, sister, brother, daughter or son of the deceased or any other person who stood in loco parentis to the deceased, or to whom the deceased stood in loco parentis.

Approval of forms

59B. The Minister may approve forms for use under this Act.

Rule making power

60.(1) The Governor in Council may make rules² under this Act.

(2) A rule may make provision—

- (a) prescribing and regulating the powers and duties of coroners; requiring in such cases as may be so prescribed, a coroner, before officiating, to take and subscribe the oath or oaths specified; prescribing any matters in relation thereto; prohibiting any coroners appointed under this Act from holding any inquests in cases where such circumstances as so prescribed apply;
- (b) regulating the practice and procedure at, or preliminary or incidental to all or any inquests (including the prescribing of any matters relating to orders made under this Act by coroners and the custody of records);
- (c) prescribing allowances to persons attending any inquest as witnesses or interpreters and so that different allowances may be so prescribed for different persons or classes of persons or for different parts of the State;
- (e) providing for, regulating and controlling in all or any cases all or any matters or things in relation to the making of post-mortem and other examinations, including but without limit to the generality hereof the duties of persons making the examinations, the nature and extent of the examinations, the persons permitted to be present thereat, the custody and disposal of material considered to have a bearing on the cause of death, and the furnishing of reports to the coroner;
- (f) prescribing the allowances to medical practitioners, analysts, pathologists and other persons making any post-mortem or other examination under this Act and so that different allowances may be so prescribed for different persons or classes of persons or in relation to different examinations or for different parts of the State.

² Rules are subordinate legislation (see the *Statutory Instruments Act 1992*, sections 7, 8(a) and 9(1)(a)).

PART 18—TRANSITIONAL

References to earlier Acts

61. In an Act or document, a reference to any of the following Acts may, if the context permits, be taken to be a reference to this Act—

- *Coroners Act 1930*
- *Inquests of Death Act 1893*
- *Inquests of Deaths Act 1866*
- *Inquests on Fires Act 1863.*

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	51
3 Key	52
4 Table of earlier reprints	52
5 Tables in earlier reprints	52
6 List of legislation	53
7 List of annotations	54
8 Provisions that have not commenced and are not incorporated into reprint . .	59

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 January 1997. Future amendments of the Coroners Act 1958 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 48 of 1992	17 June 1994
2	to Act No. 58 of 1995	15 December 1995

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1, 2
Changed names and titles	1
Comparative legislation	1
Corrected minor errors	1, 2
Obsolete and redundant provisions	1, 2
Renumbered provisions	1

6 List of legislation

Coroners Act 1958 7 Eliz 2 No. 32

date of assent 30 October 1958

commenced on date of assent

as amended by—

Registration of Births, Deaths and Marriages Act and Another Act Amendment Act 1967 No. 11 pt 3

date of assent 5 April 1967

commenced 1 October 1967 (proc pubd gaz 2 September 1967 p 41)

Coroners Act Amendment Act 1972 No. 16

date of assent 15 December 1972

commenced 1 March 1973 (proc pubd gaz 24 February 1973 p 821)

Coroners Act Amendment Act 1976 No. 17

date of assent 15 April 1976

commenced on date of assent

Coroners Act and Another Act Amendment Act 1977 No. 49 pt 2

date of assent 6 October 1977

commenced on date of assent

Bail Act 1980 No. 35 s 4(1) sch 1

date of assent 14 May 1980

commenced 1 July 1980 (proc pubd gaz 28 June 1980 p 1634)

Bail Act Amendment Act 1982 No. 56 s 13

date of assent 3 December 1982

commenced 18 April 1983 (proc pubd gaz 9 April 1983 p 1689)

Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 sch 1 (as amended by Act No. 103 of 1989 s 3 sch)

date of assent 1 December 1988

commenced 15 December (see s 2(2) and o in c pubd gaz 10 December 1988 p 1675)

Public Service (Administrative Arrangements) Act (No. 2) 1990 No. 80 s 3 sch 6

date of assent 14 November 1990

commenced 7 December 1989 (see s 2(4)(b))

