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1988, No. 111

An Act to consolidate and amend the Coroners Act 1951

[28 July 1988]

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

PART I

PRELIMINARY

1. Short Title and commencement—(1) This Act may be cited as the Coroners Act 1988.

(2) This Act shall come into force on the 1st day of January 1989.

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

“Body” means a dead person, and includes—

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

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

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

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

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

“Doctor” means a registered medical practitioner:

“Immediate family”, in relation to any person, includes persons whose relationship to the person is, or is through one or more relationships that are, that of de-facto spouse, step-child, step-parent, step-brother, or step-sister:

“Irrecoverable” means impossible or impracticable to recover:

“New Zealand” includes the Ross Dependency:

“Secretary” means the Secretary for Justice.

Cf. 1951, No. 73, s. 2

3. Act binds the Crown—This Act binds the Crown.

PART II

REPORTING OF DEATHS

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

- (a) Every death that appears to have been—
 - (i) Without known cause; or
 - (ii) Suicide; or
 - (iii) Unnatural or violent.
- (b) Every death in respect of which no doctor has given a certificate under section 25 of the Births and Deaths Registration Act 1951:
- (c) Every death—
 - (i) That occurred while the person concerned was undergoing a medical, surgical, or dental operation or procedure or some similar operation or procedure; or
 - (ii) That appears to have been a result of any such operation or procedure; or
 - (iii) That occurred while the person was affected by an anaesthetic; or
 - (iv) That appears to have been a result of the administration to the person of an anaesthetic:
- (d) The death of any patient detained in an institution pursuant to an order under section 9 of the Alcoholism and Drug Addiction Act 1966:
- (e) The death of any child or young person in an institution or residence established under section 69 of the Children and Young Persons Act 1974:
- (f) The death of any infant placed in a foster-home (within the meaning of section 72 of that Act):
- (g) The death of any special or committed patient (within the meaning of the Mental Health Act 1969) in a hospital:
- (h) The death of any inmate (within the meaning of the Penal Institutions Act 1954):
- (i) The death of any person in the custody of the Police:
- (j) The death of any person in such circumstances that an enactment other than this Act requires the holding of an inquest.

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

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

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

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

(a) In New Zealand; or

(b) On or from—

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

(ii) A New Zealand ship (within the meaning of the Shipping and Seamen Act 1952); or

(iii) An aircraft or ship of the Armed Forces (within the meaning of the Armed Forces Discipline Act 1971),—

shall, as soon as is practicable, report the death to a member of the Police.

(3) A person who believes that a death—

(a) Is already known to the Police; or

(b) Will be reported to a member of the Police,—

is not required to report it to a member of the Police.

(4) A member of the Police—

(a) Who finds a body in New Zealand; or

(b) To whom a report of a death is made under this section,—

shall cause the finding or death concerned to be reported forthwith to the coroner nearest (by the most practicable route) to the presumed place of death or, where the death occurred outside New Zealand and the body is in New Zealand, to the coroner nearest (by the most practicable route) to the place where the body is.

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

(6) Where a death has been reported to a coroner under this section, the Commissioner of Police shall cause to be made all inquiries—

(a) Necessary for the due administration of this Act in relation to the death; or

(b) Directed by the coroner.

Cf. 1951, No. 73, s. 5 (4), (5)

6. Power of Justices where no coroner available—

(1) Where—

(a) The coroner to whom a death is required by this Act to be reported is not available to act; or

(b) The office of coroner in the place where a death is required by this Act to be reported is vacant,—

the death shall be reported to a Justice.

(2) Notwithstanding sections 21 and 22 of this Act, a Justice to whom a death is reported under subsection (1) of this section may—

- (a) Exercise in respect of the death all the powers of a coroner under Part III of this Act:
- (b) Open an inquest in respect of the death:
- (c) Adjourn any such inquest:
- (d) Hear, admit, and record evidence of identification of the person concerned.

