

**CORONERS ACT, 1980, No. 27**

**New South Wales**



**ANNO VICESIMO NONO**

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 27, 1980.**

An Act with respect to the holding by coroners of inquests into deaths and suspected deaths and inquiries into fires; and to repeal the Coroners Act, 1960, and certain other Acts.  
[Assented to, 16th April, 1980.]

---

See also Child Welfare (Coroners) Amendment Act, 1980; Coal Mines Regulation (Coroners) Amendment Act, 1980; Fire Brigades (Coroners) Amendment Act, 1980; Jury (Coroners) Amendment Act, 1980; Liquor (Amendment) Act, 1980; Physiotherapists Registration (Coroners) Amendment Act, 1980; Prisons (Coroners) Amendment Act, 1980; Registration of Births, Deaths and Marriages (Coroners) Amendment Act, 1980.

---

*Coroners.*

---

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

**PART I.**

**PRELIMINARY.**

- Short title.**      1. This Act may be cited as the "Coroners Act, 1980".
- Commence-  
ment.**            2. (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- Arrange-  
ment.**            3. This Act is divided as follows :—
- PART I.—PRELIMINARY—ss. 1–4.**
- PART II.—THE OFFICES OF CORONER AND DEPUTY  
CORONER—ss. 5–12.**
- PART III.—JURISDICTION OF CORONERS—ss. 13–16.**
- PART IV.—INQUESTS AND INQUIRIES GENERALLY—ss. 17–  
46.**
- DIVISION 1.—Principal Provisions—ss. 17–23.**
- DIVISION 2.—Machinery Provisions—ss. 24–46.**
- PART V.—SUPREME COURT'S POWERS RELATING TO  
INQUESTS AND INQUIRIES—s. 47.**



---

*Coroners.*

---

**PART VI.—POST MORTEM EXAMINATIONS AND EXHUMATIONS—ss. 48–53.**

**PART VII.—MISCELLANEOUS—ss. 54–58.**

**SCHEDULE 1.—SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED DEATHS IN MINES.**

**SCHEDULE 2.—REPEALS.**

**SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.**

4. (1) In this Act, except so far as the context or subject-matter otherwise indicates or requires—

*Interpretation.*  
cf. Act No.  
2, 1960,  
s. 4.

“deposition” means, where a deposition is recorded by a means other than writing, a transcript certified in the manner prescribed by regulations made under the Justices Act, 1902, of the deposition so recorded;

“inquest” means an inquest concerning the death or suspected death of a person;

“inquiry” means an inquiry concerning a fire;

“justice” means justice of the peace;

“place” includes any land, building, mine, ship, vehicle or aircraft or any other vessel or vehicle;

“regulations” means regulations under this Act;

---

*Coroners.*

---

“relative”, in relation to a person who has or is suspected to have died means—

- (a) the spouse or a parent of that person or a child of that person;
- (b) a person who, at the time of the death or suspected death, was living with the person who has, or is suspected to have, died as her husband or his wife; or
- (c) if there is no relative, as defined in paragraph (a), of that person, a brother or sister of that person,

who has attained the age of 18 years;

“Supreme Court” means the Supreme Court of New South Wales;

“this State” means the State of New South Wales.

(2) A reference in this Act to a member of the police force informing a coroner of the death or suspected death of a person or of a fire includes a reference to any prescribed person employed by the Lord Howe Island Board so informing a coroner but only if the coroner is informed that the death occurred or is suspected of having occurred on Lord Howe Island or that the fire occurred on Lord Howe Island.

(3) A reference in this Act to the remains of a deceased person includes a reference to any part of the remains of that person.

---

---

*Coroners.*

---

PART II.

THE OFFICES OF CORONER AND DEPUTY CORONER.

5. (1) The Governor may by instrument in writing appoint fit and proper persons to be coroners.

Appoint-  
ment  
of coroners  
and deputy  
coroners.

(2) Any such instrument may provide that the person thereby appointed shall be a coroner—

cf. Act No.  
2, 1960,  
s. 5 (1).

(a) at such place as may be specified in the instrument; or

(b) in and for this State.

(3) The Governor may appoint any fit and proper person to be a deputy coroner at any place if there is a person appointed to be a coroner at that place.

(4) The Governor may, for any cause which to him seems sufficient, remove any coroner or deputy coroner from office.

6. (1) A person of or above the age of 70 years shall not be appointed as a coroner or deputy coroner.

Age qualifi-  
cation for  
coroners and  
deputy  
coroners.

(2) A coroner or deputy coroner ceases to hold office as such—

cf. Act No.  
2, 1960,  
s. 5 (2).

(a) if he is a member of the Public Service, upon the day upon which he ceases to be such a member; or

(b) if he is not a member of the Public Service, upon the day upon which he attains the age of 70 years.

7. (1) A coroner or deputy coroner appointed after the commencement of this Act shall not act as such unless he has—

Oath of  
allegiance  
and judicial  
oath to be  
taken by  
appointed  
coroners and  
deputy  
coroners.

(a) taken and subscribed the oath of allegiance and the judicial oath prescribed by the Oaths Act, 1900; or

(b) made and subscribed solemn affirmations in the form of those oaths,

cf. Act No.  
2, 1960,  
s. 7.

and unless he has transmitted them to the Minister.

---

*Coroners.*

---

(2) Any such oath or affirmation may be taken or made before and may be administered and received by any justice.

(3) A coroner or deputy coroner who does not, within 3 months after his appointment as such, take the oaths or make the affirmations referred to in subsection (1) ceases to hold office as coroner or deputy coroner, as the case may be, when that period ends.

All appointed coroners to have full jurisdiction.

cf. Act No. 2, 1960, s. 6.

8. A coroner appointed under this Act, irrespective of whether he is appointed to be a coroner at a specified place or in and for this State, has all the jurisdiction, powers and duties conferred or imposed on coroners by or under this Act.

Jurisdiction, powers and duties of deputy coroners.  
cf. Act No. 2, 1960, s. 10.

9. A deputy coroner at a place has the jurisdiction, powers and duties of the coroner at that place if, and only if, the coroner—

- (a) is unable by reason of illness, absence from that place or other sufficient cause to act as coroner;
- (b) directs the deputy coroner to hold an inquest or inquiry;  
or
- (c) has ceased to hold office.

Stipendiary magistrates to have jurisdiction, powers and duties of coroners.  
cf. Act No. 2, 1960, s. 8.

10. A stipendiary magistrate has, by virtue of his office, all the jurisdiction, powers and duties conferred or imposed on coroners by or under this or any other Act.



*Coroners.*

**11.** Except as provided by section 12, a person who is not a stipendiary magistrate shall not exercise or perform the jurisdiction, powers or duties of a coroner within—

- (a) the Metropolitan Police District or the police districts of Liverpool, Newcastle, Parramatta and Ryde; or
- (b) any other police district to which the provisions of this section are, by order of the Governor published in the Gazette, applied.

Only stipendiary magistrates to act as coroners in certain police districts.  
cf. Act No. 2, 1960, s. 9.

**12.** (1) A stipendiary magistrate may, by instrument in writing, delegate his jurisdiction, powers and duties—

- (a) to issue orders for the disposal of dead bodies;
- (b) to dispense with the holding of an inquest where death results from natural causes;
- (c) to dispense with the holding of an inquiry where the fire did not occur in suspicious circumstances; or
- (d) in relation to any prescribed matters,

Delegation by stipendiary magistrates.  
cf. Act No. 2, 1960, s. 8A.

to an officer of any court at which he acts as coroner and may in like manner revoke wholly or in part any such delegation.

(2) Any jurisdiction, power or duty delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the delegate.

(3) Notwithstanding any delegation made under this section, the stipendiary magistrate may continue to exercise or perform any jurisdiction, power or duty delegated.



---

*Coroners.*

---

(4) Any act or thing done or suffered by the delegate when acting in pursuance of a delegation made under this section shall have the like force or effect as if the act or thing had been done or suffered by the stipendiary magistrate who made the delegation.

---

PART III.

JURISDICTION OF CORONERS.

Inquests  
into deaths  
or suspected  
deaths.

cf. Act No.  
2, 1960,  
s. 11 (1).

13. (1) Where, on the information of a member of the police force, it appears to a coroner—

- (a) that, or that there is reasonable cause to suspect that, a person has died;
- (b) that, or that there is reasonable cause to suspect that—
  - (i) the remains of the person are in this State;
  - (ii) the death or suspected death or the cause of the death or of the suspected death occurred in this State; or
  - (iii) the death or suspected death occurred outside this State and the person had a sufficient connection with this State, as referred to in subsection (2); and
- (c) the death or suspected death is, under subsection (3), examinable by a coroner,

the coroner has jurisdiction to hold an inquest concerning the death or suspected death.

(2) The reference in subsection (1) (b) (iii) to a person having had a sufficient connection with this State is a reference to a person who—

- (a) was ordinarily resident in this State when the death or suspected death occurred;

---

*Coroners.*

---

- (b) was, when the death or suspected death occurred, in the course of a journey to or from some place in this State; or
- (c) was last at some place in this State before the circumstances of his death or suspected death arose.

(3) For the purposes of subsection (1) (c), the death or suspected death of a person is examinable by a coroner if, on the information of the member of the police force who informed him of the death or suspected death, it appears to him that, or that there is reasonable cause to suspect that—

- (a) the person died a violent or unnatural death;
- (b) the person died a sudden death the cause of which is unknown;
- (c) the person died under suspicious or unusual circumstances;
- (d) a medical practitioner has not given a certificate as to the cause of death;
- (e) the person was not attended by a medical practitioner within the period of 3 months immediately preceding his death or suspected death;
- (f) the person died while under, or as a result of, or within a period of 24 hours after the administration to him of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature;
- (g) the person died within a year and a day after the date of any accident to which the cause of his death or suspected death is or may be attributable; or

---

*Coroners.*

---

- (h) the person died in an admission centre or mental hospital, within the meaning of the Mental Health Act, 1958, in an institution within the meaning of the Child Welfare Act, 1939, in a prison within the meaning of the Prisons Act, 1952, or in a lock-up and when he died was an inmate of the admission centre, mental hospital or institution or was in custody in the prison or lock-up, or the person died otherwise while in the custody of a member of the police force.

(4) The reference in subsection (3) (d) or (e) to a medical practitioner includes, where it appears to the coroner that the death or suspected death occurred at a place outside this State, a reference to a person entitled under the law in force in that place to act as a medical practitioner.

Mandatory  
and discre-  
tionary  
inquests.

cf. Act No.  
2, 1960,  
s. 11 (2).

**14.** (1) Subject to this Act, a coroner who has jurisdiction to hold an inquest concerning the death or suspected death of a person—

- (a) which occurred otherwise than as referred to in section 13 (1) (b) (iii), shall hold the inquest; or
- (b) which occurred as referred to in section 13 (1) (b) (iii)—
- (i) shall hold the inquest if the death or suspected death occurred or is suspected to have occurred in, on or above the territorial sea adjacent to New South Wales;
- (ii) shall hold the inquest if directed, in writing, by the Minister to do so; or
- (iii) except as provided by subparagraphs (i) and (ii), may hold the inquest if, in the opinion of the coroner, there are special circumstances warranting his doing so.



---

*Coroners.*

---

(2) A coroner may dispense with the holding of an inquest concerning the death or suspected death of a person which, but for this subsection, he would be required under subsection (1) (a) or (b) (i) to hold if it appears to him—

- (a) in the case of a suspected death of a person, that the person has died and, in the case of a suspected death or a death of a person, that the matters referred to in section 22 are sufficiently disclosed in relation to the person; or
- (b) that an inquest or other official inquiry concerning the death or suspected death has been or is to be held at a place outside this State.

(3) For the purpose of enabling him to determine whether or not to dispense with the holding of an inquest concerning the death of a person who, it appears to him, died or may have died as referred to in section 13 (3) (f), a coroner may, by order in writing served on any person having in his possession or power any document or writing relating to the medical care or treatment of the deceased person, require that person to produce, at such time and place as may be specified in the order, that document or writing to the coroner, to any medical practitioner ordered by the coroner to perform a post mortem examination of the remains of the deceased person or to any other person ordered by the coroner to make a special examination or test of the remains of the deceased person or the contents of his body or any part thereof or of any other matters or things.

(4) A person who does not comply with a requirement made of him under subsection (3) is guilty of an offence against this Act.

(5) A coroner shall not, except pursuant to subsection (2) (b), dispense with the holding of an inquest concerning the death or suspected death of a person which he is required under subsection (1) (a) or (b) (i) to hold if it appears to him that the person has not been identified or that the person died or may have died—

- (a) as a result of homicide other than suicide;
- (b) as referred to in section 13 (3) (h);

---

*Coroners.*

---

- (c) as a result of the administration to him of an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature; or
- (d) while under, or within a period of 24 hours after the administration to him of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature and where, within 28 days after the death or suspected death, the coroner is requested to hold the inquest by a relative of the person or by any person who, in the opinion of the coroner, has a sufficient interest of any kind in the circumstances of the death or suspected death.

(6) A coroner who, under subsection (2), dispenses with the holding of an inquest concerning the death or suspected death of a person shall give reasons for his decision in writing—

- (a) at the request of the Minister—to the Minister; or
- (b) at the request, in writing, of any person who has, in the opinion of the coroner, a sufficient interest of any kind in the circumstances of the death or suspected death—to that person.

(7) Where a coroner—

- (a) refuses a request, referred to in subsection (5) (d), made by a person other than a relative so referred to; or
- (b) refuses a request referred to in subsection (6) (b),

because the person making the request does not, in the opinion of the coroner, have a sufficient interest of any kind in the circumstances of the death or suspected death, he shall, at the request, in writing, of that person, give to that person the reasons for his refusal.



*Coroners.*

**15.** (1) Where a coroner is informed by a member of the police force of any fire which has destroyed or damaged any property within this State, the coroner so informed shall have jurisdiction, and it shall be his duty, subject to this Act, to hold an inquiry concerning the fire.

*Inquiries into fires. cf. Act No. 2, 1960, s. 12.*

(2) Where after consideration of any information in his possession relating to a fire, the coroner is of opinion that the circumstances of the fire are sufficiently disclosed or that an inquiry concerning the fire is unnecessary, he may, subject to subsection (3), dispense with the holding of an inquiry concerning the fire.

(3) A coroner shall not dispense with the holding of an inquiry concerning a fire if he has been requested to hold the inquiry—

- (a) in the case of a fire occurring within a fire district within the meaning of the Fire Brigades Act, 1909—by the Board of Fire Commissioners of New South Wales; or
- (b) in the case of a bush fire within the meaning of the Bush Fires Act, 1949—by the Bush Fire Council of New South Wales constituted under that Act.

