

## CORONERS AMENDMENT BILL.

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### MEMORANDUM.

THIS Bill amends the law as to Coroners' inquests in the following particulars:—

1. An inquest may be held by the Coroner alone without a jury, unless in any particular case the Coroner thinks that a jury ought to be summoned or the Attorney-General gives directions to that effect. This is now the law in Victoria (section 2 of the Coroners Act, 1903). Coroners' juries date from remote antiquity, long before the establishment of the modern system by which extensive judicial powers have been conferred upon Magistrates and Justices of the Peace sitting alone. In view of the jurisdiction so conferred on Magistrates in criminal cases the inability of a Coroner to exercise his powers without a jury would seem to be anomalous.

2. It is rendered unnecessary that a Coroner or his jury shall view a dead body. A partial exemption from this necessity is already created by the Public Health Act. A Bill abolishing the rule altogether is now before the Imperial Parliament.

3. Interested persons may attend and examine witnesses.

4. Witnesses' expenses may be paid. At present there is no power to allow any expenses except those of the jury and of medical witnesses.

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*Hon. Mr. McGowan.*

CORONERS AMENDMENT.

ANALYSIS.

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| Title.  |  |  |
| 1. Short Title.   | 6. Person interested in inquest may attend any<br>examine witnesses. |  |
| 2. Inquest may be before Coroner alone.                       |  |  |
| 3. Proceedings before Coroner.                                |  | 7. Deputy Coroner or Justice may exercise<br>powers of Coroner in certain cases. |
| 4. Not necessary for Coroner or jury to view<br>body. Repeal. |  | 8. Payment of witnesses.   |
| 5. Forms may be varied.                                       |  | 9. Section 28 of principal Act amended.  |

A BILL INTITULED

AN ACT to amend the Coroners Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand  
in Parliament assembled, and by the authority of the same, as  
5 follows:—

1. This Act may be cited as the Coroners Amendment Act, 1908,  
and shall be read together with and deemed part of the Coroners  
Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

10 2. (1.) Notwithstanding anything in the principal Act, it shall  
not be necessary for any Coroner when holding an inquest to have  
the same taken by jurors, unless the Attorney-General directs in any  
specified case that an inquest shall be so taken.

Inquest may be  
before Coroner  
alone.

15 (2.) In the absence of any such direction by the Attorney-  
General, a Coroner may at any inquest have the same taken either  
by himself or by jurors, as he thinks fit in the particular case.

20 3. Where in accordance with this Act an inquest is taken by a  
Coroner without jurors, the proceedings thereat shall in all respects  
be taken as nearly as practicable as if the inquest were taken by  
jurors, and the finding of the Coroner shall for all purposes have the  
like effect as the finding of a jury; and all references in the principal  
Act or in any other Act to the verdict or finding of a Coroner's jury  
shall be deemed to apply also to the finding of a Coroner under this  
Act, and a Coroner shall have the like powers in respect of any such  
25 finding by himself as Coroners now have in respect of the finding of  
a jury.

Proceedings before  
Coroner.

4. (1.) In any inquest touching the manner of the death of any  
person it shall not be necessary ~~for any Coroner or~~ for any juror to  
view the body of that person.

Not necessary for  
Coroner or jury to  
view body.

30 (2.) Nothing in this section shall affect the powers of a Coroner  
with respect to the body of any person in respect of whose death an  
inquest is held or intended to be held.

Repeal.

1902, No. 60, sec. 6.

1867, No 16, sec 8.

Forms may be varied.

Person interested in inquest may attend and examine witnesses.

Deputy Coroner or Justice may exercise powers of Coroner in certain cases.

Payment of witnesses.

Section 28 of principal Act amended.

Sec. 1867. No. 16. sec. 27.

(3.) Section eighteen of the principal Act is hereby repealed.

(4.) Section five of the principal Act is hereby amended by omitting therefrom the words "and whose body is lying dead."

5. When an inquest is held or proposed to be held without a jury or without a view of the body of any person deceased, the forms contained in the *Third* Schedule to the principal Act, and in the *Second* Schedule to the Births and Deaths Registration Act, 1908, may be varied so as to conform to the facts of the case. 5

6. (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, and may examine and cross-examine witnesses, provided that such examination and cross-examination is relevant to the subject of the inquest and is conducted according to the law and practice of Coroners' inquests. 10

(2.) When any inquest is held touching the manner of the death of any person who was at the date of his death a member of any industrial union registered under the Industrial Conciliation and Arbitration Act, 1908, a representative of that industrial union shall be deemed to have a sufficient interest in the result of the inquest within the meaning of this section. 15

*Struck out.*

7. All the powers conferred by this Act upon a Coroner may be exercised by a Deputy Coroner or a Justice of the Peace lawfully acting as a Coroner. 20

*New clause.*

7. The power conferred by section *two* hereof on a Coroner shall not be exercisable by a Deputy Coroner or a Justice of the Peace acting as a Coroner. 25

8. When any witness, other than a medical practitioner, summoned in pursuance of the principal Act, has attended ~~and given~~ evidence at any inquest, whether with or without any summons requiring his attendance, the Coroner may, if he thinks fit, order any sum to be paid to that witness on account of his expenses in so attending, not exceeding the sum of ten shillings for every day on which he has so attended, together with any travelling-expenses actually incurred by him in respect of his attendance. 30

9. Section twenty-eight of the principal Act is hereby amended by inserting after the word "fees" the words "and other sums." 35