Cf. 1951, No. 73, s. 7

PART III

POST-MORTEM EXAMINATIONS

7. Coroner may authorise examination—With the authority of a coroner, a doctor (not being a doctor who, to the coroner's knowledge, attended the person concerned immediately before death) may—

- (a) For the purpose of enabling the coroner to decide whether or not to hold an inquest into the death concerned; or
- (b) Where the coroner—
 - (i) Is to hold an inquest into the death; or
 - (ii) Has opened and not completed an inquest into the death,—

perform a post-mortem examination of the body concerned; and in that case, the doctor shall give the coroner a written report on the results of the examination.

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

8. Decision whether or not to authorise examination—In deciding whether or not to authorise a doctor to perform a post-mortem examination, a coroner shall have regard to the following matters:

- (a) The extent to which the matters required by this Act to be established at inquests—
 - (i) Are not already disclosed in respect of the death concerned by information available directly to the coroner or from information arising from inquiries or examinations the coroner has made or caused to be made; but
 - (ii) Are likely to be disclosed by a post-mortem examination; and

- (b) Whether or not the death appears to have been unnatural; and
- (c) If the death appears to have been unnatural or violent, whether or not it appears to have been due to the actions or inaction of other persons; and
- (d) The existence and extent of any allegations, rumours, suspicions, or public concern about the cause of the death; and
- (e) The desirability of minimising the causing of distress to persons who, by reason of their ethnic origins, social attitudes or customs, or spiritual beliefs, customarily require bodies to be available to family members as soon as is possible after death; and
- (f) The desirability of minimising the causing of offence to persons who, by reason of their ethnic origins, social attitudes or customs, or spiritual beliefs, find the post-mortem examination of bodies offensive; and
- (g) The desire of any member of the immediate family of the person concerned that a post-mortem examination should be performed; and
- (h) Any other matters the coroner thinks relevant.

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

9. Early performance of examination—(1) A coroner who—

- (a) Has authorised a doctor to perform a post-mortem examination of a person's body; and
- (b) Is satisfied that subsection (2) of this section applies to the person or to a member of the person's immediate family,—

shall direct the doctor to perform it forthwith; and in that case the doctor shall do so.

(2) This subsection applies to a person if persons having the ethnic origins, social attitudes or customs, or spiritual beliefs of the person customarily require bodies to be available to family members as soon as is possible after death.

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

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

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

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

11. Family to be notified—(1) A coroner who has authorised a doctor to perform a post-mortem examination shall, as soon as is practicable after doing so, take all reasonable steps to ensure that there is given to a member of the immediate family of the person concerned notice—

- (a) That the performance of an examination has been authorised; and
- (b) Of the coroner's reasons for authorising it; and
- (c) That a copy of the doctor's report can be obtained under subsection (2) of this section.
- (2) Where a coroner—
 - (a) Has authorised a doctor to perform a post-mortem examination of a person's body; and
 - (b) Has possession of the doctor's report,—

any member of the person's family may (without charge), after the expiration of 7 days after the completion of the examination, obtain a copy of the report from the coroner.
- (3) A failure to comply with subsection (1) of this section does not affect the validity of any action.

12. Other inquiries and examinations—A coroner may cause to be made any inquiries or examinations, or commission any reports, (medical or otherwise), the coroner thinks proper—

- (a) For the purpose of deciding whether or not to hold an inquest; or
- (b) Where the coroner is to hold an inquest or has opened and not completed one.

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

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

(2) Subject to subsection (3) of this section, a coroner to whom a death has been reported may at any time, by written notice in the prescribed form signed by the coroner, authorise the disposal of the body concerned; and the body may be disposed of accordingly.

(3) A coroner who decides not to authorise a doctor to perform a post-mortem examination of a body shall not authorise its disposal earlier than 24 hours after notifying a member of the Police of the decision, unless a member of the Police of the rank of Senior Sergeant or above agrees.

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

14. Early release of bodies—Subject to section 13 (3) of this Act, as soon as a coroner is satisfied that it is no longer necessary to withhold a body from family members, the coroner shall forthwith authorise its disposal.