**16.** (1) A coroner having jurisdiction to hold an inquest or inquiry may refuse to hold the inquest or inquiry in any case where after being informed in accordance with this Act of the death or suspected death or of the fire concerned—

*Cases where a coroner is not bound to hold an inquest or inquiry.*

- (a) he is unable through illness, absence from the place where he holds office or ordinarily acts as coroner or other cause to hold the inquest or inquiry;
- (b) he, being a person holding office as a stipendiary magistrate or clerk of petty sessions, or duly acting as a clerk of petty sessions, is after being so informed and before holding the inquest or inquiry transferred within the Public Service from the place where he held or acted in that office when he was so informed to some other place or position; or

*cf. Act No. 2, 1960, s. 13.*

---

*Coroners.*

---

- (c) he is satisfied that the inquest or inquiry should be held by another coroner or that, except where he has jurisdiction to hold an inquest under section 47, the inquest or inquiry should, on the ground of public convenience, be held by a coroner at some other place than that at which he holds office or ordinarily acts as coroner.

(2) Where a coroner refuses to hold an inquest or inquiry in a case referred to in—

- (a) subsection (1) (a) or (c), a member of the police force;  
or  
(b) subsection (1) (b), the coroner,

may inform any other coroner of the death or suspected death or of the fire and that other coroner may proceed in all respects as if the firstmentioned coroner had not been informed of the death or suspected death or of the fire.

---

PART IV.

INQUESTS AND INQUIRIES GENERALLY.

DIVISION 1.—*Principal Provisions.*

Time and  
place of  
inquest or  
inquiry.

17. (1) Where, under this Act, an inquest or inquiry is to be held, the coroner—

- (a) shall fix a time and place for the commencement of the inquest or inquiry;
- (b) shall give particulars of the time and place to any person who has given notice in writing to the coroner of his intention to seek leave to appear or to be represented at the inquest or inquiry; and
- (c) may give particulars of the time and place to any person who has, in the opinion of the coroner, a sufficient interest in the subject-matter of the inquest or inquiry.

*Coroners.*

(2) Without limiting subsection (1) (b) or (c), particulars referred to in those paragraphs shall be deemed to have been given if a notice specifying the particulars is sent by post to the person to whom the particulars are to be given.

**18.** (1) An inquest or inquiry shall, except as provided by subsection (2), be held before a coroner without a jury.

Inquests and inquiries with or without juries.  
cf. Act No. 2, 1960, s. 14.

(2) An inquest shall be held before a coroner with a jury if—

- (a) the Minister so directs; or
- (b) a relative of the person who has died or is suspected of having died or the secretary of any society or organisation of which that person was, immediately before his death or suspected death, a member so requests.

(3) Where an inquest concerning a death or suspected death caused or suspected by the coroner of having been caused by an explosion or accident in or about a mine situated wholly or partly in the Broken Hill Jury District constituted under the Jury Act, 1977, is held before a coroner with a jury, the jury shall consist of 6 persons summoned in accordance with the regulations.

(4) An inquiry shall be held before a coroner with a jury if the Minister so directs.

**19.** (1) Where—

- (a) before an inquest or inquiry commences or at any time during the course of an inquest or inquiry, it appears to the coroner that a person has been charged with an indictable offence; or
- (b) at any time during the course of an inquest or inquiry the coroner is of opinion that the evidence given at the inquest or inquiry establishes a prima facie case against any known person for an indictable offence,

Procedure at inquest or inquiry where person charged with, or prima facie case for, indictable offence.  
cf. Act No. 2, 1960, s. 28.



---

*Coroners.*

---

and the indictable offence is one in which the question whether the person charged or the known person caused the death or suspected death or the fire is in issue, the coroner—

- (c) where he has not commenced the inquest or inquiry or has commenced it but—
  - (i) in the case of an inquest concerning the death of a person, has not taken evidence as to his identity and the date and place of his death;
  - (ii) in the case of an inquest concerning the suspected death of a person, has not taken evidence that establishes that he has died and as to his identity and the date and place of his death; or
  - (iii) in the case of an inquiry, has not taken evidence as to the date and place of the fire,may commence or continue the inquest or inquiry but for the purpose only of taking that evidence and shall, upon doing so, terminate the inquest or inquiry;
- (d) where he has commenced the inquest or inquiry but decides not to continue it under paragraph (c), shall terminate the inquest or inquiry; or
- (e) where he has commenced the inquest or inquiry and has taken the evidence referred to in paragraph (c) relevant thereto, shall terminate the inquest or inquiry,

and discharge the jury, if any.

(2) Where, under subsection (1), a coroner terminates an inquest or inquiry after coming to the opinion that a prima facie case for an indictable offence has been established against a known person, he shall forward to the Attorney-General the depositions taken at the inquest or inquiry together with a statement signed by the coroner specifying the name of that person and particulars of the offence.

*Coroners.*

20. (1) Notwithstanding that, under section 19 (1), a coroner decides not to commence, or terminates, an inquest concerning the death or suspected death of a person or an inquiry concerning a fire, an inquest or a fresh inquest concerning that death or suspected death, or an inquiry or a fresh inquiry concerning that fire, as the case may be, may subsequently be held under this Act, but shall not be held—

Further inquest or inquiry after previous inquest or inquiry terminated under section 19.

- (a) where a person has been charged with an indictable offence in which the question whether he caused the death or suspected death or the fire is in issue, until—
  - (i) the charge is finally dealt with on the committal of that person for trial for the offence to a sittings of the Supreme Court or the District Court or on his committal to either of those courts to be dealt with as provided in section 51A of the Justices Act, 1902;
  - (ii) the Attorney-General directs that no further proceedings be taken against that person in respect of the charge; or
  - (iii) a justice orders or justices order that that person be discharged as to the information under inquiry before him or them with respect to the charge; or
- (b) where the coroner has terminated the inquest or inquiry after coming to the opinion that a prima facie case for an indictable offence has been established against a known person and neither the person named in the statement referred to in section 19 (2) nor any other person has been charged with an indictable offence in which the question whether the person so named or that other person caused the death or suspected death or the fire is in issue—until the Attorney-General directs that no proceedings be taken against the person so named for the indictable offence particulars of which are set out in the statement.

(2) For the purposes of subsection (1) (a) (i), a charge shall be deemed to be finally dealt with when no further appeal can be made in respect thereof without an extension of time being granted by the Court of Criminal Appeal or without special leave of the High Court of Australia or of Her Majesty in Council.



---

*Coroners.*

---

Procedure  
at inquest  
upon finding  
no death.

**21.** (1) If, at any time during the course of an inquest concerning the death or suspected death of a person, it appears to the coroner from the evidence that the person has not died—

- (a) he shall, if there is no jury, so find and terminate the inquest; or
- (b) he may, if there is a jury, request the jury to bring in a preliminary verdict as to whether or not the person has died.

(2) If, pursuant to a request referred to in subsection (1) (b), the verdict of the jury is—

- (a) that the person has not died, the coroner shall terminate the inquest and discharge the jury; or
- (b) that the person has died or that it is uncertain whether he has died, the inquest shall be resumed.

(3) The coroner shall, upon the termination of an inquest under this section, record in writing his findings or, if there is a jury, the jury's verdict.

Finding of  
coroner or  
verdict of  
jury to be  
recorded.  
cf. Act No. 2,  
1960, s. 29.

**22.** (1) The coroner holding an inquest concerning the death or suspected death of a person shall, at its conclusion or termination, record in writing his findings or, if there is a jury, the jury's verdict, as to whether the person died and, if so—

- (a) his identity;
- (b) the date and place of his death; and
- (c) except in the case of an inquest terminated under section 19 or 21, the manner and cause of his death.

---

*Coroners.*

---

(2) The coroner holding an inquiry concerning a fire shall, at its conclusion or termination, record in writing his findings or, in the case of an inquiry held before a jury, the jury's verdict—

- (a) except as provided in paragraph (b), as to the date and place and the circumstances of the fire;
- (b) in the case of an inquiry terminated under section 19, as to the date and place of the fire.

(3) Any record made under the provisions of subsection (1) or (2) shall not indicate or in any way suggest that an offence has been committed by any person.

(4) Subsection (1) does not apply in respect of an inquest terminated under section 21.

**23.** (1) Notwithstanding that an inquest concerning the death or suspected death of a person— Further inquest.

- (a) is terminated under section 21 (1) (a), or
- (b) is concluded and the coroner's findings are, or the jury's verdict recorded under section 22 is, that the person has not died or it is uncertain whether he has died,

a fresh inquest concerning the death or suspected death may subsequently be held under this Act.

(2) Where the remains of a person are found in this State, an inquest concerning the death of the person may be held notwithstanding that an inquest concerning the suspected death of the person has been held.

---

*Coroners.*

---

*DIVISION 2.—Machinery Provisions.*

Powers of  
coroners  
defined.  
cf. Act  
No. 2, 1960,  
s. 38.

**24.** The jurisdiction, powers and duties conferred or imposed upon a coroner in relation to inquests or inquiries or in relation to deaths or suspected deaths or fires, shall be exercised and performed by him only in relation to inquests or inquiries which he has jurisdiction to hold or in relation to deaths or suspected deaths or fires concerning which he has jurisdiction to hold an inquest or inquiry.

Order  
author-  
ising  
entry of  
certain  
places.  
cf. Act  
No. 2, 1960,  
s. 38A.

**25.** (1) Where a coroner considers that an examination should, for the purposes of an inquest or inquiry, be made in relation to any place or that any measurements or photographs should, for those purposes, be taken in relation to any place, he may issue an order in writing to a specified person authorising him to enter any specified place during a specified period and to—

(a) make such examination of—

(i) the nature and condition of the place or any equipment or machinery therein or thereon; or

(ii) any other matter or thing; or

(b) take such measurements or photographs,

as is or are specified or referred to in the order.

(2) An order may be made under subsection (1)—

(a) before the commencement; or

(b) after the commencement and before the completion,

of the inquest or inquiry referred to in that subsection.

(3) A person to whom an order is issued under subsection (1) may, during the specified period, enter the specified place and—

(a) make the examination; or

(b) take the measurements or photographs,

specified or referred to in the order.



*Coroners.*

(4) A person who, upon production to him of an order issued under subsection (1), obstructs or hinders the person to whom the order was issued in the exercise of his powers under this section arising by virtue of the order is guilty of an offence against this Act.

**26.** Notwithstanding any other provision of this Act, a coroner, being a medical practitioner, shall not hold an inquest concerning the death or suspected death of any person whom he attended professionally at or immediately before the death or suspected death of that person or during any illness which that person suffered before and which continued up to his death or suspected death.

Coroner who is medical practitioner not to hold certain inquests.  
cf. Act No. 2, 1960, s. 39.

**27.** (1) A coroner may commence or hold an inquest or inquiry on a Sunday if he is of opinion that such a course is necessary or desirable.

Inquest or inquiry on Sunday.  
cf. Act No. 2, 1960, s. 40.

(2) In such a case, the coroner shall note on the proceedings the circumstances which in his opinion render such a course necessary or desirable.

(3) A coroner may, for the purposes of this Act, do any act or issue a summons, warrant or order on a Sunday.

**28.** An inquest or inquiry which would, but for this section, be held before a coroner and a jury at any place that is not a place for which a jury district is constituted under the Jury Act, 1977, shall be held at the nearest such place.

Place where inquest or inquiry before jury to be held.  
cf. Act No. 2, 1960, s. 14A.

---

*Coroners.*

---

Coroner  
and jury  
not to  
view  
body or  
scene  
of fire.  
cf. Act  
No. 2, 1960,  
s. 15.

**29.** A view of the body of a deceased person or of the scene of a fire shall not, upon any inquest or inquiry, be taken by the coroner or, where there is a jury, by the jury unless the coroner deems it advisable to be done.

Place of  
inquest.  
cf. Act  
No. 2, 1960,  
s. 41.

**30.** The room or building in which a coroner holds an inquest or inquiry shall be open to the public.

Witnesses  
to be  
examined  
on oath.  
cf. Act  
No. 2, 1960,  
s. 16.

**31.** The coroner holding an inquest or inquiry shall examine on oath all persons—

(a) who tender evidence relevant to the inquest or inquiry;  
or

(b) who, in the opinion of the coroner, are able to give evidence relevant to the inquest or inquiry.

Representa-  
tion at  
inquests or  
inquiries.  
cf. Act  
No. 2, 1960,  
s. 17.

**32.** Any person who, in the opinion of the coroner holding an inquest or inquiry, has a sufficient interest in the subject-matter of the inquest or inquiry may by leave of the coroner appear in person at the inquest or inquiry or be represented thereat by counsel or a solicitor, and may examine and cross-examine any witnesses on matters relevant to the inquest or inquiry.

Rules of  
procedure  
and  
evidence.  
cf. Act  
No. 2, 1960,  
s. 18.

**33.** A coroner holding an inquest or inquiry shall not be bound to observe the rules of procedure and evidence applicable to proceedings before a court of law, but no witness shall be compelled to answer any question which criminate him, or tends to criminate him, of any felony, misdemeanour or offence.



---

*Coroners.*

---

**34.** (1) The deposition of every witness at an inquest or inquiry shall be recorded by means of writing, shorthand, stenotype machine, sound-recording apparatus or any other means prescribed for the time being by regulations made under section 154 (1A) (b) of the Justices Act, 1902.

Depositions  
to be  
taken.  
cf. Act  
No. 2, 1960,  
s. 19.

(2) Where, for the purposes of subsection (1), the deposition of a witness is recorded by means of writing, it shall be read over either to or by the witness, as the coroner holding the inquest or inquiry may direct, and be signed by him and by the coroner.

(3) The coroner holding an inquest or inquiry shall, as soon as practicable after the completion thereof, cause the depositions taken at the inquest or inquiry to be filed in the office of the clerk of petty sessions where, or nearest to the place where, the inquest or inquiry was held or in such other office of a clerk of petty sessions as the Minister in writing may direct.

(4) Any person who—

- (a) shows cause sufficient in the opinion of the clerk of petty sessions in whose office the depositions are filed why that person should be supplied with a copy of the depositions taken at any inquest or inquiry; and
- (b) pays a fee calculated at the rate prescribed by the regulations for the time being in force under section 154 of the Justices Act, 1902, for copies of depositions,

shall be supplied by the clerk of petty sessions with a copy of the depositions.

---

*Coroners.*

---

Summons  
for appear-  
ance or  
warrant  
for appre-  
hension of  
witness.  
cf. Act  
No. 2, 1960,  
s. 20.

