

Coroners Act.

7 ELIZ. II. No. 32,

JUSTICES.

- (1) *Coroners Act of 1958* 7 *Eliz. II. No. 32*
 (2) *Justices Acts Amendment Act of 1958* .. 7 *Eliz. II. No. 39*

7 ELIZ. II.
 No. 32.
 THE
 CORONERS
 ACT OF 1958.

**An Act to Amend the Law Relating to Coroners
 and for other purposes.**

[ASSENTED TO 30TH OCTOBER, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Preliminary and Administration.

Short title.

1. (1.) This Act may be cited as "*The Coroners Act of 1958.*"

Commence-
ment.

*(2.) This Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Severability.

2. This Act, including every rule hereunder, shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any rule hereunder would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power.

Repeal and
Savings
(Schedule).

3. (1.) The Acts specified in the first and second columns of Tables A and B respectively of the First Schedule to this Act are repealed or, as the case may be, amended to the extent in that Schedule indicated:

Provided that, but without limiting the operation of † "*The Acts Interpretation Acts, 1954 to 1957,*"—

(i.) The repeal of the repealed Acts shall not affect the continuity of the office or employment of any coroner appointed or

* Commenced 23 Mar., 1959. (Proc. pubd. Gaz. 14 Mar., 1959, 1581.)

† 3 Eliz. 2 No. 3 and amending Act.

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declared to be a coroner by or under the repealed Acts but every person who immediately prior to the commencement of this Act is such a coroner shall hereafter continue in his office or employment of coroner under and subject to this Act ;

- (ii.) All Orders in Council, orders, warrants, appointments, findings, verdicts, consents, permissions, regulations, registers, records, instruments, and generally all acts of authority that originated under any of the repealed or amended Acts and are subsisting or in force immediately prior to the commencement of this Act, shall so far as is consistent with this Act enure for the purposes for which they originated as fully and effectually as if they had originated under the corresponding provisions of this Act, (and accordingly shall, where necessary, be deemed to have so originated) until they expire by effluxion of time or are repealed, amended or otherwise modified, revoked, cancelled or suspended under this or some other Act ;
- (iii.) All inquiries, inquests, matters and proceedings of whatever nature pending or in progress at the commencement of this Act under the repealed or amended Acts may be carried on and completed as if this Act had not come into operation, and no such inquiry, inquest, matter or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained.

Cf. N.Z. Act,
s. 35 (2).

Cf. N.Z. Act,
s. 35 (4).

(2.) It is hereby declared that every Imperial enactment and every New South Wales enactment relating to coroners or coroners inquests and which has extended to Queensland solely by virtue of section twenty-four of the Imperial Act "The Australian Courts Act, 1828," or any enactment duly passed by the Parliament of Queensland or any authority heretofore empowered to pass laws in Queensland and to which assent has been duly given by or on behalf of the Crown, so far as the enactment relates to coroners or coroners inquests, shall have no force or effect in this State.

Certain
Imperial
and New
South Wales
enactments
to have no
operation in
Queensland.

Collective citation of amended Acts.

(3.) The Acts specified in the first column of the Second Schedule to this Act, as amended by this Act, may be collectively cited, respectively, in the manner specified in the second column of that Schedule opposite the reference to those Acts in the first column.

Savings.

Abbreviations.

Imp. Act—
Coroners Act, 1887 (Imperial).

Imp. Act, 1926—
Coroners (Amendment) Act, 1926 (Imperial).

Q. Act—
The Coroners Acts, 1930 to 1947 (Queensland).

Q. Med. Act—
The Medical Act of 1939 (Queensland).

S.A. Act—
Coroners Act, 1935–1952 (South Australia).

Tas. Act.
N.Z. Act—
Coroners Act, 1951 (New Zealand).

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

- (i.) **“ The Commissions of Inquiry Acts, 1950 to 1954 ”* ;
- (ii.) †*“ The Coal Mining Acts, 1925 to 1952 ”* ;
- (iii.) ‡*“ The Explosives Act of 1952 ”* ;
- (iv.) §*“ The Inspection of Machinery Acts, 1951 to 1954 ”* ;
- (v.) ||*“ The Inspection of Scaffolding Acts, 1915 to 1955 ”* ;
- (vi.) ¶*“ The Mines Regulation Acts, 1910 to 1958 ”* ;
- (vii.) ***“ The Rural Fires Acts, 1946 to 1958 ”* ;
- (viii.) ††*“ The Traffic Acts, 1949 to 1957 ”* ; or
- (ix.) 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 section 4A of **“ The Commissions of Inquiry Acts, 1950 to 1954,”* no provision of any of the Acts hereinbefore specified or referred to in this section 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 section 4A of **“ The Commissions of Inquiry Acts, 1950 to 1954.”*

* 15 G. 6 No. 2 and amending Acts.

† 16 G. 5 No. 30 and amending Acts.

‡ 1 Eliz. 2 No. 34.

§ 15 G. 6 No. 33 and amending Act.

|| 6 G. 5 No. 25 and amending Acts.

¶ 1 G. 5 No. 24 and amending Acts.

** 10 G. 6 No. 47 and amending Acts.

†† 13 G. 6 No. 26 and amending Acts.

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(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 his duties.

(5.) Any principal 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 member of the Police Force 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.