PART IV

INQUESTS

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

(a) Establishing, so far as is possible,—

- (i) That a person has died; and
- (ii) The person's identity; and
- (iii) When and where the person died; and
- (iv) The causes of the death; and
- (v) The circumstances of the death; and

(b) Making any recommendations or comments on the avoidance of circumstances similar to those in which the death occurred, or on the manner in which any persons should act in such circumstances, that, in the opinion of the coroner, may if drawn to public attention reduce the chances of the occurrence of other deaths in such circumstances.

(2) Notwithstanding subsection (1) of this section, but subject to section 28 of this Act, a coroner may in the course of or as part of the findings of an inquest, comment on the conduct, in relation to the circumstances of the death concerned, of any person; but—

- (a) Shall not comment adversely on any dead person without,—
 - (i) Indicating an intention to do so; and
 - (ii) Adjourning the inquest for at least 7 days; and
 - (iii) Notifying every member of the person's immediate family who during the adjournment requests the coroner to do so of the proposed comment; and
 - (iv) Giving every such member a reasonable opportunity to be heard in relation to the proposed comment; and
- (b) Shall not comment adversely on any living person without taking all reasonable steps to notify the person of the proposed comment, and giving the person a reasonable opportunity to be heard in relation to the proposed comment.

Cf. 1951, No. 73, s. 12

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

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

17. Deaths into which inquests must be held—Subject to sections 16 and 18 of this Act, a coroner to whom a death is reported shall hold an inquest into it—

- (a) If it appears to have been—
 - (i) Suicide; or
 - (ii) A death of a kind described in any of paragraphs (d) to (j) of section 4 (1) of this Act; or
- (b) If the coroner is not satisfied that the matters required by this Act to be established at inquests are already adequately disclosed in respect of the death by

information arising from inquiries or examinations the coroner has made or caused to be made.

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

18. Deaths where coroner may decide not to hold inquest—(1) Subject to sections 38 and 40 of this Act, if satisfied that—

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

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

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

(2) Subject to sections 38 and 40 of this Act, if a death occurred outside New Zealand, otherwise than on or from—

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

(b) A New Zealand ship (within the meaning of the Shipping and Seamen Act 1952); or

(c) An aircraft or ship of the Armed Forces (within the meaning of the Armed Forces Discipline Act 1971),—

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

19. Other deaths—Subject to sections 16, 17, 38, and 40 of this Act, the coroner to whom a death is reported shall decide whether or not to hold an inquest into it.

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

(a) Whether or not the causes of the death concerned appear to have been natural; and

(b) In the case of a death that appears to have been unnatural or violent, whether or not it appears to have been due to the actions or inaction of any other person; and

(c) The existence and extent of any allegations, rumours, suspicions, or public concern, about the death; and

(d) The extent to which the drawing of attention to the circumstances of the death may be likely to reduce the chances of the occurrence of other deaths in similar circumstances; and

(e) The desire of any members of the immediate family of the person concerned that an inquest should be held; and

(f) Any other matters the coroner thinks fit.

(2) A coroner who decides not to hold an inquest into a death shall notify the Secretary of the decision, in the prescribed form, which shall—

(a) Contain or have attached to it (as the case requires) the prescribed information; and

(b) Be accompanied by a written statement as to the identity of the person concerned—

(i) Signed by the person making it; and

(ii) Having the signature witnessed by a member of the Police or some other person authorised by the coroner to do so.

(3) A coroner who, after deciding not to hold an inquest, becomes satisfied (whether by reason of information not available at the time of deciding or for any other reason) that it is desirable to hold an inquest into the death concerned, may do so.

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

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

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

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

Cf. 1951, No. 73, s. 13

22. Which coroner to hold inquest—(1) Subject to subsection (2) of this section and to sections 36 and 40 of this Act, every inquest shall be held by the coroner to whom the death concerned was reported.