**35. (1) If it is made to appear to a coroner—**

- (a) that any person is likely to be able to give material evidence at any inquest or inquiry being held, or to be held, by him or is likely to have in his possession or power any document or writing required for the purposes of evidence at the inquest or inquiry; and
- (b) that that person will not appear voluntarily to be examined as a witness, or to produce the document or writing at the time and place appointed for the holding of the inquest or inquiry,

the coroner—

- (c) may issue his summons for the appearance of that person to be examined as a witness or to produce the document or writing, as the case may be; or
- (d) if he is satisfied by evidence upon oath that it is probable that that person will not appear to be examined or to produce the document or writing unless compelled to do so, may issue his warrant in the first instance for the apprehension of that person.

(2) A person is not bound to produce any document or writing not specified or otherwise sufficiently described in a summons or warrant issued under subsection (1) in respect of him or which he would not be bound to produce upon a subpoena for production in the Supreme Court.

Form of  
summons.  
cf. Act No.  
2, 1960,  
s. 21.

**36. A summons issued under section 35 (1) shall—**

- (a) be under the hand and seal of the coroner issuing it;
- (b) be directed to the person whose appearance is required;  
and

---

*Coroners.*

---

- (c) require that person to appear at a certain time and place before the coroner to testify what he knows concerning the subject-matter of the inquest or inquiry or to produce any document or writing specified or described in the summons.

**37.** (1) A summons issued under section 35 (1) shall be served by a member of the police force upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be found, then by leaving it with some person for him at his last or most usual place of abode.

Manner of  
service of  
summons.  
cf. Act No.  
2, 1960,  
s. 22.

(2) Service of a summons in the manner specified in subsection (1) may be proved by the oath of the member of the police force who served it attending at the inquest or inquiry, by his affidavit or otherwise.

**38.** No objection shall be taken or allowed to any summons or warrant in respect of any alleged defect therein in substance or in form.

Certain  
defects  
immaterial.  
cf. Act No.  
2, 1960,  
s. 23.

**39.** Where a person for whose appearance a summons has been issued does not appear at the time and place appointed thereby, the coroner by whom the summons was issued may, upon proof of the due service of the summons upon that person and if no just excuse is offered for his non-appearance, issue his warrant for the apprehension of that person.

Warrants for  
non-  
appearance  
to summons.  
cf. Act No.  
2, 1960,  
s. 24 (1).

**40.** (1) Where a person is apprehended under a warrant issued under section 35 or 39 the coroner before whom the person is brought shall thereupon either—

Apprehen-  
sion of  
witness  
under  
warrant.  
cf. Act No.  
2, 1960,  
s. 24  
(2)-(8).

(a) commit him—

(i) by warrant to prison, a lock-up or place of security; or



---

*Coroners.*

---

(ii) verbally to such safe custody as the coroner may think fit,

and order him to be brought up at a time and place to be appointed by the coroner; or

(b) discharge him upon his entering into a recognizance.

(2) Such a recognizance shall be entered into with or without a surety or sureties, as the coroner may direct, conditioned that the person entering into it shall appear at the time and place appointed in the recognizance.

(3) Such a recognizance shall be duly acknowledged by the person who enters into it and shall be subscribed by the coroner before whom it is acknowledged and notice of it, signed by the coroner, shall at the same time be given by the coroner to that person.

(4) Where a person discharged on such a recognizance does not appear at the time and place appointed in the recognizance, the coroner shall transmit the recognizance to the Clerk of the Peace to be proceeded upon according to law.

(5) The coroner so transmitting such a recognizance shall certify on the back thereof the non-appearance of the person bound thereby and the certificate shall be prima facie evidence of the non-appearance of that person.

Form of  
warrant.  
cf. Act No.  
2, 1960,  
s. 25.

**41.** (1) A warrant, issued by a coroner under section 35 or 39, for the apprehension of any person shall—

(a) be under the hand and seal of the coroner;

(b) be directed to a member of the police force by name or generally to the senior officer of police of the district or place where it is to be executed, or to that officer of

---

*Coroners.*

---

police and to all other members of the police force in this State, or generally to all members of the police force in this State;

- (c) name or otherwise describe the person whose appearance is required; and
- (d) order any member of the police force to whom it is directed to apprehend the person whose appearance is required, and cause him to be brought before the coroner to testify what he knows concerning the subject-matter of the inquest or inquiry or to produce the document or writing specified or described in the warrant.

(2) Such a warrant shall be returnable at a time and place to be stated therein.

(3) Such a warrant may be executed by apprehending the person against whom it is directed at any place in this State.

42. (1) A person who appears, whether or not upon summons or warrant, to give evidence or to produce any document or writing at an inquest or inquiry and who, without lawful excuse—

Refusal of  
witness to  
be examined  
cf. Act  
No. 2, 1960,  
s. 26.

- (a) refuses to take the oath;
  - (b) refuses to be examined upon oath;
  - (c) having taken the oath, refuses to answer any question relevant to the subject-matter of the inquest or inquiry;  
or
  - (d) refuses or neglects to produce the document or writing,
- is guilty of an offence against this Act.

---

*Coroners.*

---

(2) The reference in subsection (1) to an oath is, in relation to a person who objects to taking an oath, a reference to an affirmation referred to in section 12 of the Oaths Act, 1900.

Contempt.  
cf. Act  
No. 2, 1960,  
s. 27.

**43.** (1) A person who at any inquest or inquiry is guilty of contempt is liable, upon summary conviction by the coroner holding the inquest or inquiry, to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 14 days.

(2) A coroner who is not a justice and any justice shall in respect of any such conviction have all the powers of a justice in respect of a conviction by a justice and the provisions of the Justices Act, 1902, with respect to the enforcement of convictions apply to any such conviction or order made thereupon.

Power of  
coroner to  
clear court  
and  
prohibit  
publication  
of evidence  
and reports  
of pro-  
ceedings.  
cf. Act  
No. 2, 1960,  
s. 42 (a).

**44.** (1) A coroner holding an inquest or inquiry may order—

- (a) any witness or all of the witnesses to go and remain outside the room or building in which the inquest or inquiry is being held until required to give evidence; or
- (b) that any evidence given at the inquest or inquiry being held by him be not published.

(2) Where, at the commencement or in the course of an inquest, it appears to the coroner that the death or suspected death with which the inquest is concerned may have been self inflicted, the coroner may order that no report, or no further report, of the proceedings be published until after he has made his findings or, in the case of an inquest held before a jury, the jury has brought in its verdict.

(3) Subject to subsection (4), where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted, no report of the proceedings shall be published after the finding or verdict.



---

*Coroners.*

---

(4) Where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted and the coroner holding the inquest is of opinion that it is desirable in the public interest to permit a report of the proceedings of the inquest to be published, he may, by order, permit the whole of the proceedings, or such part of the proceedings as are specified in the order, to be published.

45. (1) A person who fails to comply with an order made under section 44 (1) or (2) is guilty of an offence against this Act.

Offences.  
cf. Act  
No. 2, 1960,  
s. 42 (c),  
(d).

(2) Where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted, any person who publishes or causes to be published any report of the proceedings of the inquest after the finding or verdict is guilty of an offence unless an order has been made under section 44 (4) and the report complies with the order.

(3) Where—

- (a) a coroner holding an inquest or inquiry forbids or disallows any question or warns any witness that he is not compelled to answer any question; or
- (b) a witness in an inquest or inquiry refuses to answer any question on the ground that it criminate him, or tends to criminate him, of any felony, misdemeanour or offence,

any person who publishes the question, warning, refusal or claim of privilege without the express permission of the coroner is guilty of an offence against this Act.

(4) A person who is guilty of an offence against this Act arising under this section is liable—

- (a) if a body corporate, to a penalty not exceeding \$5,000; or
- (b) if any other person, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 6 months.

---

*Coroners.*

---

Meaning of  
"published"  
in sections  
44 and 45.

46. For the purposes of sections 44 and 45, matter is published only if it is—

- (a) inserted in any newspaper or any other periodical publication;
- (b) publicly exhibited; or
- (c) broadcast by wireless transmission or by television.

---

PART V.

SUPREME COURT'S POWERS RELATING TO INQUESTS AND  
INQUIRIES.

Powers of  
Supreme  
Court to  
order  
inquest or  
inquiry.  
cf. Act No.  
2, 1960,  
s. 37.

47. (1) Where the Supreme Court, upon an application made by, or under the authority of, the Minister or by any other person, is satisfied that it is necessary or desirable in the interests of justice that an inquest concerning a death or suspected death or inquiry concerning a fire should be held (whether or not an inquest concerning the death or suspected death or an inquiry concerning the fire has been partly held and terminated), the Supreme Court may order that the inquest or inquiry be held.

(2) Where an inquest or inquiry has been, or purports to have been, held and the Supreme Court, upon an application made by, or under the authority of, the Minister or by any other person is satisfied that, by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, discovery of new facts or evidence, or otherwise, it is necessary or desirable in the interests of justice that the inquest or inquiry be quashed and a fresh inquest or inquiry be held, the Supreme Court may order that the first inquest or inquiry be quashed and that instead thereof a fresh inquest or inquiry be held.

---

*Coroners.*

---

(3) Upon service on the Minister of an order made by the Supreme Court under subsection (1) or (2), the Minister shall endorse on a copy thereof the name of some coroner and send it to that coroner.

(4) Where a coroner whose name is endorsed on the copy of the order refuses, under section 16 (1) (a) or (b), to hold the inquest, the Minister shall endorse on a copy of the order the name of some other coroner and send it to that other coroner.

(5) Upon receipt of the copy endorsed under subsection (3) or (4) the coroner whose name is endorsed on the copy of the order shall have jurisdiction, and it shall be his duty, to hold the inquest or inquiry ordered to be held in accordance with the provisions of this Act, notwithstanding that he does not have jurisdiction to hold the inquest or inquiry under any other provision of this Act.

(6) Section 14 does not apply to or in respect of the holding of an inquest or inquiry by a coroner who has jurisdiction to hold the inquest or inquiry under this section.

---

PART VI.

POST MORTEM EXAMINATIONS AND EXHUMATIONS.

48. (1) A coroner may, either before commencing or after commencing and before completing an inquest concerning the death of a person, by order in writing, direct—

- (a) any medical practitioner to perform a post mortem examination of the remains of that person; and
- (b) the same or any other medical practitioner or any other person who the coroner considers has sufficient qualifications to do so, to make a special examination or test,

Post mortem or other examination may be ordered by coroner. cf. Act No. 2, 1960, s. 30.



---

*Coroners.*

---

specified in the order, of the remains of that person or of the contents of his body or any part thereof, or of such other matters or things as the coroner considers ought to be examined for the purpose of the inquest,

and to furnish, as soon as practicable, a report of the examination or test to the coroner.

(2) Where it appears to a coroner that the death of a person was probably caused, partly or entirely, by improper or negligent treatment by a medical practitioner or other person, the coroner shall not issue an order under subsection (1) relating to that person to that medical practitioner or other person, but shall, where he issues such an order, cause that medical practitioner or other person to be informed either verbally or in writing that an order under subsection (1) relating to that person has been issued and of the name and address of the medical practitioner or other person to whom the order has been issued.

(3) A medical practitioner or other person so informed shall not carry out or assist in carrying out an order under subsection (1) relating to the deceased person but shall if he attends at the time and place that the order is being carried out be entitled to be present while the order is being carried out.

Additional  
medical  
evidence  
in certain  
cases.  
cf. Act  
No. 2, 1960,  
s. 31.

**49.** Where it appears to the coroner or to a majority of the jury at any inquest concerning the death of a person that the cause of death has not been satisfactorily explained by the evidence given in the first instance by the medical practitioner or medical practitioners by whom a post mortem examination of the remains of the deceased person was made, or by the medical practitioner or medical practitioners or other person by whom a special examination or test was made pursuant to section 48 (1) (b), the coroner shall by order in writing direct any other medical practitioner or medical practitioners or other person referred to in that paragraph to perform a post mortem examination or a special

---

*Coroners.*

---

examination or test referred to in that paragraph and to furnish, as soon as practicable, a report of the examination or test to the coroner.

**50.** Where an order issued under section 48 (1) or 49 is served upon the medical practitioner, or other person, to whom it is directed or is left at his last or most usual place of abode or place of practice, in sufficient time for him to obey it and he does not obey it, he is, unless he shows a good and sufficient cause, guilty of an offence against this Act.

Medical witness neglecting to obey order.  
cf. Act No. 2, 1960, s. 32.

**51.** A coroner to whom a report in writing referred to in section 48 (1) or 49 is furnished shall, on the request in writing of a relative of the deceased person or of any person who has, in the opinion of the coroner, a sufficient interest of any kind in the cause of death of the deceased person, furnish a copy of the report to the relative or other person making the request.

Copies of medical reports.  
cf. Act No. 2, 1960, s. 33A.

**52.** (1) A medical practitioner or other person who in accordance with an order or request of a coroner—

- (a) makes any post mortem examination or any special examination or test; or
- (b) attends and gives evidence at an inquest with respect to a post mortem examination or special examination or test made by him,

Remuneration of medical practitioners.  
cf. Act No. 2, 1960, s. 34.

shall be entitled to be paid fees calculated at the prescribed rate.

(2) Notwithstanding subsection (1), a medical officer appointed at a salary or other remuneration to attend a public hospital, gaol or other public institution, shall not be entitled

---

*Coroners.*

---

under subsection (1) to fees in respect of any post mortem examination, special examination or test with respect to a person who died in that hospital, gaol or institution.

(3) Subsection (2) does not apply in respect of a medical officer appointed to attend a public hospital except where he is an employee of that public hospital.

Warrant  
for ex-  
humation  
of body.  
cf. Act  
No. 2, 1960,  
s. 35.

**53.** (1) Where the remains of a person have been buried and an inquest concerning the death of the person—

- (a) has not been held;
- (b) has been commenced and—
  - (i) has been terminated under section 19 or 21; or
  - (ii) has otherwise not been completed; or
- (c) has been completed and the Supreme Court has quashed the inquest and has ordered a fresh inquest to be held,

a coroner may, if he considers it desirable to do so for the purpose of ordering a post mortem examination, or a further or more complete post mortem examination, of the remains, or a special examination or test, or a further or more complete special examination or test, of the remains or any part thereof, issue his warrant for the exhumation of the remains and any member of the police force to whom the warrant is directed shall cause it to be executed, and, upon it being executed, shall report the fact to the coroner.

(2) Where an inquest concerning the death or suspected death of a person has been terminated under section 19 or 21, a coroner shall not exercise his powers under subsection (1) with respect to the remains of that person unless an inquest or a fresh inquest concerning the death of that person may be held as referred to in section 20 or 23 or pursuant to section 47.