5. In this Act, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say :—

- “ Body ”—Includes any portion of a human body ;
- “ Coroner ”—Includes a deputy coroner ;
- “ Inquest ”—Any inquest, including any reopened inquest, under this Act: The term also includes an inquiry pursuant to section ten of this Act ;
- “ Justices Acts ”—*“ *The Justices Acts, 1886 to 1956* ” ;
- “ Minister ”—The Minister of the Crown for the time being administering this Act ;
- “ Medical practitioner ”—A medical practitioner or a specialist within the meaning of section four of †“ *The Medical Acts, 1939 to 1958* ” ;
- “ Newspaper ”—A newspaper within the meaning of section five of ‡“ *The Printers and Newspapers Act of 1953* ” ;
- “ Prison ”—A prison within the meaning of section five of §“ *The Prisons Acts, 1890 to 1945* ” ;

* 50 V. No. 17 and amending Acts.

† 3 G. 6 No. 10 and amending Acts.

‡ 2 Eliz. 2 No. 8.

§ 54 V. No. 17 and amending Act.

Still-born
child.
1 & 2 Eliz.
II. c. 20,
s. 41.

“ Still-born child ”—A child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life ;

Under
Secretary.

“ Under Secretary ”—Under Secretary of the Department of Justice.

Coroners
ex officio.
Cf. Q. Act,
s. 4 (1).
S.A. Act,
s. 7.

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

(i.) Stipendiary magistrate or acting stipendiary magistrate ; or

(ii.) (Being also a justice of the peace and an officer of the public service of Queensland as defined by **The Public Service Acts, 1922 to 1958*”), clerk of petty sessions or acting clerk of petty sessions,

shall, by virtue of his office and without further appointment or other authority and while he holds or occupies or performs the duties of that office, be a coroner :

Provided that 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 petty sessions or an acting clerk of petty sessions 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 petty sessions or acting clerk of petty sessions, as the case may be, shall not act as coroner.

Appoint-
ment of
coroners.
Cf. Q. Act,
s. 4 (2).
N.Z. Act,
s. 2 (1).

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

(b) 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.

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

(d) Every notification published in the *Gazette* under this subsection 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. Jurisdiction of coroner. Cf. Q. Act, s. 5. N. Z. Act, s. 2 (1).

(4.) (a) A coroner (other than a deputy coroner) may appoint at any time and from time to time by writing under his 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 his deputy or deputies and may revoke any such appointment in like manner at any time. The appointment of a deputy may be limited to a particular purpose or for a fixed time. Deputy coroner. Cf. Imp. Act, 1892, s. 1.

(b) A copy of every such appointment or revocation shall be sent forthwith to the Under Secretary and be kept among the records of his department. The Minister may, by writing under his hand, revoke any such appointment at any time.

(c) For the purposes of and subject to his 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 he is, and the provisions of this Act shall, with and subject to all necessary adaptations, apply accordingly.

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 he is, is present except at the direction of that coroner.

(d) 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.

(e) 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.

(f) 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.) (a) 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 he is.

(b) 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.

(c) 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 him in the execution of his office or appointment.

Cf. Imp.
Act, s. 17.

Functions and Powers of Coroners.

Inquiries by
coroners.

Cf. Q. Act,
s. 5.

N.Z. Act,
s. 5.

S.A. Act,
s. 10.

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 he is informed that the person is dead and—

(a) In his 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 the subparagraphs following);
- (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;

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- (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 three months immediately prior to his death ;
- (viii.) Has died within a year and a day from the date of any incident where the cause of the death is directly attributable to such incident and where, if the death had occurred immediately thereafter, the death would have concerned the coroner ; or
- (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 mental hospital ; or

(c) In his opinion the person has died within the State in such a place as to require that inquiry ; or

(d) The Minister has directed him 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) :

Provided that a coroner shall not inquire or hold an inquest into the death of—

(i.) Any prisoner who dies in any prison of which he is the visiting justice ; or

(ii.) Any patient who dies in any mental hospital to which he is an official visitor.

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

(3.) 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

Extent of jurisdiction.
Cf. S.A. Act,
s. 1a.

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.

(4.) (a) If as the result of a *post-mortem* examination, or otherwise as the result of his inquiry the coroner is of the opinion that—

(i.) There is reasonable cause to suspect that the person—

(a) Has died either a violent or an unnatural death ; or

(b) Has died a sudden death of which the cause is unknown ; or

(ii.) The person has died within the State—

(a) While detained in any prison or mental hospital ; or

(b) In such a place as to require an inquest to be held ; or

(iii.) 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 paragraphs (a) and (b) of subparagraph (i.), or in paragraph (a) of subparagraph (ii.), of this paragraph, it is decided, pursuant to section sixteen of this Act, that the holding of an inquest is unnecessary.

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

Cf. Q. Act,
s. 6D.

(c) The Commissioner of Police or an Inspector of Police or a person authorised by this subsection may, at any time, request the coroner to hold an inquest into the death of a person in any of the circumstances specified in paragraph (a) of subsection one of this section, but before so doing the coroner may require a statement in writing of the grounds for such request.

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

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(d) 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.

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 man or beast has been lost or endangered—

Inquest
into fires.
Cf. Q. Act,
s. 7.
S. A. Act,
s. 10 (2).

- (i.) If he is of opinion that the inquest should be held; or
- (ii.) If the Minister directs him to hold the inquest; or
- (iii.) 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 twenty-five pounds 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 one of this section. 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.

9. Where a coroner has reason to believe that a death has occurred in such circumstances that an inquest into the death ought to be held and, because the body has been destroyed or cannot be recovered, the inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Under Secretary, and the Minister may, if he considers it desirable so to do, direct the inquest to be held, and the

Inquest
where body
destroyed or
irrecover-
able.
Cf. Imp.
Act, 1926,
s. 18.
N.Z. Act,
s. 8.

inquest 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, with and subject to all necessary adaptations, apply to every such inquest.