(2) Where a coroner—

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

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

the coroner may authorise some other coroner to hold it; and, subject to sections 36 and 40 of this Act, the other coroner may then hold it.

23. Date, etc., and notice of inquest—(1) The coroner who is to hold an inquest shall fix a date, time, and place for it,

and shall direct the Commissioner of Police to cause a member of the Police to give notice of the date, time, and place to every person—

- (a) Who has a sufficient interest in the inquest or its outcome; or
 - (b) Whom the coroner has directed to be notified.
- (2) Those to be notified under subsection (1) of this section shall include—
- (a) The immediate relatives of the person concerned; and
 - (b) Any doctor who attended the person—
 - (i) Immediately before death; or
 - (ii) In the case of a person who had been ill before death, during the illness; and
 - (c) Every person whose conduct, in the opinion of the senior member of the Police in the place where the inquest is to be held or the coroner, seems likely to be called into question; and
 - (d) Every life insurance company known by the member of the Police concerned or the coroner to have issued a policy on the person's life; and
 - (e) The Life Offices Association of N.Z. Inc.; and
 - (f) Where the person's death appears to have arisen out of the person's employment,—
 - (i) Any industrial union registered under the Labour Relations Act 1987 of which the person was a member; and
 - (ii) The Secretary of Labour; and
 - (g) Where section 206 of the Mining Act 1971 or section 177 of the Coal Mines Act 1979 or section 71 of the Quarries and Tunnels Act 1982 applies to the death, an Inspector of Mines, Coal Mines, or Tunnels (as the case may be).
- (3) A failure to comply with subsection (1) of this section does not affect the validity of any action.
- (4) Subsection (3) of this section does not limit or affect the effect of section 40 of this Act.

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

24. Viewing of bodies—(1) A coroner shall not conclude an inquest (other than an inquest authorised by the Solicitor-General under section 16 (c) of this Act) unless satisfied that the body concerned—

- (a) Has been viewed in New Zealand; or

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

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

Cf. 1951, No. 73, s. 15

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

(2) A coroner may—

(a) Exclude any persons from the whole or any part of an inquest; or

(b) Prohibit the publication of any evidence given at an inquest or any other part of the proceedings of an inquest,—

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

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

Cf. 1951, No. 73, s. 16

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

(a) Who tenders, in respect of the death concerned, evidence relevant to any of the matters required by section 15 (1) (a) of this Act to be established; or

(b) Whom the coroner thinks it appropriate to examine.

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

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

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

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

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

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

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

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

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

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

Cf. 1951, No. 73, s. 17

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

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

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

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

(2) A coroner or Justice taking evidence under subsection (1) of this section has the same powers in respect of taking it as the coroner holding the inquest concerned, and shall direct notice to be given in accordance with section 23 of this Act.

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

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

Cf. 1951, No. 73, s. 18

28. Procedure where person charged with offence or some other inquiry to be held—(1) Subject to subsection (4) of this section, a coroner to whom a death has been reported

may postpone opening an inquest into the death, open an inquest into the death and then adjourn it, or adjourn an inquest already opened into the death, if the coroner—

(a) Has been informed that some person has been or may be charged with a criminal offence relating to the death or its circumstances; and

(b) Is satisfied that to open or (as the case requires) proceed with the inquest might prejudice the person;—

and in that case the coroner shall not open or proceed with the inquest until criminal proceedings against the person have been finally concluded.

(2) Subsection (1) of this section does not limit or affect the effect of section 31 of the Births and Deaths Registration Act 1951.

(3) Subject to subsection (4) of this section, a coroner to whom a death has been reported may postpone opening an inquest into the death, or adjourn an inquest already opened into it, if satisfied that—

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

(b) Either—

(i) The matters specified in section 15 (1) (a) of this Act are likely to be established in respect of the death at the inquiry; or

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

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

(5) A coroner who has postponed or adjourned an inquest under subsection (3) of this section may open or resume it if satisfied that—

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

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

(i) The matters specified in section 15 (1) (a) of this Act are unlikely to be established in respect of the death at the inquiry; and

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

(6) Notwithstanding section 17 of this Act, a coroner may decide not to open or resume an inquest postponed or adjourned under this section if satisfied that the matters specified in section 15 (1) (a) of this Act have been adequately established in respect of the death concerned in the course of the criminal proceedings or inquiry concerned (whether finally concluded or not).