Penalties and Sentences Act 1992 No. 48 ss 1–2, 207 sch

date of assent 24 November 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 27 November 1992 (1992 SL No. 377)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2

date of assent 1 December 1994

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Consumer Law and Other Justice Legislation (Miscellaneous Provisions)**Act 1996 No. 56 pts 1, 9**

date of assent 20 November 1996

commenced on date of assent

Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 1, 3, 5

date of assent 12 December 1996

pt 1 commenced on date of assent

remaining provisions not yet proclaimed into force

7 List of annotations

Long title amd 1996 No. 79 s 6**PART 1—PRELIMINARY****pt hdg** sub 1995 No. 58 s 4 sch 1**Short title****s 1** amd 1995 No. 58 s 4 sch 1**Severability****s 2** om R1 (see RA s 39)**Repeal and Savings (Schedule)****s 3** om R1 (see RA s 39)**Savings****s 4** amd 1995 No. 58 s 4 sch 1**Definitions****prov hdg** sub 1995 No. 58 s 4 sch 1

- s 5**
- def “**approved form**” ins 1995 No. 58 s 4 sch 1
 - def “**child not born alive**” ins 1967 No. 11 s 11(a)
 - def “**Director-General**” ins 1990 No. 80 s 3 sch 6
 - om R1 (see RA s 39)
 - def “**inquest**” amd 1977 No. 49 s 4
 - def “**medical practitioner**” sub 1976 No. 17 s 2
 - def “**Minister**” sub 1990 No. 80 s 3 sch 6
 - om R1 (see RA s 39)
 - def “**prison**” amd 1990 No. 80 s 3 sch 6
 - sub 1995 No. 58 s 4 sch 1
 - def “**Still-born child**” om 1967 No. 11 s 11(b)
 - def “**Under Secretary**” om 1990 No. 80 s 3 sch 6

Coroners and deputy coroners**prov hdg** sub 1995 No. 58 s 4 sch 1**s 6** amd 1990 No. 80 s 3 sch 6; 1995 No. 58 s 4 sch 1; 1996 No. 37 s 147 sch 2**PART 2—FUNCTIONS AND POWERS OF CORONERS****pt hdg** sub 1995 No. 58 s 4 sch 1**Inquiries by coroners****s 7** amd 1977 No. 49 s 5; 1988 No. 88 s 3 sch 1; 1990 No. 80 s 3 sch 6; 1992 No. 48 s 207 sch; 1995 No. 58 s 4 sch 1
(3) renum as s 7A 1995 No. 58 s 4 sch 1
(4)–(9) renum as s 7B 1995 No. 58 s 4 sch 1**Extent of jurisdiction****s 7A** new s 7A (prev s 7(3)) renum 1995 No. 58 s 4 sch 1**Inquests on death****s 7B** new s 7B (prev s 7(4)–(9)) renum 1995 No. 58 s 4 sch 1**Inquests into fires****s 8** amd 1972 No. 16 s 5 sch**Inquiry when body destroyed or irrecoverable****s 9** sub 1977 No. 49 s 6
amd 1990 No. 80 s 3 sch 6**Inquiries respecting missing persons****s 10** amd 1977 No. 49 s 7**PART 3—MEDICAL CERTIFICATES****pt hdg** sub 1995 No. 58 s 4 sch 1**Medical certificates****s 11** amd 1972 No. 16 s 5 sch; 1977 No. 49 s 8; 1994 No. 87 s 3 sch 2; 1995 No. 58 s 4 sch 1**PART 4—NOTIFICATION OF DEATHS****pt hdg** sub 1995 No. 58 s 4 sch 1**Duty to notify discovery of dead body****s 12** amd 1972 No. 16 s 5 sch; 1977 No. 49 s 9; 1995 No. 58 s 4 sch 1**Medical practitioner to notify coroner****s 13** amd 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1**PART 5—DUTY OF CORONER ON NOTIFICATION****pt hdg** sub 1995 No. 58 s 4 sch 1**Duty of coroner to act****s 14** (2) renum as s 14A 1995 No. 58 s 4 sch 1
(3) renum as s 14B 1995 No. 58 s 4 sch 1**Any coroner may act****s 14A** new s 14A (prev s 14(2)) renum 1995 No. 58 s 4 sch 1