---



---

*Coroners.*

---

PART VII.

MISCELLANEOUS.

**54.** (1) A person convicted of an offence against this Act is, for every such offence for which no other penalty is provided by or under this Act, liable to a penalty not exceeding \$500. Penalty. cf. Act No. 2, 1960, s. 44.

(2) A penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any 2 justices in petty sessions.

**55.** (1) Schedule 1 has effect with respect to inquests concerning deaths or suspected deaths which, it appears to a coroner, may have been caused by explosions or accidents in certain mines, as referred to in that Schedule. Deaths or suspected deaths in mines.

(2) A provision of Schedule 1 that is inconsistent with any other provision of this Act prevails over that other provision to the extent of the inconsistency.

**56.** Except as provided in Schedule 3, a magisterial inquiry as defined in section 4 (1) of the Coroners Act, 1960, touching the death of any person shall not be held after the commencement of this section. Abolition of magisterial inquiries.

**57.** (1) Each Act specified in Column 1 of Schedule 2 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed. Repeals and savings and transitional provisions.

(2) Schedule 3 has effect.

---

*Coroners.*

---

Regulations.  
cf. Act  
No. 2, 1960,  
s. 45.

**58.** (1) The Governor may make regulations not inconsistent with this Act for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the conduct of and procedure at inquests and inquiries;
- (b) the summoning of jurors for a jury referred to in section 18 (3);
- (c) prescribing any forms to be used under this Act; and
- (d) the allowances to be paid to witnesses attending inquests and inquiries.

(2) The regulations may impose a penalty not exceeding \$200 for any breach thereof.

---

**Sec. 55.****SCHEDULE 1.****SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED DEATHS IN MINES.**

1. In this Schedule, except so far as the context or subject-matter otherwise indicates or requires—

“inspector” means an inspector of mines or the Chief Inspector of Mines under the Mines Inspection Act, 1901, or an inspector of collieries under the Coal Mines Regulation Act, 1912;

“mine” means mine, as defined by the Mines Inspection Act, 1901, of any metal or mineral, as so defined, or any mine of coal or shale to which the Coal Mines Regulation Act, 1912, applies.

2. With respect to an inquest concerning a death or suspected death which, it appears to the coroner, may have been caused by an explosion or accident in or about a mine situated in, or access to which is obtained from a place in, this State, the following provisions shall have effect:—

- (a) Where a coroner holds an inquest concerning a death or suspected death which, it appears to the coroner, may have been caused by an explosion or accident, of which notice is required by the Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912, to

---

*Coroners.*

---

SCHEDULE 1—*continued.*SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED  
DEATHS IN MINES—*continued.*

be given to an inspector, the coroner shall adjourn the inquest, unless an inspector, or some person on behalf of the Minister for Mines, is present to watch the proceedings.

- (b) The coroner, at least 4 days before resuming the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of resuming the adjourned inquest.
- (c) The coroner, before the adjournment, may take evidence to identify the remains, and may order the disposal of the remains.
- (d) If not more than one person died or is suspected of having died as a result of the explosion or accident and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest so as to reach the inspector not less than 24 hours before the time of holding the inquest, it shall not be imperative for him to adjourn the inquest in pursuance of paragraph (a) unless the majority of the jury, if there is a jury, think it necessary so to adjourn.
- (e) An inspector may examine any witness at the inquest, subject nevertheless to the order of the coroner.
- (f) Where evidence is given at the inquest of any neglect having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the coroner or jury to require a remedy and an inspector is not present, the coroner shall send to an inspector notice in writing of the neglect or defect.
- (g) Any person having a personal interest in, or employed in, or in the management of, the mine in which the explosion or accident occurred shall, if summoned to serve on the jury at the inquest, notify the sheriff of that fact and shall not be qualified or liable to serve on that jury.
- (h) Any relative of any person concerning whose death or suspected death the inquest is being held, and the owner or manager of the mine in which the explosion or accident occurred, and any person appointed by the order in writing of the majority of the persons employed at the mine, shall, notwithstanding any other provision of this Act, be at liberty to attend and examine any witness, either in person or by his counsel, solicitor or agent.

3. A person who fails to comply with clause 2 (g) is guilty of an offence and liable to a penalty not exceeding \$500.



*Coroners.*SCHEDULE 1—*continued.*SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED  
DEATHS IN MINES—*continued.*

4. No prosecution shall be instituted against a coroner for any offence under this Schedule except with the consent in writing of the Minister for Mines.

Sec. 57 (1).

## SCHEDULE 2.

## REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1960, No. 2 ..	Coroners Act, 1960. . . . .	The whole.
1963, No. 15 ..	Coroners (Amendment) Act, 1963. . .	The unrepealed portion.
1967, No. 52 ..	Coroners (Amendment) Act, 1967. . .	The whole.
1970, No. 63 ..	Coroners (Amendment) Act, 1970. . .	The whole.
1973, No. 87 ..	Registration of Births, Deaths and Marriages Act, 1973.	So much of Schedule 1 as relates to Acts No. 2, 1960, and No. 15, 1963.
1977, No. 18 ..	Jury Act, 1977. . . . .	The matter in section 3 relating to Schedule 6.
1978, No. 47 ..	Coroners (Amendment) Act, 1978. . .	Section 78 (2) and Schedule 6.
		The whole.

Sec. 57 (2).

## SCHEDULE 3.

## SAVINGS AND TRANSITIONAL PROVISIONS.

1. A person who immediately before the commencement of this clause held office as a coroner or deputy coroner shall—

- (a) if he was appointed to be a coroner or deputy coroner at a particular place, be deemed to have been appointed by the Governor under the provisions of this Act to be the coroner or deputy coroner, as the case may be, at that place; or

---

*Coroners.*

---

SCHEDULE 3—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) if he was appointed to be a coroner or deputy coroner in and for this State but was not appointed to be a coroner or deputy coroner at any particular place, be deemed to have been appointed under the provisions of this Act to be a coroner or deputy coroner, as the case may be, in and for this State.
- 2. (1) All proceedings, other than proceedings on a magisterial inquiry referred to in subclause (2) of this clause, which were commenced and were pending or part heard at the commencement of this clause under any of the enactments repealed by this Act shall, subject to this Act, be continued and completed as if those proceedings had been taken or commenced under this Act.  
(2) Proceedings on a magisterial inquiry, as defined in section 4 (1) of the Coroners Act, 1960, touching the death of any person, being proceedings that were commenced and were pending or part heard at the commencement of this clause, may be continued and completed as if this Act had not been enacted but shall be terminated if an inquest concerning the death of that person is held under this Act.
- 3. A warrant of commitment for an offence or a recognizance for the appearance of any person charged to take his trial for an offence, issued or taken by a coroner and in force immediately before the commencement of this clause, shall, notwithstanding any repeal effected by this Act, continue in force and have effect according to its tenor after that commencement.
- 4. Without limiting any saving in the Interpretation Act, 1897, the repeal of any enactment by this Act does not revive the verdict of *felo de se*.
- 5. (1) Section 34 (3) applies in respect of depositions which were taken at an inquest, inquiry or magisterial inquiry held before the commencement of this clause and were not filed in the office of a clerk of petty sessions in the same way as it applies in respect of depositions taken at an inquest or inquiry held after that commencement.  
(2) Section 34 (4) applies in respect of depositions which were taken at an inquest, inquiry or magisterial inquiry held before the commencement of this clause in the same way as it applies in respect of depositions taken at an inquest or inquiry held after that commencement.

---

*Coroners.*

---

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) In relation to any such depositions transmitted to the Under Secretary, Department of the Attorney-General and of Justice, before the commencement of the Coroners (Amendment) Act, 1963, and received by him, section 34 (4), as applied by subclause (2) of this clause, shall be construed as if a reference therein to the clerk of petty sessions in whose office the depositions are filed were a reference to the Under Secretary.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 16th April, 1980.*



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, March, 1980.*

## New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1980.

An Act with respect to the holding by coroners of inquests into deaths and suspected deaths and inquiries into fires; and to repeal the Coroners Act, 1960, and certain other Acts.

See also Child Welfare (Coroners) Amendment Bill, 1980; Coal Mines Regulation (Coroners) Amendment Bill, 1980; Fire Brigades (Coroners) Amendment Bill, 1980; Jury (Coroners) Amendment Bill, 1980; Liquor (Amendment) Bill, 1980; Physiotherapists Registration (Coroners) Amendment Bill, 1980; Prisons (Coroners) Amendment Bill, 1980; Registration of Births, Deaths and Marriages (Coroners) Amendment Bill, 1980.

*Coroners.*

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

5

**PART I.**

**PRELIMINARY.**

1. This Act may be cited as the "Coroners Act, 1980".

Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

Commence-  
ment.

10

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

Arrange-  
ment.

15

**PART I.—PRELIMINARY—ss. 1–4.**

**PART II.—THE OFFICES OF CORONER AND DEPUTY CORONER—ss. 5–12.**

**PART III.—JURISDICTION OF CORONERS—ss. 13–16.**

20

**PART IV.—INQUESTS AND INQUIRIES GENERALLY—ss. 17–46.**

**DIVISION 1.—Principal Provisions—ss. 17–23.**

**DIVISION 2.—Machinery Provisions—ss. 24–46.**

**PART V.—SUPREME COURT'S POWERS RELATING TO INQUESTS AND INQUIRIES—s. 47.**

*Coroners.*

PART VI.—POST MORTEM EXAMINATIONS AND EXHUMATIONS—ss. 48–53.

PART VII.—MISCELLANEOUS—ss. 54–58.

5 SCHEDULE 1.—SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED DEATHS IN MINES.

SCHEDULE 2.—REPEALS.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

4. (1) In this Act, except so far as the context or subject-matter otherwise indicates or requires—

Interpretation.  
cf. Act No.  
2, 1960,  
s. 4.

10 “deposition” means, where a deposition is recorded by a means other than writing, a transcript certified in the manner prescribed by regulations made under the Justices Act, 1902, of the deposition so recorded;

15 “inquest” means an inquest concerning the death or suspected death of a person;

“inquiry” means an inquiry concerning a fire;

“justice” means justice of the peace;

“place” includes any land, building, mine, ship, vehicle or aircraft or any other vessel or vehicle;

20 “regulations” means regulations under this Act;



---

*Coroners.*

---

“relative”, in relation to a person who has or is suspected to have died means—

(a) the spouse or a parent of that person or a child of that person;

5 (b) a person who, at the time of the death or suspected death, was living with the person who has, or is suspected to have, died as her husband or his wife; or

10 (c) if there is no relative, as defined in paragraph (a), of that person, a brother or sister of that person,

who has attained the age of 18 years;

“Supreme Court” means the Supreme Court of New South Wales;

15 “this State” means the State of New South Wales.

(2) A reference in this Act to a member of the police force informing a coroner of the death or suspected death of a person or of a fire includes a reference to any prescribed person employed by the Lord Howe Island Board so informing a coroner but only  
20 if the coroner is informed that the death occurred or is suspected of having occurred on Lord Howe Island or that the fire occurred on Lord Howe Island.

(3) A reference in this Act to the remains of a deceased person includes a reference to any part of the remains of that  
25 person.

---

*Coroners.*

PART II.

THE OFFICES OF CORONER AND DEPUTY CORONER.

5. (1) The Governor may by instrument in writing appoint fit and proper persons to be coroners.

Appointment of coroners and deputy coroners.

5 (2) Any such instrument may provide that the person thereby appointed shall be a coroner—

cf. Act No. 2, 1960, s. 5 (1).

- (a) at such place as may be specified in the instrument; or
- (b) in and for this State.

10 (3) The Governor may appoint any fit and proper person to be a deputy coroner at any place if there is a person appointed to be a coroner at that place.

(4) The Governor may, for any cause which to him seems sufficient, remove any coroner or deputy coroner from office.

15 6. (1) A person of or above the age of 70 years shall not be appointed as a coroner or deputy coroner.

Age qualification for coroners and deputy coroners.

(2) A coroner or deputy coroner ceases to hold office as such—

cf. Act No. 2, 1960, s. 5 (2).

- 20 (a) if he is a member of the Public Service, upon the day upon which he ceases to be such a member; or
- (b) if he is not a member of the Public Service, upon the day upon which he attains the age of 70 years.

7. (1) A coroner or deputy coroner appointed after the commencement of this Act shall not act as such unless he has—

Oath of allegiance and judicial oath to be taken by appointed coroners and deputy coroners.

25 (a) taken and subscribed the oath of allegiance and the judicial oath prescribed by the Oaths Act, 1900; or

(b) made and subscribed solemn affirmations in the form of those oaths,

cf. Act No. 2, 1960, s. 7.

and unless he has transmitted them to the Minister.

---

*Coroners.*

---

(2) Any such oath or affirmation may be taken or made before and may be administered and received by any justice.

(3) A coroner or deputy coroner who does not, within 3 months after his appointment as such, take the oaths or make the affirmations referred to in subsection (1) ceases to hold office as coroner or deputy coroner, as the case may be, when that period ends.

8. A coroner appointed under this Act, irrespective of whether he is appointed to be a coroner at a specified place or in and for this State, has all the jurisdiction, powers and duties conferred or imposed on coroners by or under this Act.

All appointed coroners to have full jurisdiction.  
cf. Act No. 2, 1960, s. 6.

9. A deputy coroner at a place has the jurisdiction, powers and duties of the coroner at that place if, and only if, the coroner—

Jurisdiction, powers and duties of deputy coroners.  
cf. Act No. 2, 1960, s. 10.

15 (a) is unable by reason of illness, absence from that place or other sufficient cause to act as coroner;

(b) directs the deputy coroner to hold an inquest or inquiry; or

(c) has ceased to hold office.

20 10. A stipendiary magistrate has, by virtue of his office, all the jurisdiction, powers and duties conferred or imposed on coroners by or under this or any other Act.

Stipendiary magistrates to have jurisdiction, powers and duties of coroners.  
cf. Act No. 2, 1960, s. 8.



*Coroners.*

**11.** Except as provided by section 12, a person who is not a stipendiary magistrate shall not exercise or perform the jurisdiction, powers or duties of a coroner within—

- 5 (a) the Metropolitan Police District or the police districts of Liverpool, Newcastle, Parramatta and Ryde; or
- (b) any other police district to which the provisions of this section are, by order of the Governor published in the Gazette, applied.

Only stipendiary magistrates to act as coroners in certain police districts. cf. Act No. 2, 1960, s. 9.