Inquiries
respecting
missing
persons.
Cf. Q. Act,
s. 6c (1), (7).

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 twelve months next succeeding the date of such report, found such missing person or the body of such missing person, a coroner shall, if—

(i.) He is of the opinion that such an inquiry ought to be held; or

(ii.) The Minister directs him to hold such an inquiry; or

(iii.) A person authorised in that behalf by this section requests him 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 Police, or an Inspector of Police, or the husband or wife, father, mother, sister, brother, son, daughter, or guardian of the missing person concerned.

Medical Certificates.

Medical
certificates.
Cf. Q. Act,
s. 5 (3).

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 him under this Act) in relation to any death which has occurred or which in his opinion has occurred

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in any of the circumstances specified in subparagraphs (i.) to (v.), both inclusive, and subparagraph (vii.) of paragraph (a), or in paragraph (b), of subsection one of section seven of this Act.

Penalty : Two hundred pounds.

Notification of Deaths.

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 subparagraphs (i.) to (viii.), both inclusive, of paragraph (a), or in paragraph (b), of subsection one of section seven of this Act to report forthwith the death to the member of the Police Force in charge of the nearest police station who shall thereupon report the death to a coroner.

Duty to notify discovery of dead body.
Cf. Imp. Act (1926), s. 18.
N.Z. Act, s. 5 (4).
S.A. Act, s. 28.

Every person who fails to discharge the duty imposed upon him by this subsection commits an offence against this Act.

Penalty : Fifty pounds.

Provided that a person shall not be convicted of such an offence if the Court is satisfied that he 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 thirteen of this Act 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.

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.

Medical practitioner to notify coroner.
Cf. N.Z. Act, 1951, No. 22, s. 25 (4).

Penalty : Two hundred pounds.

(2.) The provisions of section twelve of this Act 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 him to inquire or hold an inquest into a death.

Duty of Coroner upon Notification.

Duty of coroner to act.

14. (1.) It shall be the duty of the coroner to whom the death of any person in any of the circumstances specified in subsection one of section seven of this Act is reported to act as the coroner in relation to that death unless he is credibly informed that another coroner is cognizant of that matter and is proceeding to inquire thereinto.

Any coroner may act.

(2.) On the death of any person in any of the circumstances specified in subsection one of section seven of this Act 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 him pursuant to this Act.

Minister may direct coroner to act.

(3.) When a direction to hold or to re-open 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 re-open 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.

Where no inquests are held.

Fact of no inquest within twelve months to be reported. Cf. Q. Act, s. 5 (2).

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 he has not commenced, before the expiration of twelve months from the date of death or before the expiration of twelve 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 sixteen of this Act that the holding of an inquest is unnecessary, forthwith upon the expiration of that time report in writing to the Under Secretary that fact, and shall furnish to and upon and in accordance with the request of the Under Secretary such information and documents within his knowledge or in his possession and such reports in relation to the death as the Under Secretary may from time to time require.

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16. (1.) (a) Subject to the provisions of paragraph (a) of subsection four of section seven of this Act, where the coroner as a result of his 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—

Inquest need not be held in certain circumstances.
 Cf. Imp. Act (1926), s. 21.
 Q. Act, s. 5 (2A).
 N.Z. Act, s. 6.
 S.A. Act, s. 11.

- (i.) 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
- (ii.) That no good purpose will be served by the holding of an inquest,

then, in the case set forth in subparagraph (i.) aforesaid, he may decide, and in the case set forth in subparagraph (ii.) aforesaid, he may recommend to and for the decision of the Under Secretary, that the holding of an inquest is unnecessary.

(b) Upon receipt from a coroner of a recommendation made under paragraph (a) of this subsection, the Under Secretary may decide, with or without further inquiry for that purpose, that the holding of an inquest is unnecessary.

Notification of the Under Secretary's decision that the holding of an inquest is unnecessary shall be sent to the Commissioner of Police.

(2.) (a) If, under this section, a coroner decides that the holding of an inquest is unnecessary he shall, in the prescribed form or a form to in the like effect, forthwith notify the Under Secretary of his decision and forward a copy of such notification to the Commissioner of Police.

(b) A recommendation under this section by a coroner to and for the decision of the Under Secretary that the holding of an inquest is unnecessary shall be in the prescribed form or a form to the like effect.

(3.) There shall be forwarded with each notification or recommendation under this section by a coroner to the Under Secretary 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 a 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 him.

(5.) Notwithstanding that the coroner or the Under Secretary 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.

Exhumations.

Exhumations.
Cf. Q. Act,
s. 11 (1).
S.A. Act,
s. 15.

17. 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 subsection one of section seven of this Act, 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 he 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.

In every such case it shall not be necessary to obtain any license as required by section thirty-eight of the "*Cemetery Act 1865.*"

Post-mortem Examinations.

Post-mortem
examina-
tions may be
ordered.
Cf. Imp. Act
(1926), s. 22.
Q. Act,
s. 11 (1).
Q. Med. Act,
s. 51.
N.Z. Act,
s. 10.
S.A. Act,
s. 25.

18. (1.) For the purpose of—

- (i.) An inquiry or inquest under this Act into the death of any person ; or
- (ii.) In an appropriate case, determining whether a body is that of a still-born child,

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 him in writing.