Minister may direct coroner to act

s 14B new s 14B (prev s 14(3)) renum 1995 No. 58 s 4 sch 1

PART 6—WHERE NO INQUESTS ARE HELD

pt hdg sub 1995 No. 58 s 4 sch 1

Fact of no inquest within 12 months to be reported

s 15 amd 1990 No. 80 s 3 sch 6

Inquest need not be held in certain circumstances

s 16 amd 1990 No. 80 s 3 sch 6; 1995 No. 58 s 4 sch 1

PART 7—EXHUMATIONS

pt hdg sub 1995 No. 58 s 4 sch 1

PART 8—POST-MORTEM EXAMINATIONS

pt hdg sub 1995 No. 58 s 4 sch 1

Post-mortem examinations may be ordered

s 18 amd 1967 No. 11 s 12; 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1

PART 9—REMOVAL AND DISPOSAL OF BODIES

pt hdg sub 1995 No. 58 s 4 sch 1

Removal of bodies for post-mortem examination

s 19 amd 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1

No burial without medical certificate, death certificate, or coroner's order

s 21 amd 1967 No. 11 s 13; 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1

No cremation when post-mortem examination directed

s 22 amd 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1

Orders for burial and certificates of cremation

prov hdg sub 1995 No. 58 s 4 sch 1

s 23 amd 1967 No. 11 s 14; 1995 No. 58 s 4 sch 1

Conditions of cremation

s 23A (prev 1913 4 Geo 5 No. 16 s 5)
reloc 1996 No. 79 s 20

Cremation after burial

s 23B (prev 1913 4 Geo 5 No. 16 s 5A)
reloc 1996 No. 79 s 20

Relatives etc. may object to cremation in cases where not directed by deceased person

s 23C (prev 1913 4 Geo 5 No. 16 s 6)
reloc 1996 No. 79 s 20

Interested persons not to certificates

s 23D (prev 1913 4 Geo 5 No. 16 s 7)
reloc 1996 No. 79 s 20

Attorney-General may forbid cremation etc.

s 23E (prev 1913 4 Geo 5 No. 16 s 8)
reloc 1996 No. 79 s 20

Duties of officer in charge of crematorium

s 23F (prev 1913 4 Geo 5 No. 16 s 8A
reloc 1996 No. 79 s 20)

PART 10—INQUESTS

pt hdg sub 1995 No. 58 s 4 sch 1

Scope of inquest on death

s 24 amd 1967 No. 11 s 15; 1976 No. 17 s 3

Inquest to be before coroner alone

s 25 amd 1995 No. 58 s 4 sch 1
(2)–(3) renum as s 25A 1995 No. 58 s 4 sch 1

Places where, and days when, inquest may be held

s 25A new s 25A (prev s 25(2)–(3)) renum 1995 No. 58 s 4 sch 1

Time and place of inquest

s 29 amd 1980 No. 35 s 4(1) sch 1; 1982 No. 56 s 13; 1995 No. 58 s 4 sch 1
(4)–(6) renum as s 29A 1995 No. 58 s 4 sch 1

Summons to witness

s 29A new s 29A (prev s 29(4)–(6)) renum 1995 No. 58 s 4 sch 1

Court of record

s 30 amd 1995 No. 58 s 4 sch 1
(2)–(6) renum as s 30A 1995 No. 58 s 4 sch 1

Hearing in public

s 30A new s 30A (prev s 30(2)–(6)) renum 1995 No. 58 s 4 sch 1

Protection of witnesses and counsel

s 33 amd 1995 No. 58 s 4 sch 1

Coroner to examine witnesses on oath

s 35 amd 1976 No. 17 s 4
(2) renum as s 35A 1995 No. 58 s 4 sch 1

Depositions

s 35A new s 35A (prev s 35(2)) renum 1995 No. 58 s 4 sch 1

View of the locus

s 37 amd 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1

Penalty on witnesses neglecting to attend

s 38 amd 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1
(2)–(4) renum as s 38A 1995 No. 58 s 4 sch 1

Witness not answering

s 38A new s 38A (prev s 38(2)–(4)) renum 1995 No. 58 s 4 sch 1

Further offences

s 39 amd 1972 No. 16 s 5 sch

Committal for trial

s 41 amd 1976 No. 17 s 5; 1980 No. 35 s 4(1) sch 1; 1982 No. 56 s 13; 1995 No. 58 s 4 sch 1