**12.** (1) A stipendiary magistrate may, by instrument in writing, delegate his jurisdiction, powers and duties—

- 10 (a) to issue orders for the disposal of dead bodies;
- (b) to dispense with the holding of an inquest where death results from natural causes;
- 15 (c) to dispense with the holding of an inquiry where the fire did not occur in suspicious circumstances; or
- (d) in relation to any prescribed matters,

Delegation by stipendiary magistrates. cf. Act No. 2, 1960, s. 8A.

to an officer of any court at which he acts as coroner and may in like manner revoke wholly or in part any such delegation.

(2) Any jurisdiction, power or duty delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the delegate.

(3) Notwithstanding any delegation made under this section, the stipendiary magistrate may continue to exercise or perform any jurisdiction, power or duty delegated.

*Coroners.*

(4) Any act or thing done or suffered by the delegate when acting in pursuance of a delegation made under this section shall have the like force or effect as if the act or thing had been done or suffered by the stipendiary magistrate who made the  
5 delegation.

PART III.

JURISDICTION OF CORONERS.

13. (1) Where, on the information of a member of the police force, it appears to a coroner—

Inquests  
into deaths  
or suspected  
deaths.  
cf. Act No.  
2, 1960,  
s. 11 (1).

10 (a) that, or that there is reasonable cause to suspect that, a person has died;

(b) that, or that there is reasonable cause to suspect that—

(i) the remains of the person are in this State;

15 (ii) the death or suspected death or the cause of the death or of the suspected death occurred in this State; or

(iii) the death or suspected death occurred outside this State and the person had a sufficient connection with this State, as referred to in  
20 subsection (2); and

(c) the death or suspected death is, under subsection (3), examinable by a coroner,

the coroner has jurisdiction to hold an inquest concerning the death or suspected death.

25 (2) The reference in subsection (1) (b) (iii) to a person having had a sufficient connection with this State is a reference to a person who—

(a) was ordinarily resident in this State when the death or suspected death occurred;

---

*Coroners.*

---

(b) was, when the death or suspected death occurred, in the course of a journey to or from some place in this State; or

5 (c) was last at some place in this State before the circumstances of his death or suspected death arose.

(3) For the purposes of subsection (1) (c), the death or suspected death of a person is examinable by a coroner if, on the information of the member of the police force who informed him of the death or suspected death, it appears to him that, or that  
10 there is reasonable cause to suspect that—

(a) the person died a violent or unnatural death;

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

15 (c) the person died under suspicious or unusual circumstances;

(d) a medical practitioner has not given a certificate as to the cause of death;

20 (e) the person was not attended by a medical practitioner within the period of 3 months immediately preceding his death or suspected death;

25 (f) the person died while under, or as a result of, or within a period of 24 hours after the administration to him of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature;

(g) the person died within a year and a day after the date of any accident to which the cause of his death or suspected death is or may be attributable; or



*Coroners.*

5 (h) the person died in an admission centre or mental hospital, within the meaning of the Mental Health Act, 1958, in an institution within the meaning of the Child Welfare Act, 1939, in a prison within the meaning of the Prisons Act, 1952, or in a lock-up and when he died was an inmate of the admission centre, mental hospital or institution or was in custody in the prison or lock-up, or the person died otherwise while in the custody of a member of the police force.

10 (4) The reference in subsection (3) (d) or (e) to a medical practitioner includes, where it appears to the coroner that the death or suspected death occurred at a place outside this State, a reference to a person entitled under the law in force in that place to act as a medical practitioner.

15 **14.** (1) Subject to this Act, a coroner who has jurisdiction to hold an inquest concerning the death or suspected death of a person—

Mandatory and discretionary inquests.  
cf. Act No. 2, 1960, s. 11 (2).

(a) which occurred otherwise than as referred to in section 13 (1) (b) (iii), shall hold the inquest; or

20 (b) which occurred as referred to in section 13 (1) (b) (iii)—

25 (i) shall hold the inquest if the death or suspected death occurred or is suspected to have occurred in, on or above the territorial sea adjacent to New South Wales;

(ii) shall hold the inquest if directed, in writing, by the Minister to do so; or

30 (iii) except as provided by subparagraphs (i) and (ii), may hold the inquest if, in the opinion of the coroner, there are special circumstances warranting his doing so.

---

*Coroners.*

---

(2) A coroner may dispense with the holding of an inquest concerning the death or suspected death of a person which, but for this subsection, he would be required under subsection (1) (a) or (b) (i) to hold if it appears to him—

- 5       (a) in the case of a suspected death of a person, that the person has died and, in the case of a suspected death or a death of a person, that the matters referred to in section 22 are sufficiently disclosed in relation to the person; or
- 10       (b) that an inquest or other official inquiry concerning the death or suspected death has been or is to be held at a place outside this State.

(3) For the purpose of enabling him to determine whether or not to dispense with the holding of an inquest concerning the death of a person who, it appears to him, died or may have died as referred to in section 13 (3) (f), a coroner may, by order in writing served on any person having in his possession or power any document or writing relating to the medical care or treatment of the deceased person, require that person to produce, at such time and place as may be specified in the order, that document or writing to the coroner, to any medical practitioner ordered by the coroner to perform a post mortem examination of the remains of the deceased person or to any other person ordered by the coroner to make a special examination or test of the remains of the deceased person or the contents of his body or any part thereof or of any other matters or things.

(4) A person who does not comply with a requirement made of him under subsection (3) is guilty of an offence against this Act.

(5) A coroner shall not, except pursuant to subsection (2) (b), dispense with the holding of an inquest concerning the death or suspected death of a person which he is required under subsection (1) (a) or (b) (i) to hold if it appears to him that the person has not been identified or that the person died or may have died—

- 35       (a) as a result of homicide other than suicide;
- (b) as referred to in section 13 (3) (h);



*Coroners.*

- (c) as a result of the administration to him of an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature; or
- 5 (d) while under, or within a period of 24 hours after the administration to him of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature and where, within 28 days after the death or
- 10 suspected death, the coroner is requested to hold the inquest by a relative of the person or by any person who, in the opinion of the coroner, has a sufficient interest of any kind in the circumstances of the death or suspected death.
- 15 (6) A coroner who, under subsection (2), dispenses with the holding of an inquest concerning the death or suspected death of a person shall give reasons for his decision in writing—
- (a) at the request of the Minister—to the Minister; or
- 20 (b) at the request, in writing, of any person who has, in the opinion of the coroner, a sufficient interest of any kind in the circumstances of the death or suspected death—to that person.
- (7) Where a coroner—
- 25 (a) refuses a request, referred to in subsection (5) (d), made by a person other than a relative so referred to; or
- (b) refuses a request referred to in subsection (6) (b),
- because the person making the request does not, in the opinion of the coroner, have a sufficient interest of any kind in the circumstances of the death or suspected death, he shall, at the request,
- 30 in writing, of that person, give to that person the reasons for his refusal.



*Coroners.*

15 **15.** (1) Where a coroner is informed by a member of the police force of any fire which has destroyed or damaged any property within this State, the coroner so informed shall have jurisdiction, and it shall be his duty, subject to this Act, to hold  
 5 an inquiry concerning the fire.

Inquiries  
into fires.  
cf. Act No.  
2, 1960,  
s. 12.

(2) Where after consideration of any information in his possession relating to a fire, the coroner is of opinion that the circumstances of the fire are sufficiently disclosed or that an inquiry concerning the fire is unnecessary, he may, subject to  
 10 subsection (3), dispense with the holding of an inquiry concerning the fire.

(3) A coroner shall not dispense with the holding of an inquiry concerning a fire if he has been requested to hold the inquiry—

- 15 (a) in the case of a fire occurring within a fire district within the meaning of the Fire Brigades Act, 1909—by the Board of Fire Commissioners of New South Wales;  
 or  
 20 (b) in the case of a bush fire within the meaning of the Bush Fires Act, 1949—by the Bush Fire Council of New South Wales constituted under that Act.

**16.** (1) A coroner having jurisdiction to hold an inquest or inquiry may refuse to hold the inquest or inquiry in any case where after being informed in accordance with this Act of the  
 25 death or suspected death or of the fire concerned—

Cases where  
a coroner  
is not bound  
to hold an  
inquest or  
inquiry.

- (a) he is unable through illness, absence from the place where he holds office or ordinarily acts as coroner or  
 other cause to hold the inquest or inquiry;  
 30 (b) he, being a person holding office as a stipendiary magistrate or clerk of petty sessions, or duly acting as a clerk of petty sessions, is after being so informed and before holding the inquest or inquiry transferred within the Public Service from the place where he held or acted in that office when he was so informed to some  
 35 other place or position; or

cf. Act No.  
2, 1960,  
s. 13.

---

*Coroners.*

---

5 (c) he is satisfied that the inquest or inquiry should be held by another coroner or that, except where he has jurisdiction to hold an inquest under section 47, the inquest or inquiry should, on the ground of public convenience, be held by a coroner at some other place than that at which he holds office or ordinarily acts as coroner.

(2) Where a coroner refuses to hold an inquest or inquiry in a case referred to in—

10 (a) subsection (1) (a) or (c), a member of the police force; or

(b) subsection (1) (b), the coroner, may inform any other coroner of the death or suspected death or of the fire and that other coroner may proceed in all respects as if 15 the firstmentioned coroner had not been informed of the death or suspected death or of the fire.

---

PART IV.

INQUESTS AND INQUIRIES GENERALLY.

DIVISION 1.—*Principal Provisions.*

20 17. (1) Where, under this Act, an inquest or inquiry is to be held, the coroner—

- Time and  
place of  
inquest or  
inquiry.
- (a) shall fix a time and place for the commencement of the inquest or inquiry;
  - 25 (b) shall give particulars of the time and place to any person who has given notice in writing to the coroner of his intention to seek leave to appear or to be represented at the inquest or inquiry; and
  - 30 (c) may give particulars of the time and place to any person who has, in the opinion of the coroner, a sufficient interest in the subject-matter of the inquest or inquiry.

*Coroners.*

(2) Without limiting subsection (1) (b) or (c), particulars referred to in those paragraphs shall be deemed to have been given if a notice specifying the particulars is sent by post to the person to whom the particulars are to be given.

5 18. (1) An inquest or inquiry shall, except as provided by subsection (2), be held before a coroner without a jury.

Inquests and inquiries with or without juries.  
cf. Act No. 2, 1960, s. 14.

(2) An inquest shall be held before a coroner with a jury if—

(a) the Minister so directs; or

10 (b) a relative of the person who has died or is suspected of having died or the secretary of any society or organisation of which that person was, immediately before his death or suspected death, a member so requests.

15 (3) Where an inquest concerning a death or suspected death caused or suspected by the coroner of having been caused by an explosion or accident in or about a mine situated wholly or partly in the Broken Hill Jury District constituted under the Jury Act, 1977, is held before a coroner with a jury, the jury shall  
20 consist of 6 persons summoned in accordance with the regulations.

(4) An inquiry shall be held before a coroner with a jury if the Minister so directs.

19. (1) Where—

25 (a) before an inquest or inquiry commences or at any time during the course of an inquest or inquiry, it appears to the coroner that a person has been charged with an indictable offence; or

30 (b) at any time during the course of an inquest or inquiry the coroner is of opinion that the evidence given at the inquest or inquiry establishes a prima facie case against any known person for an indictable offence,

Procedure at inquest or inquiry where person charged with, or prima facie case for, indictable offence.  
cf. Act No. 2, 1960, s. 28.



---

*Coroners.*

---

and the indictable offence is one in which the question whether the person charged or the known person caused the death or suspected death or the fire is in issue, the coroner—

5 (c) where he has not commenced the inquest or inquiry or has commenced it but—

(i) in the case of an inquest concerning the death of a person, has not taken evidence as to his identity and the date and place of his death;

10 (ii) in the case of an inquest concerning the suspected death of a person, has not taken evidence that establishes that he has died and as to his identity and the date and place of his death; or

(iii) in the case of an inquiry, has not taken evidence as to the date and place of the fire,

15 may commence or continue the inquest or inquiry but for the purpose only of taking that evidence and shall, upon doing so, terminate the inquest or inquiry;

20 (d) where he has commenced the inquest or inquiry but decides not to continue it under paragraph (c), shall terminate the inquest or inquiry; or

(e) where he has commenced the inquest or inquiry and has taken the evidence referred to in paragraph (c) relevant thereto, shall terminate the inquest or inquiry,

and discharge the jury, if any.

25 (2) Where, under subsection (1), a coroner terminates an inquest or inquiry after coming to the opinion that a prima facie case for an indictable offence has been established against a known person, he shall forward to the Attorney-General the depositions taken at the inquest or inquiry together with a statement signed  
30 by the coroner specifying the name of that person and particulars of the offence.

---

*Coroners.*

---

20. (1) Notwithstanding that, under section 19 (1), a coroner decides not to commence, or terminates, an inquest concerning the death or suspected death of a person or an inquiry concerning a fire, an inquest or a fresh inquest concerning that death or suspected death, or an inquiry or a fresh inquiry concerning that fire, as the case may be, may subsequently be held under this Act, but shall not be held—

Further  
inquest  
or inquiry  
after  
previous  
inquest  
or inquiry  
terminated  
under  
section 19.

(a) where a person has been charged with an indictable offence in which the question whether he caused the death or suspected death or the fire is in issue, until—

(i) the charge is finally dealt with on the committal of that person for trial for the offence to a sittings of the Supreme Court or the District Court or on his committal to either of those courts to be dealt with as provided in section 51A of the Justices Act, 1902;

(ii) the Attorney-General directs that no further proceedings be taken against that person in respect of the charge; or

(iii) a justice orders or justices order that that person be discharged as to the information under inquiry before him or them with respect to the charge; or

(b) where the coroner has terminated the inquest or inquiry after coming to the opinion that a prima facie case for an indictable offence has been established against a known person and neither the person named in the statement referred to in section 19 (2) nor any other person has been charged with an indictable offence in which the question whether the person so named or that other person caused the death or suspected death or the fire is in issue—until the Attorney-General directs that no proceedings be taken against the person so named for the indictable offence particulars of which are set out in the statement.

(2) For the purposes of subsection (1) (a) (i), a charge shall be deemed to be finally dealt with when no further appeal can be made in respect thereof without an extension of time being granted by the Court of Criminal Appeal or without special leave of the High Court of Australia or of Her Majesty in Council.

*Coroners.*

**21.** (1) If, at any time during the course of an inquest concerning the death or suspected death of a person, it appears to the coroner from the evidence that the person has not died—

Procedure  
at inquest  
upon finding  
no death.

- 5 (a) he shall, if there is no jury, so find and terminate the inquest; or
- (b) he may, if there is a jury, request the jury to bring in a preliminary verdict as to whether or not the person has died.