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

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

29. Publication of details of self-inflicted deaths—(1) If there is reasonable cause to believe that a death that occurred in New Zealand after the commencement of this Act was self-inflicted, without the authority of a Coroner no person shall publish any information relating to the manner in which the death occurred.

(2) Without the authority of a coroner no person shall publish any details of a death that a coroner has found to be self-inflicted, of the circumstances of the death, or of an inquest into the death, other than the name, address, and occupation of the person concerned, and the fact that the coroner has found the death to be self-inflicted.

(3) In this section, “publish” does not include publication by means other than a book, magazine, journal, newsletter, or other similar document, a sound or visual recording, or a newspaper or broadcasting station within the meaning of the Defamation Act 1954.

Cf. 1951, No. 73, s. 21

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

(1) Any person affected by—

(a) A prohibition under section 25 (2) (b) of this Act; or

(b) A refusal to give authority under section 29 of this Act,—
by a coroner who is not a District Court Judge may apply to a District Court Judge for a review of the prohibition or refusal; and the Judge may, in the Judge’s absolute discretion and on any ground the Judge thinks fit,—

(c) In the case of a prohibition, confirm, modify, or revoke it:

(d) In the case of a refusal, confirm it, or issue an authority, either unconditionally or subject to any condition the Judge thinks fit.

(2) Until a District Court Judge reaches a decision on an application under this section, the prohibition or refusal concerned shall continue in effect.

Cf. 1951, No. 73, s. 22

31. Findings of coroner—The coroner holding or completing an inquest shall consider all the evidence admitted at the inquest and, in the light of the matters specified in section 15 (1) (a) of this Act, complete and sign a certificate of findings, in the prescribed form, in relation to the death concerned, and send it to the Secretary, together with—

- (a) All depositions of evidence admitted at the inquest; and
- (b) A certificate of the registration of the death (if applicable); and
- (c) Where the inquest was held pursuant to the authority of the Solicitor-General given under section 16 (c) of this Act, a copy of the Solicitor-General's authority; and
- (d) Any recommendations or comments under section 15 (1) (b) of this Act.

Cf. 1951, No. 73, s. 24

PART V

CORONERS

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

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

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

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

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

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

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

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

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

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

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

(a) A successor is appointed; or

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

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

Cf. 1951, No. 73, s. 2

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

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

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

(a) Issue summonses for the attendance of witnesses:

(b) Issue warrants to enforce such summonses:

(c) Maintain order:

(d) Administer oaths to witnesses:

(e) Punish for contempt:

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

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

(4) The Summary Proceedings Act 1957, so far as it is applicable and with the necessary modifications, applies to the

powers, privileges authorities, and immunities conferred on coroners by this section.

Cf. 1951, No. 73, s. 4

PART VI

MISCELLANEOUS PROVISIONS

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

- (a) A death has been reported under this Act—
 - (i) To a Justice; or
 - (ii) To a coroner who has died, or is unable, by reason of illness, absence, or other sufficient cause, to deal, or deal further, with the report; or
- (b) A coroner authorised under this subsection to deal or deal further with the report of a death has died, or is unable, by reason of illness, absence, or other sufficient cause, to deal, or deal further, with the report,—

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

(2) Where a coroner authorised under this subsection or section 22 (2) or section 40 (4) of this Act to hold an inquest,—

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

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

(3) Where—

- (a) A Justice has opened an inquest under section 6 (2) (b) of this Act; or
- (b) The coroner who opened an inquest, or a coroner authorised under this subsection to complete an inquest, has died or is unable, by reason of illness, absence, or other sufficient cause, to complete it,—

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

Cf. 1951, No. 73, s. 23

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

Cf. 1951, No. 73, s. 25

38. Solicitor-General may require inquest where new facts discovered—(1) If satisfied that since a coroner decided not to hold an inquest into a death new facts have been discovered that make it desirable to hold one, the Solicitor-General may order one to be held; and in that case an inquest shall be held.