Procedure where person charged with offence

s 42 amd 1990 No. 80 s 3 sch 6

PART 11—FINDINGS AND INQUISITIONS

pt hdg sub 1995 No. 58 s 4 sch 1

Inquisitions

s 44 amd 1995 No. 58 s 4 sch 1

PART 12—DEPOSITIONS TO BE SENT TO CHIEF EXECUTIVE

pt hdg amd 1990 No. 80 s 3 sch 6

sub 1995 No. 58 s 4 sch 1

Coroner to forward depositions to chief executive

prov hdg amd 1990 No. 80 s 3 sch 6

s 45 amd 1980 No. 35 s 4(1) sch 1; 1990 No. 80 s 3 sch 6

PART 13—VERDICTS FELO-DE-SE

pt hdg sub 1995 No. 58 s 4 sch 1

PART 14—REPOENING OF INQUESTS

pt hdg sub 1995 No. 58 s 4 sch 1

Inquests may be reopened

s 47 amd 1977 No. 49 s 10; 1990 No. 80 s 3 sch 6

PART 15—GENERAL POWERS OF CORONER

pt hdg sub 1995 No. 58 s 4 sch 1

PART 16—EXHIBITS

pt hdg sub 1995 No. 58 s 4 sch 1

Custody of exhibits

s 49 amd 1990 No. 80 s 3 sch 6

PART 17—MISCELLANEOUS

pt hdg sub 1995 No. 58 s 4 sch 1

Penalty for unlawful publication of proceedings

s 52 amd 1972 No. 19 s 5 sch; 1995 No. 58 s 4 sch 1

Penalty for taking or publishing photographs at inquests

s 52A ins 1976 No. 17 s 6; 1995 No. 58 s 4 sch 1

Summary proceedings

s 53 amd 1972 No. 16 s 5 sch; 1995 No. 58 s 4 sch 1

Service of summons and execution of warrant

s 55 amd 1976 No. 17 s 7

Register of deaths

s 58 amd 1995 No. 58 s 4 sch 1

Copies of depositions

s 59 amd 1972 No. 16 s 3; 1990 No. 80 s 3 sch 6; 1996 No. 56 s 112

Copies of reports on post-mortem and other examinations

s 59A ins 1972 No. 16 s 4

Approval of forms

s 59B ins 1995 No. 58 s 4 sch 1

Regulation-making power

s 59C ins 1996 No. 79 s 7

Rule making power

prov hdg sub 1995 No. 58 s 4 sch 1

s 60 amd 1995 No. 58 s 4 sch 1

PART 18—TRANSITIONAL

pt hdg ins 1995 No. 58 s 4 sch 1

References to earlier Acts

s 61 ins 1995 No. 58 s 4 sch 1

References to Cremation Act

s 61A ins 1996 No. 79 s 8

Transitional provision about forms

s 62 ins 1995 No. 58 s 4 sch 1

exp 28 May 1996 (see s 62(3))

SCHEDULE 2

om R1 (see RA s 40)

8 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 3, 5 read as follows—

PART 3—AMENDMENT OF CORONERS ACT 1958

Amendment of title

6. Title, after ‘coroners’—

insert—

‘, to regulate the process of cremation,’.

Insertion of new s 59C

7. After section 59B—

insert—

‘Regulation-making power

‘59C. The Governor in Council may make regulations under this Act.’.

Insertion of new s 61A

8. After section 61—

insert—

‘References to Cremation Act

‘61A. In an Act or document, a reference to the *Cremation Act 1913* may, if the context permits, be taken to be a reference to this Act.’.

PART 5—AMENDMENT OF CREMATION ACT 1913**Relocation of certain provisions to Coroners Act 1958**

20.(1) Sections 5 and 8, as amended by this part—

relocate to the *Coroners Act 1958*, part 9, as sections 23A and 23E.

(2) Sections 5A, 6, 7 and 8A—

relocate to the *Coroners Act 1958*, part 9, as sections 23B, 23C, 23D and 23F.