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(2.) Without limiting the provisions of section seventeen of this Act or of subsection one 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 him 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 his death or during his last illness.

(5.) (a) Any medical practitioner who attended professionally the deceased person at or immediately prior to his death or during his 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 firstnamed medical practitioner of his 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.

(b) Where a person states upon oath before the coroner that in his 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 he so desires, to be represented at such *post-mortem* examination.

Cf. N.Z. Act,
s. 9.
S.A. Act,
s. 24.

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

(i.) To attend the *post-mortem* examination ; or

(ii.) 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.

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

(7.) Upon application being made to him the coroner may permit any person, other than a medical practitioner who attended professionally the deceased person at or immediately prior to his death or during his 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 usual place of residence in sufficient time for him to obey the same, and he fails to obey the same, he commits an offence against this Act unless at the hearing of the case he shows to the satisfaction of the Court a good and sufficient excuse for such failure.

Penalty : One hundred pounds.

In any proceedings under this subsection, 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, he may order accordingly.

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(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 he has acted in pursuance of an agreement with Her Majesty to perform such examinations and make reports thereof, in which event he is entitled to such allowance or allowances by way of remuneration and expenses as have been stipulated in the agreement.

Removal and Disposal of Bodies.

19. (1.) For the purposes of this Act the coroner may give such directions as he 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.

Removal of bodies for *post-mortem* examination.
Cf. Imp. Act (1926), s. 24.

S.A. Act, s. 11.

N.Z. Act, s. 10 (5).

(2.) (a) 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 member of the Police Force to whom it is directed or any other member of the Police Force 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.

Cf. Q. Act, s. 11 (2).
S.A. Act, s. 25a.

(b) The member of the Police Force to whom the warrant is directed or any other member of the Police Force may, at any time of the day or night, with such assistants as he 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 he 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 member of the Police Force acting in the discharge of his duty under this section, or who fails to comply with any direction given pursuant to subsection one of this

section, or who does any act to hinder or prevent any such direction being complied with commits an offence against this Act.

Penalty: Five hundred pounds or imprisonment for six months.

(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.

Penalty: Five hundred pounds or imprisonment for six months.

Order for removal of bodies out of State.
Cf. Imp. Act (1926), s. 24.
S.A. Act, s. 15a.

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 of the Commonwealth, he 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.
Cf. Q. Med. Act, s. 52.
N.Z. Act, 1951, No. 22, s. 26.

21. (1.) (a) 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—

- (i.) 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
- (ii.) A certificate of the Registrar-General or a district registrar or an assistant district registrar issued pursuant to section twenty-nine of **The Registration of Births Deaths and Marriages Act of 1855* (as subsequently amended); or

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- (iii.) 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
- (iv.) In an appropriate case, a coroner's order under section twenty of this Act.

(b) No person (whether the undertaker or other person having charge of the funeral or removal or not) shall bury the body of any still-born child, 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 still-born child obtained prior to and is able to produce at the burial, removal, or other disposal either—

- (i.) 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 and Masseurs Registration Acts, 1928 to 1948,"* who was in attendance at the birth or who has examined the body of the child ; or
- (ii.) 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 still-born child, 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 one of this section shall immediately notify the member of the Police Force 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.

* 19 G. 5 No. 10 and amending Acts.

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

Penalty: Five hundred pounds or imprisonment for six months.

(5.) No person shall be convicted of an offence against any of the foregoing provisions of this section if he satisfies the Court—

(i.) That a certificate or order as required by those provisions 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 inability to so produce the same; or

(ii.) 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 coroners' 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 still-born child, that the child was not born alive.

(6.) Any coroner, or any member of the Police Force, 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 one of this section to be able to produce a certificate or order, to require the production to him by that person of such a certificate or order as under the aforesaid 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.

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(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.

22. (1.) Where the coroner by order in writing under his 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 his certificate for the cremation of such body.

No cremation when *post-mortem* examination directed. Cf. Reg. 8 (c) Imp. S.R. and O. 1930, No. 1016.

Penalty: Five hundred pounds or imprisonment for six months.

(2.) This section shall be in addition to and not in substitution for or in diminution of **“The Cremation Acts, 1913 to 1958,”* or any other provision of this Act.

23. (1.) A coroner, by writing under his hand and in the prescribed form or a form to the like effect, 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 still-born child.

Coroner may order burial of body. Cf. N.Z. Act, s. 11. S.A. Act, s. 30a.

Such an order may authorise the removal of the body for burial outside the State.

(2.) A coroner, by writing under his hand and in the prescribed form or a form to the like effect, 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 still-born child.

Cremation certificate. Cf. Imp. Reg. S.R. and O. 1930, No. 1016.

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 one of this section before being informed that the body is to be cremated, he shall (and is hereby authorised to) withdraw and cancel such burial order before issuing a certificate for the cremation of the body.

* 4 G. 5 No. 16 and amending Acts.

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7 ELIZ. II. No. 32,

Cf. Imp. Act
(1926), s. 14.

(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 Acts, 1913 to 1958."*

Inquests.

Scope of
inquest on
death.
Cf. N.Z.
Act, s. 12,
1 & 2 Eliz.
II. c. 30,
s. 23.
Imp.
Coroners
Rules, 1953.

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

- (i.) The fact that a person has died ;
- (ii.) The identity of the deceased person ;
- (iii.) When, where, and how the death occurred ;
- (iv.) The persons, if any, to be charged with wilful murder, murder, manslaughter, or any offence set forth in section three hundred and eleven of †*"The Criminal Code."*

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 subsection seven of section twenty-eight of ‡*"The Registration of Births Deaths and Marriages Act of 1855"* (as subsequently amended) to be contained in the certificate in that subsection referred to.