(2) If satisfied that since an inquest was completed new facts have been discovered that make it desirable to hold another, the Solicitor-General may order another to be held; and in that case another shall be held.

(3) An order under this section shall be in writing and shall either—

- (a) Specify the coroner who is to hold the inquest, and be served on that coroner; or
- (b) Specify that it is to be held by a coroner (being a coroner who has not previously held an inquest into the death concerned) authorised by the Secretary, and be served on the Secretary, who shall serve it on the coroner authorised;—

and, subject to section 36 of this Act, the inquest shall be held accordingly.

(4) Subsections (1) and (2) of this section are subject to section 16 of this Act.

39. High Court may order post-mortem examination in certain circumstances—(1) The Solicitor-General may apply to the High Court for an order for a post-mortem examination of a body to be performed.

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

- (a) The performance of a post-mortem examination of a body is necessary or desirable for the purposes of this Act; and
- (b) The coroner who might have authorised its performance has failed or refused to do so,—

the High Court may order that a doctor be authorised to perform it; and in that case the Solicitor-General shall authorise a doctor to perform it, and the doctor shall do so.

(3) Notwithstanding section 14 of this Act, where an order has been made under this section—

(a) The Solicitor-General may give any directions the Solicitor-General thinks fit relating to the removal of the body concerned; and

(b) No coroner shall—

(i) Give any directions under section 13 (1) of this Act relating to the removal of the body; or

(ii) Authorise the disposal of the body under section 13 (2) of this Act,—
until the authorised post-mortem examination has been completed.

(4) Sections 9 to 11 of this Act apply to a post-mortem examination ordered to be authorised to be performed under this section as if the Solicitor-General were a coroner who had authorised the doctor concerned to perform it.

40. High Court may order inquest in certain cases—

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

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

(a) An inquest into a death is necessary or desirable; and

(b) The coroner by whom the inquest should be held has failed or refused to hold one;—

the High Court may order one to be held; and in that case an inquest shall be held.

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

(a) One or more inquests have been held into a death; but

(b) Another should be held—

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

(ii) For any other sufficient reason,—

the High Court may order another to be held; and in that case another shall be held.

(4) An order under this section shall specify—

(a) The coroner who is to hold the inquest, or

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

and, subject to section 36 of this Act, the inquest shall be held accordingly.

(5) Subsections (2) and (3) of this section are subject to section 16 of this Act.

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

41. Procedure at inquests ordered under section 38 or section 40—(1) The findings of an inquest held pursuant to section 38 or section 40 of this Act shall replace the findings at every previous inquest held in respect of the death concerned.

(2) Except to the extent that the High Court may have ordered otherwise under section 40 of this Act, all depositions taken at any former inquest into a death shall be deemed to have been taken at an inquest into the death held pursuant to that section or section 38 of this Act.

(3) Except as provided in this section and sections 38 and 40 of this Act, an inquest held pursuant to either of those sections shall be held in the same manner as any other inquest.

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

Cf. 1951, No. 73, s. 28

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

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

- (a) Fails or refuses to comply with a direction under section 13 of this Act; or
- (b) Hinders or prevents any person from complying with such a direction.

(3) Every person commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$5,000 in the case of a body corporate, or \$1,000 in any other case, who publishes or permits to be published any information in contravention of section 29 of this Act, or of a prohibition under section 25 (2) (b) of this Act.

(4) Every person commits an offence against this Act, and is liable to imprisonment for a term not exceeding 7 years, who makes a written statement as to the identity of a person for the purposes of section 20 (2) of this Act—

- (a) Knowing the statement to be false; and
- (b) Intending to mislead persons who might rely upon it.