(2) If, pursuant to a request referred to in subsection (1)

10 (b), the verdict of the jury is—

- (a) that the person has not died, the coroner shall terminate the inquest and discharge the jury; or
- (b) that the person has died or that it is uncertain whether he has died, the inquest shall be resumed.

15 (3) The coroner shall, upon the termination of an inquest under this section, record in writing his findings or, if there is a jury, the jury's verdict.

**22.** (1) The coroner holding an inquest concerning the death or suspected death of a person shall, at its conclusion or termination, record in writing his findings or, if there is a jury, the jury's verdict, as to whether the person died and, if so—

Finding of  
coroner or  
verdict of  
jury to be  
recorded.

cf. Act No. 2,  
1960, s. 29.

- (a) his identity;
- (b) the date and place of his death; and
- 25 (c) except in the case of an inquest terminated under section 19 or 21, the manner and cause of his death.



---

*Coroners.*

---

(2) The coroner holding an inquiry concerning a fire shall, at its conclusion or termination, record in writing his findings or, in the case of an inquiry held before a jury, the jury's verdict—

- 5       (a) except as provided in paragraph (b), as to the date and place and the circumstances of the fire;
- (b) in the case of an inquiry terminated under section 19, as to the date and place of the fire.

(3) Any record made under the provisions of subsection (1) or (2) shall not indicate or in any way suggest that an offence  
10 has been committed by any person.

(4) Subsection (1) does not apply in respect of an inquest terminated under section 21.

**23.** (1) Notwithstanding that an inquest concerning the death or suspected death of a person— Further inquest.

- 15       (a) is terminated under section 21 (1) (a); or
- (b) is concluded and the coroner's findings are, or the jury's verdict recorded under section 22 is, that the person has not died or it is uncertain whether he has died,

a fresh inquest concerning the death or suspected death may  
20 subsequently be held under this Act.

(2) Where the remains of a person are found in this State, an inquest concerning the death of the person may be held notwithstanding that an inquest concerning the suspected death of the person has been held.

*Coroners.*

*DIVISION 2.—Machinery Provisions.*

24. The jurisdiction, powers and duties conferred or imposed upon a coroner in relation to inquests or inquiries or in relation to deaths or suspected deaths or fires, shall be exercised and performed by him only in relation to inquests or inquiries which he has jurisdiction to hold or in relation to deaths or suspected deaths or fires concerning which he has jurisdiction to hold an inquest or inquiry.

Powers of coroners defined.  
cf. Act No. 2, 1960, s. 38.

25. (1) Where a coroner considers that an examination should, for the purposes of an inquest or inquiry, be made in relation to any place or that any measurements or photographs should, for those purposes, be taken in relation to any place, he may issue an order in writing to a specified person authorising him to enter any specified place during a specified period and to—

Order authorising entry of certain places.  
cf. Act No. 2, 1960, s. 38A.

(a) make such examination of—

- (i) the nature and condition of the place or any equipment or machinery therein or thereon; or
- (ii) any other matter or thing; or

(b) take such measurements or photographs,

as is or are specified or referred to in the order.

(2) An order may be made under subsection (1)—

(a) before the commencement; or

(b) after the commencement and before the completion,

of the inquest or inquiry referred to in that subsection.

(3) A person to whom an order is issued under subsection (1) may, during the specified period, enter the specified place and—

(a) make the examination; or

(b) take the measurements or photographs,

specified or referred to in the order.

*Coroners.*

(4) A person who, upon production to him of an order issued under subsection (1), obstructs or hinders the person to whom the order was issued in the exercise of his powers under this section arising by virtue of the order is guilty of an offence against this Act.

26. Notwithstanding any other provision of this Act, a coroner, being a medical practitioner, shall not hold an inquest concerning the death or suspected death of any person whom he attended professionally at or immediately before the death or suspected death of that person or during any illness which that person suffered before and which continued up to his death or suspected death.

Coroner who is medical practitioner not to hold certain inquests. cf. Act No. 2, 1960, s. 39.

27. (1) A coroner may commence or hold an inquest or inquiry on a Sunday if he is of opinion that such a course is necessary or desirable.

Inquest or inquiry on Sunday. cf. Act No. 2, 1960, s. 40.

(2) In such a case, the coroner shall note on the proceedings the circumstances which in his opinion render such a course necessary or desirable.

(3) A coroner may, for the purposes of this Act, do any act or issue a summons, warrant or order on a Sunday.

28. An inquest or inquiry which would, but for this section, be held before a coroner and a jury at any place that is not a place for which a jury district is constituted under the Jury Act, 1977, shall be held at the nearest such place.

Place where inquest or inquiry before jury to be held. cf. Act No. 2, 1960, s. 14A.



*Coroners.*

**29.** A view of the body of a deceased person or of the scene of a fire shall not, upon any inquest or inquiry, be taken by the coroner or, where there is a jury, by the jury unless the coroner deems it advisable to be done.

Coroner and jury not to view body or scene of fire.  
cf. Act No. 2, 1960, s. 15.

**30.** The room or building in which a coroner holds an inquest or inquiry shall be open to the public.

Place of inquest.  
cf. Act No. 2, 1960, s. 41.

**31.** The coroner holding an inquest or inquiry shall examine on oath all persons—

Witnesses to be examined on oath.

(a) who tender evidence relevant to the inquest or inquiry;  
or

cf. Act No. 2, 1960, s. 16.

(b) who, in the opinion of the coroner, are able to give evidence relevant to the inquest or inquiry.

**32.** Any person who, in the opinion of the coroner holding an inquest or inquiry, has a sufficient interest in the subject-matter of the inquest or inquiry may by leave of the coroner appear in person at the inquest or inquiry or be represented thereat by counsel or a solicitor, and may examine and cross-examine any witnesses on matters relevant to the inquest or inquiry.

Representation at inquests or inquiries.  
cf. Act No. 2, 1960, s. 17.

**33.** A coroner holding an inquest or inquiry shall not be bound to observe the rules of procedure and evidence applicable to proceedings before a court of law, but no witness shall be compelled to answer any question which criminate him, or tends to criminate him, of any felony, misdemeanour or offence.

Rules of procedure and evidence.  
cf. Act No. 2, 1960, s. 18.

---

*Coroners.*

---

34. (1) The deposition of every witness at an inquest or inquiry shall be recorded by means of writing, shorthand, stenotype machine, sound-recording apparatus or any other means prescribed for the time being by regulations made under section 5 154 (1A) (b) of the Justices Act, 1902.

Depositions  
to be  
taken.  
cf. Act  
No. 2, 1960,  
s. 19.

(2) Where, for the purposes of subsection (1), the deposition of a witness is recorded by means of writing, it shall be read over either to or by the witness, as the coroner holding the inquest or inquiry may direct, and be signed by him and by the coroner.

10 (3) The coroner holding an inquest or inquiry shall, as soon as practicable after the completion thereof, cause the depositions taken at the inquest or inquiry to be filed in the office of the clerk of petty sessions where, or nearest to the place where, the inquest or inquiry was held or in such other office of a clerk of 15 petty sessions as the Minister in writing may direct.

(4) Any person who—

(a) shows cause sufficient in the opinion of the clerk of petty sessions in whose office the depositions are filed why that person should be supplied with a copy of the 20 depositions taken at any inquest or inquiry; and

(b) pays a fee calculated at the rate prescribed by the regulations for the time being in force under section 154 of the Justices Act, 1902, for copies of depositions,

shall be supplied by the clerk of petty sessions with a copy of the 25 depositions.

*Coroners.*

**35.** (1) If it is made to appear to a coroner—

Summons  
for appear-  
ance or  
warrant  
for appre-  
hension of  
witness.

- 5 (a) that any person is likely to be able to give material evidence at any inquest or inquiry being held, or to be held, by him or is likely to have in his possession or power any document or writing required for the purposes of evidence at the inquest or inquiry; and

cf. Act  
No. 2, 1960,  
s. 20.

- 10 (b) that that person will not appear voluntarily to be examined as a witness, or to produce the document or writing at the time and place appointed for the holding of the inquest or inquiry,

the coroner—

- (c) may issue his summons for the appearance of that person to be examined as a witness or to produce the document or writing, as the case may be; or
- 15 (d) if he is satisfied by evidence upon oath that it is probable that that person will not appear to be examined or to produce the document or writing unless compelled to do so, may issue his warrant in the first instance for the apprehension of that person.

- 20 (2) A person is not bound to produce any document or writing not specified or otherwise sufficiently described in a summons or warrant issued under subsection (1) in respect of him or which he would not be bound to produce upon a subpoena for production in the Supreme Court.

25 **36.** A summons issued under section 35 (1) shall—

Form of  
summons.  
cf. Act No.  
2, 1960,  
s. 21.

- (a) be under the hand and seal of the coroner issuing it;
- (b) be directed to the person whose appearance is required;  
and



*Coroners.*

- (c) require that person to appear at a certain time and place before the coroner to testify what he knows concerning the subject-matter of the inquest or inquiry or to produce any document or writing specified or described in the summons.

5

37. (1) A summons issued under section 35 (1) shall be served by a member of the police force upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be found, then by leaving it with some person for him at his last or most usual place of abode.

Manner of service of summons.  
cf. Act No. 2, 1960, s. 22.

(2) Service of a summons in the manner specified in subsection (1) may be proved by the oath of the member of the police force who served it attending at the inquest or inquiry, by his affidavit or otherwise.

38. No objection shall be taken or allowed to any summons or warrant in respect of any alleged defect therein in substance or in form.

Certain defects immaterial.  
cf. Act No. 2, 1960, s. 23.

39. Where a person for whose appearance a summons has been issued does not appear at the time and place appointed thereby, the coroner by whom the summons was issued may, upon proof of the due service of the summons upon that person and if no just excuse is offered for his non-appearance, issue his warrant for the apprehension of that person.

Warrants for non-appearance to summons.  
cf. Act No. 2, 1960, s. 24 (1).

40. (1) Where a person is apprehended under a warrant issued under section 35 or 39 the coroner before whom the person is brought shall thereupon either—

Apprehension of witness under warrant.  
cf. Act No. 2, 1960, s. 24 (2)–(8).

(a) commit him—

(i) by warrant to prison, a lock-up or place of security; or

*Coroners.*

(ii) verbally to such safe custody as the coroner may think fit,

and order him to be brought up at a time and place to be appointed by the coroner; or

5 (b) discharge him upon his entering into a recognizance.

(2) Such a recognizance shall be entered into with or without a surety or sureties, as the coroner may direct, conditioned that the person entering into it shall appear at the time and place appointed in the recognizance.

10 (3) Such a recognizance shall be duly acknowledged by the person who enters into it and shall be subscribed by the coroner before whom it is acknowledged and notice of it, signed by the coroner, shall at the same time be given by the coroner to that person.

15 (4) Where a person discharged on such a recognizance does not appear at the time and place appointed in the recognizance, the coroner shall transmit the recognizance to the Clerk of the Peace to be proceeded upon according to law.

20 (5) The coroner so transmitting such a recognizance shall certify on the back thereof the non-appearance of the person bound thereby and the certificate shall be prima facie evidence of the non-appearance of that person.

41. (1) A warrant, issued by a coroner under section 35 or 39, for the apprehension of any person shall—

25 (a) be under the hand and seal of the coroner;

(b) be directed to a member of the police force by name or generally to the senior officer of police of the district or place where it is to be executed, or to that officer of

Form of  
warrant.  
cf. Act No.  
2, 1960,  
s. 25.

*Coroners.*

police and to all other members of the police force in this State, or generally to all members of the police force in this State;

- 5 (c) name or otherwise describe the person whose appearance is required; and
- (d) order any member of the police force to whom it is directed to apprehend the person whose appearance is required, and cause him to be brought before the coroner to testify what he knows concerning the subject-matter of the inquest or inquiry or to produce the document or writing specified or described in the warrant.
- 10

(2) Such a warrant shall be returnable at a time and place to be stated therein.

(3) Such a warrant may be executed by apprehending the person against whom it is directed at any place in this State.

15

**42.** (1) A person who appears, whether or not upon summons or warrant, to give evidence or to produce any document or writing at an inquest or inquiry and who, without lawful excuse—

Refusal of witness to be examined. cf. Act No. 2, 1960, s. 26.

- (a) refuses to take the oath;
- 20 (b) refuses to be examined upon oath;
- (c) having taken the oath, refuses to answer any question relevant to the subject-matter of the inquest or inquiry; or
- (d) refuses or neglects to produce the document or writing,
- 25 is guilty of an offence against this Act.



*Coroners.*

(2) The reference in subsection (1) to an oath is, in relation to a person who objects to taking an oath, a reference to an affirmation referred to in section 12 of the Oaths Act, 1900.

43. (1) A person who at any inquest or inquiry is guilty of contempt. 5 contempt is liable, upon summary conviction by the coroner holding the inquest or inquiry, to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 14 days. cf. Act No. 2, 1960, s. 27.

(2) A coroner who is not a justice and any justice shall in respect of any such conviction have all the powers of a justice 10 in respect of a conviction by a justice and the provisions of the Justices Act, 1902, with respect to the enforcement of convictions apply to any such conviction or order made thereupon.

44. (1) A coroner holding an inquest or inquiry may order— Power of coroner to clear court and prohibit publication of evidence and reports of proceedings.  
 15 (a) any witness or all of the witnesses to go and remain outside the room or building in which the inquest or inquiry is being held until required to give evidence; or cf. Act No. 2, 1960, s. 42 (a).  
 (b) that any evidence given at the inquest or inquiry being held by him be not published.

(2) Where, at the commencement or in the course of an 20 inquest, it appears to the coroner that the death or suspected death with which the inquest is concerned may have been self inflicted, the coroner may order that no report, or no further report, of the proceedings be published until after he has made his findings or, in the case of an inquest held before a jury, the jury has brought 25 in its verdict.

(3) Subject to subsection (4), where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted, no report of the proceedings shall be published after the finding or verdict.

---

*Coroners.*

---

(4) Where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted and the coroner holding the inquest is of opinion that it is desirable in the public interest to permit a report of the proceedings of the inquest to be published, he may, by order, permit the whole of the proceedings, or such part of the proceedings as are specified in the order, to be published.

**45.** (1) A person who fails to comply with an order made under section 44 (1) or (2) is guilty of an offence against this Act. Offences. cf. Act No. 2, 1960, s. 42 (c), (d).

10 (2) Where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted, any person who publishes or causes to be published any report of the proceedings of the inquest after the finding or verdict is guilty of an offence unless an order has been made under section 15 44 (4) and the report complies with the order.