Inquest to
be before
coroner
alone.

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

Cf. Imp. Act
(1926), s. 13.

Q. Act, s. 8.
N.Z. Act,
s. 13.

S.A. Act,
s. 17.

Place of
holding
inquiry.
Cf. S.A. Act,
s. 29.

(2.) (a) Inquests shall, wherever possible and convenient, be held at court houses, police stations, or other buildings the property of the Crown.

* 4 G. 5, No. 16 and amending Acts.

† 63 V. No. 9, Sch. I. and amending Acts.

‡ 19 V. No. 34.

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(b) Nothing in this subsection 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.

Cf. N.Z. Act,
s. 31.
S.A. Act,
s. 14.

26. Where two or more persons have died in any of the circumstances specified in subsection one of section seven of this Act and the deaths appear to have been caused by the same incident, the coroner may, if he deems fit, and shall if the Minister so directs, hold the inquests into the deaths concurrently.

Inquest where several deaths arise from one incident.
Cf. Imp Act,
1926, s. 17

27. 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 him :

Inquest may be completed by a coroner other than coroner who commenced inquest.
Cf. N.Z. Act,
s. 23.

Provided that 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.

28. (1.) Where under this Act a coroner inquires or holds an inquest into any death it shall not be necessary for him to view the body in respect of which the inquiry or inquest is concerned :

View of body.
Cf. Imp. Act
(1926), s. 14.

Provided that, but subject to the provisions of sections nine and ten of this Act, 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.

Q. Act,
ss. 9, 10.
N.Z. Act,
s. 15.
S.A. Act,
s. 16.

(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.
Cf. N.Z. Act,
s. 14.

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 he 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 his death or during his 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.
Cf. Q. Act,
s. 13 (5).

(4.) (a) The coroner may, by writing under his hand, summon any person whose evidence he 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 him to produce then and there at the inquest any books, documents, or other writings or any other thing whatever in his custody or control which he is required by the summons to produce.

Arrest of
witness
failing to
attend.

(b) If any person served with a summons to attend an inquest as a witness fails to attend the inquest in obedience to his 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 his apprehension.

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

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(d) A warrant issued under this subsection may be executed by any member of the Police Force, 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.

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

(5.) A witness in any inquest (whether or not he has already given any evidence in that inquest) may be bound by recognizance, with or without a surety or sureties at the coroner's discretion, conditioned for his appearance at the times and places to which the inquest is adjourned from time to time until he is released by the coroner from further attendance, or for his appearance at the inquest at a time and place named in the recognizance.

The provisions of the Justices Acts relating to the recognizances of witnesses, sureties, the forfeiture and enforcement of such recognizances, warrants of apprehension on the non-appearance of witnesses bound by recognizance, and witnesses so bound shall, with and subject to all necessary adaptations thereof, apply with respect to such recognizances, witnesses, sureties, and warrants and for this purpose and where necessary a recognizance under this subsection shall be deemed to be a recognizance entered into under those Acts before a justice.

30. (1.) Each Coroner's Court shall be a Court of Court of Record. Record.

(2.) (a) Subject to the provisions of this subsection Hearing in public. the room or other place in which an inquest is held Cf. Q. Act, s. 13 (2), (4). shall be open to all members of the public so far as N.Z. Act, s. 16 (1). the same can conveniently contain them.

(b) If the coroner considers it desirable in the Power of exclusion. interests of public morality, he may exclude all or any Cf. N.Z. Act, s. 16 (1). persons from the room or other place in which he is holding the inquest during the whole or any part of the proceedings, or he 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 he may exercise that power of exclusion in addition to exercising that power of prohibition :

Provided that the coroner's power of exclusion under this subsection shall not be exercised for the purpose of excluding from the room or other place in which he is holding the inquest any counsel or solicitor appearing before him or any representative of any newspaper.

Exclusion
of witness.
Cf. Q. Act,
s. 13 (3).
N.Z. Act,
s. 16 (2).

(3.) 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.

Inquests
where death
self-inflicted.
Cf. N.Z. Act,
s. 21.

(4.) (a) Without derogating from the provisions of subsection two of this section 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, he may make an order prohibiting the publication in any newspaper of any report of any of the proceedings of the inquest unless and until he otherwise orders.

(b) 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 :

Provided that 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 any provision of this subsection.

Appearances.
Cf. Q. Act
s. 13 (3).
N.Z. Act,
s. 17 (2).
S.A. Act,
s. 18.

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.

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(2.) At any inquest the person assisting the coroner, whether a member of the Police Force or not, may examine and cross-examine witnesses.

32. (1.) Unless the coroner holding the inquest otherwise determines, a witness shall be subjected firstly to examination by the member of the Police Force 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 member of the Police Force or other person assisting the coroner, and lastly to re-examination by his representative (if any). Examination of witnesses.

(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 his evidence.

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 Acts. Protection of witnesses and counsel. Cf. N.Z. Act, s. 28.

(2.) Without limiting the generality of subsection one of this section and except upon an inquiry under section ten of this Act, 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. Nemo tenetur se ipsum accusare and compellability of spouse to give certain evidence. Cf. Q. Act, s. 15 (2).

34. (1.) In any inquest the coroner may admit any evidence that he 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 his opinion the evidence is necessary for the purpose of establishing or assisting to establish any of the matters within the scope of such inquest : Admission of evidence. Cf. N.Z. Act, s. 17 (4).