Cf. 1951, No. 73, s. 29

44. Information held in Department of Justice—

(1) During ordinary office hours, any person may, without charge, inspect and, upon payment of the prescribed fee, obtain a copy of any certificate or notice given to the Secretary under this Act.

(2) During ordinary office hours, any person may inspect and, upon payment of the prescribed fee, obtain a copy of any—

- (a) Document given by a coroner to the Secretary under this Act, relating to an inquest that was completed during the previous 12 months; or
- (b) Document given by a coroner to the Secretary under this Act during the previous 12 months relating to a death in respect of which the coroner decided not to hold an inquest.

(3) Subject to subsection (2) of this section, the availability of documents given to the Secretary under this Act shall be determined in accordance with the Official Information Act 1982.

(4) Subsections (2) and (3) of this section apply to depositions transmitted to the Secretary under section 24 (2) of the Coroners Act 1951.

(5) Nothing in this section authorises the publication of any information in contravention of section 29 of this Act or of a prohibition under section 25 (2) (b) of this Act.

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

- (a) Prescribing salaries, fees, allowances, and travelling allowances and expenses, for coroners, deputy coroners, assessors, witnesses, doctors, analysts, and pathologists, who perform any function under this Act or give evidence at an inquest held under this Act;
- (b) Providing for other matters contemplated by or necessary for giving full effect to this Act and for its due administration.

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

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

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

SCHEDULES

FIRST SCHEDULE

Section 46

CONSEQUENTIAL AMENDMENTS

Title of Act	Amendment
1954, No. 51—The Penal Institutions Act 1954 (R.S. Vol. 4, p. 65)	By omitting from section 40 the words “the Coroner”, and substituting the words “a member of the Police.”
1956, No. 65—The Health Act 1956 (Rep. 1972, Vol. 2, p. 1449)	By adding to section 84 (1) (a) the words: “. . . and for making good for burial dead bodies on which such post-mortem examinations have been carried out.”
1966, No. 97—The Alcoholism and Drug Addiction Act 1966	By inserting, after section 22, the following section: <p style="margin-left: 40px;">“22A. Managers to notify Police of deaths—Where the managers of an institution where a patient is detained pursuant to an order under section 9 of this Act learn that the patient has died (whether within or outside the institution) they shall forthwith notify a member of the Police.</p>
1969, No. 16—The Mental Health Act 1969	By repealing section 54 (1), and substituting the following subsection: <p style="margin-left: 40px;">“(1) The superintendent of a hospital who learns that a patient has died (whether within or outside the hospital) shall—</p> <p style="margin-left: 80px;">“(a) Forthwith notify a member of the Police; and</p> <p style="margin-left: 80px;">“(b) Within 14 days after the death notify the Director of the death, the apparent cause of death, and the name of any member of the staff of the hospital who was present at the death.”</p>
1974, No. 72—The Children and Young Persons Act 1974	By inserting, after section 69, the following section: <p style="margin-left: 40px;">“69A. Police to be notified of deaths—The person in charge of an institution or residence established under section 69 of this Act who learns that a child or young person under the guardianship or care of the Director-General has died (whether within or outside the institution or residence) shall forthwith notify a member of the Police.”</p> <p>By repealing section 82, and substituting the following section.</p>

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

Title of Act	Amendment
1974, No. 72—The Children and Young Persons Act 1974— <i>continued</i>	<p>“82. Foster parent to give notice of death—Where an infant placed in a foster-home dies (whether within or outside the foster-home), the foster parent shall give notice of the death—</p> <p style="padding-left: 2em;">“(a) Forthwith upon learning of it, to a member of the Police; and</p> <p style="padding-left: 2em;">“(b) Within 24 hours of learning of it, to the Director of the Social Welfare for the district in which the foster-home is situated”.</p>

Section 47

SECOND SCHEDULE
CONSEQUENTIAL REPEALS

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

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This Act is administered in the Department of Justice.

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