(3) Where—

- (a) a coroner holding an inquest or inquiry forbids or disallows any question or warns any witness that he is not compelled to answer any question; or
- 20 (b) a witness in an inquest or inquiry refuses to answer any question on the ground that it criminate him, or tends to criminate him, of any felony, misdemeanour or offence,

any person who publishes the question, warning, refusal or claim of privilege without the express permission of the coroner is guilty of an offence against this Act.

(4) A person who is guilty of an offence against this Act arising under this section is liable—

- (a) if a body corporate, to a penalty not exceeding \$5,000; or
- 30 (b) if any other person, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 6 months.

*Coroners.*

46. For the purposes of sections 44 and 45, matter is published only if it is—

Meaning of  
“published”  
in sections  
44 and 45.

(a) inserted in any newspaper or any other periodical publication;

5 (b) publicly exhibited; or

(c) broadcast by wireless transmission or by television.

PART V.

SUPREME COURT'S POWERS RELATING TO INQUESTS AND INQUIRIES.

10 47. (1) Where the Supreme Court, upon an application made by, or under the authority of, the Minister or by any other person, is satisfied that it is necessary or desirable in the interests of justice that an inquest concerning a death or suspected death or inquiry concerning a fire should be held (whether or not an inquest con-  
15 cerning the death or suspected death or an inquiry concerning the fire has been partly held and terminated), the Supreme Court may order that the inquest or inquiry be held.

Powers of  
Supreme  
Court to  
order  
inquest or  
inquiry.  
cf. Act No.  
2, 1960,  
s. 37.

(2) Where an inquest or inquiry has been, or purports to have been, held and the Supreme Court, upon an application made  
20 by, or under the authority of, the Minister or by any other person is satisfied that, by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, discovery of new facts or evidence, or otherwise, it is necessary or desirable in the interests of justice that the inquest or inquiry be quashed and a  
25 fresh inquest or inquiry be held, the Supreme Court may order that the first inquest or inquiry be quashed and that instead thereof a fresh inquest or inquiry be held.



---

*Coroners.*

---

(3) Upon service on the Minister of an order made by the Supreme Court under subsection (1) or (2), the Minister shall endorse on a copy thereof the name of some coroner and send it to that coroner.

5 (4) Where a coroner whose name is endorsed on the copy of the order refuses, under section 16 (1) (a) or (b), to hold the inquest, the Minister shall endorse on a copy of the order the name of some other coroner and send it to that other coroner.

(5) Upon receipt of the copy endorsed under subsection  
10 (3) or (4) the coroner whose name is endorsed on the copy of the order shall have jurisdiction, and it shall be his duty, to hold the inquest or inquiry ordered to be held in accordance with the provisions of this Act, notwithstanding that he does not have jurisdiction to hold the inquest or inquiry under any other provision  
15 of this Act.

(6) Section 14 does not apply to or in respect of the holding of an inquest or inquiry by a coroner who has jurisdiction to hold the inquest or inquiry under this section.

---

PART VI.

20 POST MORTEM EXAMINATIONS AND EXHUMATIONS.

48. (1) A coroner may, either before commencing or after commencing and before completing an inquest concerning the death of a person, by order in writing, direct—

25 (a) any medical practitioner to perform a post mortem examination of the remains of that person; and

(b) the same or any other medical practitioner or any other person who the coroner considers has sufficient qualifications to do so, to make a special examination or test,

Post mortem or other examination may be ordered by coroner. cf. Act No. 2, 1960, s. 30.

---

*Coroners.*

---

specified in the order, of the remains of that person or of the contents of his body or any part thereof, or of such other matters or things as the coroner considers ought to be examined for the purpose of the inquest,

5 and to furnish, as soon as practicable, a report of the examination or test to the coroner.

(2) Where it appears to a coroner that the death of a person was probably caused, partly or entirely, by improper or negligent treatment by a medical practitioner or other person, the  
10 coroner shall not issue an order under subsection (1) relating to that person to that medical practitioner or other person, but shall, where he issues such an order, cause that medical practitioner or other person to be informed either verbally or in writing that an order under subsection (1) relating to that person has been issued  
15 and of the name and address of the medical practitioner or other person to whom the order has been issued.

(3) A medical practitioner or other person so informed shall not carry out or assist in carrying out an order under subsection (1) relating to the deceased person but shall if he attends  
20 at the time and place that the order is being carried out be entitled to be present while the order is being carried out.

49. Where it appears to the coroner or to a majority of the jury at any inquest concerning the death of a person that the cause of death has not been satisfactorily explained by the evidence  
25 given in the first instance by the medical practitioner or medical practitioners by whom a post mortem examination of the remains of the deceased person was made, or by the medical practitioner or medical practitioners or other person by whom a special examination or test was made pursuant to section 48 (1) (b), the  
30 coroner shall by order in writing direct any other medical practitioner or medical practitioners or other person referred to in that paragraph to perform a post mortem examination or a special

Additional  
medical  
evidence  
in certain  
cases.

cf. Act  
No. 2, 1960,  
s. 31.

*Coroners.*

examination or test referred to in that paragraph and to furnish, as soon as practicable, a report of the examination or test to the coroner.

50. Where an order issued under section 48 (1) or 49 is served upon the medical practitioner, or other person, to whom it is directed or is left at his last or most usual place of abode or place of practice, in sufficient time for him to obey it and he does not obey it, he is, unless he shows a good and sufficient cause, guilty of an offence against this Act.
- Medical witness neglecting to obey order.  
cf. Act No. 2, 1960, s. 32.

51. A coroner to whom a report in writing referred to in section 48 (1) or 49 is furnished shall, on the request in writing of a relative of the deceased person or of any person who has, in the opinion of the coroner, a sufficient interest of any kind in the cause of death of the deceased person, furnish a copy of the report to the relative or other person making the request.
- Copies of medical reports.  
cf. Act No. 2, 1960, s. 33A.

52. (1) A medical practitioner or other person who in accordance with an order or request of a coroner—

Remuneration of medical practitioners.  
cf. Act No. 2, 1960, s. 34.

- (a) makes any post mortem examination or any special examination or test; or
- 20 (b) attends and gives evidence at an inquest with respect to a post mortem examination or special examination or test made by him,

shall be entitled to be paid fees calculated at the prescribed rate.

- (2) Notwithstanding subsection (1), a medical officer appointed at a salary or other remuneration to attend a public hospital, gaol or other public institution, shall not be entitled



---

*Coroners.*

---

under subsection (1) to fees in respect of any post mortem examination, special examination or test with respect to a person who died in that hospital, gaol or institution.

(3) Subsection (2) does not apply in respect of a medical officer appointed to attend a public hospital except where he is an employee of that public hospital.

**53.** (1) Where the remains of a person have been buried and an inquest concerning the death of the person—

Warrant  
for ex-  
humation  
of body.  
cf. Act  
No. 2, 1960,  
s. 35.

(a) has not been held;

10 (b) has been commenced and—

(i) has been terminated under section 19 or 21; or

(ii) has otherwise not been completed; or

(c) has been completed and the Supreme Court has quashed the inquest and has ordered a fresh inquest to be held,

15 a coroner may, if he considers it desirable to do so for the purpose of ordering a post mortem examination, or a further or more complete post mortem examination, of the remains, or a special examination or test, or a further or more complete special examination or test, of the remains or any part thereof, issue his warrant  
20 for the exhumation of the remains and any member of the police force to whom the warrant is directed shall cause it to be executed, and, upon it being executed, shall report the fact to the coroner.

(2) Where an inquest concerning the death or suspected death of a person has been terminated under section 19 or 21, a  
25 coroner shall not exercise his powers under subsection (1) with respect to the remains of that person unless an inquest or a fresh inquest concerning the death of that person may be held as referred to in section 20 or 23 or pursuant to section 47.

---

*Coroners.*

PART VII.

MISCELLANEOUS.

54. (1) A person convicted of an offence against this Act Penalty.  
is, for every such offence for which no other penalty is provided cf. Act  
5 by or under this Act, liable to a penalty not exceeding \$500. No. 2, 1960,  
s. 44.

(2) A penalty imposed by this Act or the regulations may  
be recovered in a summary manner before a stipendiary magistrate  
or any 2 justices in petty sessions.

55. (1) Schedule 1 has effect with respect to inquests con- Deaths or  
10 cerning deaths or suspected deaths which, it appears to a coroner, suspected  
may have been caused by explosions or accidents in certain mines, deaths in  
as referred to in that Schedule. mines.

(2) A provision of Schedule 1 that is inconsistent with  
any other provision of this Act prevails over that other provision  
15 to the extent of the inconsistency.

56. Except as provided in Schedule 3, a magisterial inquiry Abolition  
as defined in section 4 (1) of the Coroners Act, 1960, touching of magis-  
the death of any person shall not be held after the commencement terial  
of this section. inquiries.

20 57. (1) Each Act specified in Column 1 of Schedule 2 is, Repeals and  
to the extent specified opposite that Act in Column 2 of that savings and  
Schedule, repealed. transitional  
provisions.

(2) Schedule 3 has effect.

*Coroners.*

**58.** (1) The Governor may make regulations not inconsistent with this Act for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the conduct of and procedure at inquests and inquiries;
- (b) the summoning of jurors for a jury referred to in section 18 (3);
- (c) prescribing any forms to be used under this Act; and
- 10 (d) the allowances to be paid to witnesses attending inquests and inquiries.

(2) The regulations may impose a penalty not exceeding \$200 for any breach thereof.

## SCHEDULE 1.

Sec. 55.

15 SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED DEATHS IN MINES.

1. In this Schedule, except so far as the context or subject-matter otherwise indicates or requires—

20 “inspector” means an inspector of mines or the Chief Inspector of Mines under the Mines Inspection Act, 1901, or an inspector of collieries under the Coal Mines Regulation Act, 1912;

“mine” means mine, as defined by the Mines Inspection Act, 1901, of any metal or mineral, as so defined, or any mine of coal or shale to which the Coal Mines Regulation Act, 1912, applies.

25 2. With respect to an inquest concerning a death or suspected death which, it appears to the coroner, may have been caused by an explosion or accident in or about a mine situated in, or access to which is obtained from a place in, this State, the following provisions shall have effect:—

30 (a) Where a coroner holds an inquest concerning a death or suspected death which, it appears to the coroner, may have been caused by an explosion or accident, of which notice is required by the Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912, to



## SCHEDULE 1—continued.

5 be given to an inspector, the coroner shall adjourn the inquest, unless an inspector, or some person on behalf of the Minister for Mines, is present to watch the proceedings.

(b) The coroner, at least 4 days before resuming the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of resuming the adjourned inquest.

0 (c) The coroner, before the adjournment, may take evidence to identify the remains, and may order the disposal of the remains.

5 (d) If not more than one person died or is suspected of having died as a result of the explosion or accident and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest so as to reach the inspector not less than 24 hours before the time of holding the inquest, it shall not be imperative for him to adjourn the inquest in pursuance of paragraph (a) unless the majority of the jury, if there is a jury, think it necessary so to adjourn.

0 (e) An inspector may examine any witness at the inquest, subject nevertheless to the order of the coroner.

5 (f) Where evidence is given at the inquest of any neglect having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the coroner or jury to require a remedy and an inspector is not present, the coroner shall send to an inspector notice in writing of the neglect or defect.

0 (g) Any person having a personal interest in, or employed in, or in the management of, the mine in which the explosion or accident occurred shall, if summoned to serve on the jury at the inquest, notify the sheriff of that fact and shall not be qualified or liable to serve on that jury.

5 (h) Any relative of any person concerning whose death or suspected death the inquest is being held, and the owner or manager of the mine in which the explosion or accident occurred, and any person appointed by the order in writing of the majority of the persons employed at the mine, shall, notwithstanding any other provision of this Act, be at liberty to attend and examine any witness, either in person or by his counsel, solicitor or agent.

40 3. A person who fails to comply with clause 2 (g) is guilty of an offence  
and liable to a penalty not exceeding \$500.

*Coroners.*SCHEDULE 1—*continued.*SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED  
DEATHS IN MINES—*continued.*

4. No prosecution shall be instituted against a coroner for any offence  
5 under this Schedule except with the consent in writing of the Minister for  
Mines.

## SCHEDULE 2.

Sec. 57 (1).

## REPEALS.

Column 1.		Column 2.
10 Year and number of Act.	Short title of Act.	Extent of repeal.
1960, No. 2 ..	Coroners Act, 1960. . . . .	The whole.
1963, No. 15 ..	Coroners (Amendment) Act, 1963. . .	The unrepealed portion.
15 1967, No. 52 ..	Coroners (Amendment) Act, 1967. . .	The whole.
1970, No. 63 ..	Coroners (Amendment) Act, 1970. . .	The whole.
1973, No. 87 ..	Registration of Births, Deaths and Marriages Act, 1973.	So much of Schedule 1 as relates to Acts No. 2, 1960, and No. 15, 1963.
20 1977, No. 18 ..	Jury Act, 1977. . . . .	The matter in section 3 relating to Schedule 6. Section 78 (2) and Schedule 6.
1978, No. 47 ..	Coroners (Amendment) Act, 1978. . .	The whole.

## SCHEDULE 3.

Sec. 57 (2).

## SAVINGS AND TRANSITIONAL PROVISIONS.

1. A person who immediately before the commencement of this clause  
held office as a coroner or deputy coroner shall—
- 30 (a) if he was appointed to be a coroner or deputy coroner at a  
particular place, be deemed to have been appointed by the  
Governor under the provisions of this Act to be the coroner or  
deputy coroner, as the case may be, at that place; or

*Coroners.*

SCHEDULE 3—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (b) if he was appointed to be a coroner or deputy coroner in and for this State but was not appointed to be a coroner or deputy coroner at any particular place, be deemed to have been appointed under the provisions of this Act to be a coroner or deputy coroner, as the case may be, in and for this State.
- 10 2. (1) All proceedings, other than proceedings on a magisterial inquiry referred to in subclause (2) of this clause, which were commenced and were pending or part heard at the commencement of this clause under any of the enactments repealed by this Act shall, subject to this Act, be continued and completed as if those proceedings had been taken or commenced under this Act.
- 15 (2) Proceedings on a magisterial inquiry, as defined in section 4 (1) of the Coroners Act, 1960, touching the death of any person, being proceedings that were commenced and were pending or part heard at the commencement of this clause, may be continued and completed as if this Act had not been enacted but shall be terminated if an inquest concerning the death of that person is held under this Act.
- 20 3. A warrant of commitment for an offence or a recognizance for the appearance of any person charged to take his trial for an offence, issued or taken by a coroner and in force immediately before the commencement of this clause, shall, notwithstanding any repeal effected by this Act, continue in force and have effect according to its tenor after that commencement.
- 25 4. Without limiting any saving in the Interpretation Act, 1897, the repeal of any enactment by this Act does not revive the verdict of *felo de se*.
- 30 5. (1) Section 34 (3) applies in respect of depositions which were taken at an inquest, inquiry or magisterial inquiry held before the commencement of this clause and were not filed in the office of a clerk of petty sessions in the same way as it applies in respect of depositions taken at an inquest or inquiry held after that commencement.
- (2) Section 34 (4) applies in respect of depositions which were taken at an inquest, inquiry or magisterial inquiry held before the commencement of this clause in the same way as it applies in respect of depositions taken at an inquest or inquiry held after that commencement.