Provided further, but so that in every death inquest every medical witness may be asked to give evidence as to how in his opinion the deceased came to his 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.

Cf. Imp. Act,
1926,
s. 22 (2).

(2.) Without limiting the provisions of subsection one of this section 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 his opinion upon any matter arising out of the examination, and as to how in his opinion the deceased came to his death.

Cf. Q. Act,
s. 12.

(3.) The coroner holding an inquest into a death shall, if in his 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.

Cf. Q. Act,
s. 6C (2).

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

Cf. Q. Act,
s. 6C (6).

(5.) A statement or disclosure made by any witness at an inquiry under section ten of this Act in answer to any question put to him by or before the coroner shall not (except in proceedings in respect of contempt of a Coroner's Court or of an offence against section one hundred and twenty-three, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, and one hundred and thirty respectively of **The Criminal Code**) be admissible in evidence against him in any civil or criminal proceedings.

* 63 V. No. 9, Sch. I. and amending Acts.

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35. (1.) At every inquest the coroner shall, unless in his 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 he thinks it expedient to examine or have examined, but the admissibility of their evidence shall be subject to the provisions of section thirty-four of this Act.

Coroner to examine witnesses on oath.

Cf. Q. Act, s. 6 (1) (a).

N.Z. Act, s. 17 (1).

S.A. Act, s. 19 (a), 20.

The provisions of **"The Oaths Acts, 1867 to 1924,"* with and subject to all necessary adaptations shall apply to each and every oath administered under this Act.

(2.) At every inquest the coroner shall put or cause to be put into writing the evidence admitted by him 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.

Depositions.

Cf. Q. Act, s. 6A (1), (2).

N.Z. Act, s. 17 (5).

†*"The Shorthand Reporters in Courts of Summary Jurisdiction Act of 1915,"* shall, with and subject to all necessary adaptations thereof, extend to Coroners' Courts and for this purpose a Coroner's Court shall be a court of summary jurisdiction within the meaning of that Act.

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 :

Adjournments.

Cf. Q. Act, s. 14.

Provided that 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.

The provisions of section twenty-nine of this Act 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

* 31 V. No. 12 and amending Acts.

† 6 G. 5 No. 26.

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 he 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 him 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 powers under this section, or under any other provision of this Act, commits an offence against this Act.

Penalty: Two hundred pounds or imprisonment for six months.

Penalty on
witnesses
neglecting
to attend.

Cf. Q. Act,
s. 15.

N.Z. Act,
s. 19.

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 his absence a penalty not exceeding fifty pounds.

The coroner may also issue his warrant as hereinbefore provided to bring and have such person, at the time and place to be therein mentioned, before him to give evidence and be examined.

A penalty imposed under this subsection on a person in his absence shall not be enforced if, at any time within seven 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 his failure.

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(2.) 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—

Witness not answering.
Cf. Q. Act,
s. 15 (1).

- (i.) 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 him by the coroner or allowed by the coroner to be put to him ; or
- (ii.) (Having been served with a summons requiring him 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 fifty pounds.

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

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 fourteen days, unless in the meantime he 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.

39. Every person who—

- (i.) Wilfully insults a coroner while holding an inquest ; or
- (ii.) Misbehaves himself before a coroner holding an inquest ; or
- (iii.) Wilfully interrupts the proceedings of an inquest ; or
- (iv.) Unlawfully obstructs or assaults any person in attendance at an inquest ; or

Further offences.
Cf. Q. Act,
s. 15 (3).

(v.) 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 he is so excluded or not, be summarily punished by the coroner, and shall be liable to a penalty not exceeding fifty pounds.

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

Addresses.
Imp.
Coroner's
Rules, 1953,
r. 31.

40. 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.

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.
Cf. Imp.
Act (1926),
s. 25.
Imp. Act,
s. 5.
Q. Act,
s. 6B.

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 his trial—

- (i.) Where a death has occurred, for wilful murder, murder, manslaughter, or any offence set forth in section three hundred and eleven of **The Criminal Code**; or
- (ii.) Where a fire has occurred, for any offence punishable on indictment in connection with the fire; or
- (iii.) (In the case of an inquiry under section ten of this Act), for any offence punishable on indictment in connection with the disappearance of the missing person,

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

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Provided that 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.) Where a coroner commits any person for trial, the coroner shall have the like powers, authorities, and duties in relation thereto, including *inter alia* the granting of bail and the binding of witnesses by recognizances, as are had by justices if the committal were by justices and the provisions of the Justices Acts, and in particular sections one hundred and three to one hundred and twenty-five thereof shall, with and subject to all necessary adaptations, apply accordingly. Cf. S.A. Act, s. 22.

(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 section seven hundred and five of **The Criminal Code* shall, with and subject to all necessary adaptations, apply accordingly. Copy of depositions. Cf. Q. Act, s. 68 (4).

(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 Acts, particularly section one hundred and eleven of those Acts shall, so far as necessary and with and subject to all necessary adaptations, apply accordingly. Cf. Q. Act, s. 6A (3).

(5.) Nothing in this section shall prejudice or otherwise affect the provisions of the Justices Acts 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 one of this section, without the prior holding of an inquest, or in the event of an inquest being Saving of Justices Acts and Criminal Code.

* 63 Vic. No. 9, Sch. I., and amending Acts.

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.

Cf. Imp. Act (1926), s. 20.
N.Z. Act, s. 20.

S.A. Act, s. 20A.

42. (1.) If after the commencement of any inquest, the coroner is informed before he has given his 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—

- (i.) 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 Under Secretary the adjournment of the inquest and the cause thereof;
- (ii.) If after the conclusion of the proceedings in respect of the offence he considers that there is sufficient cause to resume the inquest, shall by notice to such persons as he deems proper fix a time for such resumption and continue the inquest and give a finding;
- (iii.) If after the conclusion of the proceedings in respect of the offence he considers that there is not sufficient cause to resume the inquest, shall close the inquest and shall report to the Under Secretary 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 the expression "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

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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.

Findings and Inquisitions.

43. (1.) After considering all the evidence before him at the inquest the coroner shall give his finding in open court. Finding of coroner.

(2.) Where the inquest concerns the death of any person, the finding shall set forth— Cf. Q. Act, s. 6 (1) (b).
N.Z. Act, s. 24 (1).
S.A. Act, s. 19 (b).

(a) So far as has been proved—

(i.) Who the deceased was ;

(ii.) When, where, and how the deceased came by his death ; and

(b) The persons, if any, committed for trial.

(3.) Where the inquest concerns a fire, the finding shall set forth— Cf. Q. Act, s. 7 (4).
S.A. Act, s. 20 (2).

(i.) So far as has been proved the cause and origin of the fire ; and

(ii.) The persons, if any, committed for trial.

(4.) Where the inquiry concerns a missing person the finding shall set forth— Cf. Q. Act, s. 6c (5).

(a) So far as has been proved—

(i.) The cause and circumstances of the disappearance of such missing person ;

(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. 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. Cf. Imp. Coroner's Rules, 1953.

(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.

Cf. Q. Act,
ss. 6 (1) (b),
6c (5),
7 (4).

44. (1.) After giving his finding, the coroner shall forthwith certify it in writing by an inquisition, called the "coroner's inquisition," in the prescribed form or a form to the like effect 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 Police.

(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.

Depositions to be forwarded to Under Secretary.

Coroner to forward depositions to Under Secretary.
Cf. Q. Act,
s. 6A (4).
N.Z. Act,
s. 24 (2).

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 and recognizances to the Under Secretary 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.

*Verdicts *felo de se*.***Verdicts of *felo de se*.**

S.A. Act,
s. 23.

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 his 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 :

Provided that nothing herein shall derogate from or otherwise affect the provisions of section twenty-three of this Act or the powers and authorities of a coroner under that section in such a case.

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*Coroners Act.**Re-opening of Inquests.*

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

Inquests
may be
re-opened.
Cf. Q. Act,
s. 6D.
N.Z. Act,
s. 27.

(2.) Where any inquest has been concluded the Commissioner of Police or an Inspector of Police or a person authorised in that behalf by this section may request the coroner who held the inquest to re-open the inquest but before so doing the coroner may require a statement in writing of the grounds for such request.

If the coroner is of the opinion that such grounds do not warrant the re-opening of the inquest, he may refuse to re-open it, but in that event he shall notify the Under Secretary 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 two of this section or upon his own volition he is of opinion that such inquest ought to be re-opened may,

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

(4.) At the conclusion of the re-opened inquest the coroner shall give his finding in the manner provided by section forty-three of this Act and certify it by the coroner's inquisition in the manner provided by section forty-four of this Act and such finding 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 re-open an inquest shall be the husband or wife, father, mother, sister, brother, son, daughter, or guardian of the deceased person or missing person concerned.

General Powers of Coroner.

General powers of coroner.
 Cf. Q. Act. s. 13 (1).
 N.Z. Act, s. 4 (2).
 S.A. Act, ss. 12, 22.

48. Except so far as they are varied by or are inconsistent with this Act, a coroner shall, in the exercise of his office as coroner, have all the powers, authorities, protection, and immunities, so far as applicable, conferred upon justices by the Justices Acts as well as all the powers, authorities, and jurisdiction that belong by the common law to the office of a coroner in England.

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

Exhibits.

Custody of exhibits.
 Cf. Imp. Coroner's Rules, 1953, rr. 37, 43 (1).

49. (1.) Every exhibit in an inquest (save such exhibits as may have been forwarded to the Under Secretary 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 his custody or possession as a result of any inquiry or proceeding by or before him under this Act and which is not tendered as an exhibit at an inquest as he 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 Under Secretary, a coroner, a clerk of petty sessions, a member of the Police Force 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 Under Secretary, a clerk of petty sessions, a member of the Police Force, any other person in whose custody or possession the property is detained, or a claimant of the property, or on his own motion, and on the expiration

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of the time specified in subsection one of this section, 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 :

Provided that 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 :

Provided further that such action shall be brought within six months after the order is made.

Miscellaneous.

50. It shall be the duty of all members of the Police Force 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.

Police to assist.

Cf. N.Z. Act, s. 25.

Without limiting the foregoing provisions or any other provision of this Act, it shall be the duty of a member of the Police Force 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 him.

51. (1.) The powers conferred upon justices by the Justices Acts 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

Enforcement of and appeals against summary punishments imposed under this Act.

Cf. Q. Act. s. 17.

S.A. Act, s. 27.

and may be exercised by a coroner in respect of the summary punishment by him 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 Acts as if that punishment were a penalty imposed upon conviction for an offence by justices sitting as a court of petty sessions, and for the purposes of the enforcement as aforesaid of that punishment the coroner who imposed it may—

- (i.) Draw up under his hand an order in or to the effect of the form in which a conviction or order by justices sitting as a court of petty sessions is drawn up under the Justices Acts ;
- (ii.) Make and sign all such other instruments under, and in or to the effect of the respective forms prescribed by, the Justices Acts 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 court of petty sessions ; and
- (iii.) Cause to be filed in the office of a clerk of petty sessions at a place for holding courts of petty sessions the order referred to in paragraph (i.) of this subsection and any instrument or instruments referred to in paragraph (ii.) of this subsection drawn up or made and signed by him.

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

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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 he is not obliged to answer and has ordered shall not be published,

commits an offence against this Act.

Penalty : Two hundred pounds or imprisonment for one month.

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 Acts 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 one hundred pounds.

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

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.

55. The provisions of the Justices Acts 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

Penalty for unlawful publication of proceedings.

Cf. N.Z. Act, s. 29.

Summary proceedings.

Evidence of order.

Service of summonses and execution of warrant.

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.

Service.

56. 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 his 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.

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

Witnesses'
expenses.
Cf. Q. Act,
s. 16.

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 he is necessarily absent from his 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 his 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.

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58. The coroner shall keep a register in the prescribed form of all deaths in relation to which he is by this Act concerned and of which he is informed containing, in relation to every such death, particulars of the date on which the death was reported or otherwise brought to his 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.

Register of deaths.

59. Without derogating from the provisions of subsection four of section forty-one of this Act, 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 for the same at such rate per folio of seventy-two words as may be prescribed, to be supplied with a copy thereof:

Copies of depositions.

Provided that nothing in this section shall entitle—

- (i.) Any person to be supplied with, or with a copy of, any report made by the coroner to the Minister or Under Secretary; or
- (ii.) 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.

60. (1.) The Governor in Council may from time to time make rules, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, without limiting the generality of the foregoing provisions of this subsection, in particular—

Rules.
Cf. Imp. Act (1926), s. 26.
Q. Act, s. 18.
N.Z. Act, s. 9.

- (i.) 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 ;

- (ii.) 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) ;
- (iii.) 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 ;
- (iv.) Prescribing forms under this Act and the respective purposes for which such forms or forms to like effect shall be used ;
- (v.) 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 ;
- (vi.) 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 may be made under this Act at any time after the passing hereof.

Publication
of rules, &c.

61. (1.) Every rule made under this Act shall—

- (i.) Be published in the *Gazette* ;
- (ii.) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;

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- (iii.) Take effect from the date of such publication, unless, in the case of any such rule, a later date is specified in that or any other rule for its commencement when in such event it shall take effect from that later date ; and
- (iv.) Be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2.) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such rule has been laid before it disallowing such rule or part thereof, that rule or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further rule.

Section 3 (1).

FIRST SCHEDULE.

Table A.

Year and Number of Act.	Short Title.	Extent of Repeal.
21 Geo. V. No. 17	" <i>The Coroners Act of 1930</i> " ..	The whole Act
3 Geo. VI. No. 10	" <i>The Medical Act of 1939</i> " (as subsequently amended)	The whole of Part VIII.
7 Geo. VI. No. 8	" <i>The Coroners Act Amendment Act of 1943</i> "	The whole Act
11 Geo. VI. No. 34	" <i>The Coroners Acts Amendment Act of 1947</i> "	The whole Act

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Table B.

Year and Number of Act.	Short Title.	Extent of Amendment.
4 Geo. V. No. 16 (as subsequently amended)	"The Cremation Act of 1913" (as subsequently amended)	<p>(i.) Section five is amended—</p> <p>(a) By adding to subsection two the following words and paragraph "or until the coroner's certificate for the cremation of the body of the deceased has been produced to and received by the firstmentioned medical practitioner.</p> <p>A medical practitioner who personally attended the deceased shall not give a certificate for the purposes of this subsection if he is prohibited by "The Coroners Act of 1958" from giving a medical certificate as to the cause of the death in question."</p> <p>(b) By adding to the first paragraph of subsection three the following words "or the coroner's certificate for the cremation of the body of the deceased";</p> <p>(ii.) Section eight is amended by repealing therein the words "or any police magistrate" and by inserting, in lieu of those repealed words, the words "any coroner appointed by or under "The Coroners Act of 1958."</p>
1 Geo. VI. No. 31 (as subsequently amended)	"The Health Act of 1937" (as subsequently amended)	Section seventy-five is amended by repealing therein the words "police magistrate" and by inserting, in lieu thereof, the words "or by the written certificate or order of a coroner".
10 Geo. VI. No. 47 (as subsequently amended)	"The Rural Fires Act of 1946" (as subsequently amended)	Section forty-three is amended by repealing therein the words and figures "The Coroners Acts, 1930 to 1943," and by inserting, in lieu thereof, the words and figures "The Coroners Act of 1958"; by repealing therein the word "Acts" and by inserting, in lieu thereof, the word "Act" where such word twice occurs; also by repealing therein the words "section seven" and by inserting, in lieu thereof, the words "section eight".

SECOND SCHEDULE.

Section 3 (3).

First Column.	Second Column.
"The Cremation Acts, 1913 to 1935" ..	"The Cremation Acts, 1913 to 1958"
"The Health Acts, 1937 to 1955" ..	"The Health Acts, 1937 to 1958"
"The Medical Acts, 1939 to 1955" ..	"The Medical Acts, 1939 to 1958"
"The Rural Fires Acts, 1946 to 1955" ..	"The Rural Fires Acts, 1946 to 1958"