---

*Coroners.*

---

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (3) In relation to any such depositions transmitted to the Under Secretary, Department of the Attorney-General and of Justice, before the commencement of the Coroners (Amendment) Act, 1963, and received by him, section 34 (4), as applied by subclause (2) of this clause, shall be construed as if a reference therein to the clerk of petty sessions in whose office the depositions are filed were a reference to the Under Secretary.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

## **CORONERS BILL, 1980**

### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill :—

- Child Welfare (Coroners) Amendment Bill, 1980;
- Coal Mines Regulation (Coroners) Amendment Bill, 1980;
- Fire Brigades (Coroners) Amendment Bill, 1980;
- Jury (Coroners) Amendment Bill, 1980;
- Liquor (Amendment) Bill, 1980;
- Physiotherapists Registration (Coroners) Amendment Bill, 1980;
- Prisons (Coroners) Amendment Bill, 1980;
- Registration of Births, Deaths and Marriages (Coroners) Amendment Bill, 1980.

1. The object of this Bill is to repeal the Coroners Act, 1960, and to enact in its place a new Coroners Act.

2. Part I of the Bill contains the usual preliminary provisions—the short title and the commencement, arrangement and interpretation provisions (Clauses 1–4).

3. Part II of the Bill contains provisions dealing with the offices of coroner and deputy coroner. The objects of this Part are—

- (a) to authorise the appointment of coroners and deputy coroners (Clause 5);
- (b) to provide for the termination of office of coroners and deputy coroners upon their attaining the age of 70 years except in the case of a coroner who is a member of the Public Service whose office terminates upon the day he ceases to be such a member (Clause 6);
- (c) to require coroners and deputy coroners to take the oath of allegiance and judicial oath, or affirmations instead (Clause 7);
- (d) to confer general jurisdiction with respect to inquests and inquiries on all coroners (Clause 8);
- (e) to specify the circumstances in which deputy coroners may exercise jurisdiction (Clause 9);
- (f) to provide that a stipendiary magistrate is ex officio a coroner (Clause 10);
- (g) to provide that only stipendiary magistrates may act as coroners within the Metropolitan Police District or the police districts of Liverpool, Newcastle, Parramatta and Ryde or other gazetted police districts (Clause 11); and
- (h) to permit a stipendiary magistrate to delegate some of his coronial functions to a court officer (Clause 12).

4. Part III of the Bill contains provisions which deal with the jurisdiction of coroners. The objects of this Part are—

- (a) to confer jurisdiction on a coroner to hold an inquest concerning the death of a person if, on the information of a member of the police force, it appears to him—
  - (i) that, or that there is reasonable cause to suspect that, a person has died;
  - (ii) that, or that there is reasonable cause to suspect that, the remains are in the State, the death or suspected death occurred in the State or the death or suspected death occurred outside the State and the person had a sufficient connection with the State; and
  - (iii) that the death or suspected death is examinable by a coroner (Clause 13 (1), (2));
- (b) to enumerate the circumstances in which a death or suspected death is examinable by a coroner (Clause 13 (3));
- (c) subject to the powers of the coroner to dispense with inquests in certain circumstances, to require inquests to be held in all cases of deaths or suspected deaths that are examinable except in a case where the death or suspected death occurred outside New South Wales and outside the adjacent territorial sea or where the Minister directs an inquest, in which case the coroner's jurisdiction to hold the inquest is dependent upon his being of the opinion that there are special circumstances warranting him doing so (Clause 14);
- (d) to confer jurisdiction on coroners to hold inquiries concerning fires (Clause 15); and
- (e) to specify the circumstances in which a particular coroner may decline to hold an inquest so that it may be held by another coroner (Clause 16).

5. Part IV contains provisions which deal with the machinery for holding inquests. The objects of this Part are—

- (a) to require the coroner to fix the time and place for the commencement of an inquest or inquiry and to give particulars of the time and place to certain persons (Clause 17);
- (b) to require inquests and inquiries to be held by a coroner without a jury except in specified circumstances (Clause 18);
- (c) to limit the jurisdiction of a coroner to proceed with an inquest concerning the death or the suspected death of a person or an inquiry concerning a fire, if a person has been charged with an offence relating to the death, suspected death or fire or a prima facie case for an offence has been made out against a person in relation to the death, suspected death or fire (Clause 19);
- (d) to permit an inquest or a fresh inquest or an inquiry or a fresh inquiry to be held in certain circumstances after an inquest or inquiry has been terminated under the provisions of the proposed clause 19 (Clause 20);
- (e) to specify the procedure to be followed where it appears to the coroner that the person whose death or suspected death is being inquired into has not died (Clause 21);



- (f) to require the findings of the coroner or, if there is a jury, the jury's verdict on an inquest or inquiry to be recorded (Clause 22);
- (g) to enable fresh inquests to be held concerning the death or suspected death of a person where the coroner terminated a previous inquest because he found that the person had not died or, where on a previous inquest, the coroner found or the jury's verdict was that it was uncertain whether the person died (Clause 23);
- (h) to provide that the jurisdiction, powers and duties conferred or imposed on coroners generally can only be exercised or performed by a particular coroner in relation to a particular death or suspected death or a particular fire where he is seized of jurisdiction in relation to that death or suspected death or that fire (Clause 24);
- (i) to empower coroners to issue orders authorising specified persons to enter places for the purpose of making certain examinations or taking certain evidence and photographs (Clause 25);
- (j) to preclude a coroner who is a medical practitioner from holding an inquest concerning the death or suspected death of a person whom he attended professionally at or before the death or suspected death (Clause 26);
- (k) to permit inquests and inquiries to be held on Sundays in certain circumstances (Clause 27);
- (l) to make provisions for the place at which inquests or inquiries with a jury may be held (Clause 28);
- (m) to provide that a view of the body of a deceased person or of a scene of the fire shall not be taken by the coroner or, where there is a jury, by the jury unless the coroner deems it advisable to be done (Clause 29);
- (n) to require open inquests and inquiries and to provide for the examination on oath of witnesses at inquests and inquiries (Clauses 30, 31);
- (q) to authorise the coroner to grant leave for persons to be represented at inquests and inquiries (Clause 32);
- (r) to provide that the coroner is not bound at an inquest or inquiry to observe the rules of procedure or evidence applicable to proceedings before a court of law (Clause 33);
- (s) to provide for the taking of depositions at inquests and inquiries (Clause 34);
- (t) to authorise a coroner to issue summonses and where necessary warrants for the apprehension of persons who are required to appear as witnesses at inquests or inquiries (Clause 35);
- (u) to specify the form of summonses issued under clause 35 (1) (Clause 36);
- (v) to specify the manner in which summonses issued under clause 35 (1) may be served (Clause 37);
- (w) to provide that defects in substance or in form in summonses or warrants may be disregarded (Clause 38);
- (x) to provide for the issue of warrants for the apprehension of any person who disobeys a summons to attend at an inquest or inquiry (Clause 39);

- (y) to specify the manner in which a person apprehended under a warrant issued under clause 35 or 39 shall be dealt with (Clause 40);
- (z) to specify the form of a warrant issued under clause 35 or 39 for the apprehension of any person (Clause 41);
- (aa) to provide that a witness who refuses to be examined at an inquest or inquiry is guilty of an offence (Clause 42);
- (ab) to provide that a person guilty of contempt at an inquest or inquiry is liable to a penalty not exceeding \$500 or to imprisonment not exceeding 14 days (Clause 43);
- (ac) to empower the coroner holding an inquest or inquiry to clear his court and prohibit publication of certain evidence and reports of proceedings at the inquest or inquiry (Clause 44);
- (ad) to make it an offence for persons to fail to comply with an order made by the coroner under clause 44 (Clause 45); and
- (ae) to define the expression "published" for the purposes of clauses 44 and 45 (Clause 46).

6. Part V empowers the Supreme Court to order an inquest or inquiry if it is satisfied that it is necessary for that to be done in the interests of justice (Clause 47).

7. Part VI contains provisions which deal with post-mortem examinations and exhumations. The objects of this Part are—

- (a) to empower a coroner to order a post-mortem examination or other special examination or test of the body or any part of the body of a deceased person (Clause 48);
- (b) to empower a coroner to order a further post-mortem examination or special examination or test if it appears to him that the death of a person has not been satisfactorily explained by a previous post-mortem examination, special examination or test (Clause 49);
- (c) to make it an offence to disobey an order issued under clause 48 (1) or 49 (Clause 50);
- (d) to require a coroner to furnish a copy of a report made under the provisions of clause 48 (1) or 49 to any relative of the deceased who requests it or any person who has a sufficient interest in the cause of death of the deceased and who requests it (Clause 51);
- (e) to provide for the remuneration of medical practitioners and other persons who comply with orders or requests of a coroner to make post-mortem examinations, special examinations or tests (Clause 52); and
- (f) to authorise a coroner to issue an order for the exhumation of the remains or part of the remains of a deceased person (Clause 53).

8. Part VII contains miscellaneous provisions which—

- (a) impose a general penalty not exceeding \$500 for an offence against the Act (Clause 54);

- (b) apply special procedures to inquests concerning deaths or suspected deaths which may have been caused by an explosion or accident in certain mines (Clause 55);
- (c) abolish magisterial inquiries (Clause 56);
- (d) effect the repeal of certain enactments and make savings and transitional provisions (Clause 57); and
- (e) empower the making of regulations (Clause 58).

Schedule 1 contains special provisions to deal with inquests concerning deaths or suspected deaths in mines; Schedule 2 specifies the enactments which are to be repealed; Schedule 3 contains savings and transitional provisions.

The Bill also contains provisions of a minor or ancillary nature.

---



1. The first part of the report is a general introduction to the subject of the study.

2. The second part of the report is a detailed description of the methods used in the study.

3. The third part of the report is a presentation of the results of the study.

4. The fourth part of the report is a discussion of the results and their implications.

5. The fifth part of the report is a conclusion and a list of references.

6. The sixth part of the report is an appendix containing additional data and figures.

7. The seventh part of the report is a bibliography of the literature cited in the study.

8. The eighth part of the report is a list of the authors' addresses.

9. The ninth part of the report is a list of the authors' acknowledgments.

10. The tenth part of the report is a list of the authors' contact information.







## CORONERS BILL, 1980

No. , 1980.

---

### A BILL FOR

An Act with respect to the holding by coroners of inquests into deaths and suspected deaths and inquiries into fires; and to repeal the Coroners Act, 1960, and certain other Acts.

[MR F. J. WALKER—20 *February*, 1980.]

---

---

See also Child Welfare (Coroners) Amendment Bill, 1980; Coal Mines Regulation (Coroners) Amendment Bill, 1980; Fire Brigades (Coroners) Amendment Bill, 1980; Jury (Coroners) Amendment Bill, 1980; Liquor (Amendment) Bill, 1980; Physiotherapists Registration (Coroners) Amendment Bill, 1980; Prisons (Coroners) Amendment Bill, 1980; Registration of Births, Deaths and Marriages (Coroners) Amendment Bill, 1980.

*Coroners.*

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

**PART I.**

**PRELIMINARY.**

**1.** This Act may be cited as the "Coroners Act, 1980".

Short title.

**2.** (1) This section and section 1 shall commence on the date of assent to this Act.

Commence-  
ment.

**10** (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**3.** This Act is divided as follows :—

Arrange-  
ment.

**15** **PART I.—PRELIMINARY—ss. 1–4.**

**PART II.—THE OFFICES OF CORONER AND DEPUTY  
CORONER—ss. 5–12.**

**PART III.—JURISDICTION OF CORONERS—ss. 13–16.**

**20** **PART IV.—INQUESTS AND INQUIRIES GENERALLY—ss. 17–  
46.**

**DIVISION 1.—Principal Provisions—ss. 17–23.**

**DIVISION 2.—Machinery Provisions—ss. 24–46.**

**PART V.—SUPREME COURT'S POWERS RELATING TO  
INQUESTS AND INQUIRIES—s. 47.**

*Coroners.*

PART VI.—POST MORTEM EXAMINATIONS AND EXHUMATIONS—ss. 48–53.

PART VII.—MISCELLANEOUS—ss. 54–58.

SCHEDULE 1.—SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED DEATHS IN MINES.

SCHEDULE 2.—REPEALS.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

4. (1) In this Act, except so far as the context or subject-matter otherwise indicates or requires—

**Interpretation.**  
cf. Act No. 2, 1960, s. 4.

10 “deposition” means, where a deposition is recorded by a means other than writing, a transcript certified in the manner prescribed by regulations made under the Justices Act, 1902, of the deposition so recorded;

15 “inquest” means an inquest concerning the death or suspected death of a person;

“inquiry” means an inquiry concerning a fire;

“justice” means justice of the peace;

“place” includes any land, building, mine, ship, vehicle or aircraft or any other vessel or vehicle;

20 “regulations” means regulations under this Act;



---

*Coroners.*

---

“relative”, in relation to a person who has or is suspected to have died means—

- (a) the spouse or a parent of that person or a child of that person;
- 5 (b) a person who, at the time of the death or suspected death, was living with the person who has, or is suspected to have, died as her husband or his wife; or
- 10 (c) if there is no relative, as defined in paragraph (a), of that person, a brother or sister of that person,

who has attained the age of 18 years;

“Supreme Court” means the Supreme Court of New South Wales;

- 15 “this State” means the State of New South Wales.

(2) A reference in this Act to a member of the police force informing a coroner of the death or suspected death of a person or of a fire includes a reference to any prescribed person employed by the Lord Howe Island Board so informing a coroner but only  
20 if the coroner is informed that the death occurred or is suspected of having occurred on Lord Howe Island or that the fire occurred on Lord Howe Island.

(3) A reference in this Act to the remains of a deceased person includes a reference to any part of the remains of that  
25 person.

---

*Coroners.*

PART II.

THE OFFICES OF CORONER AND DEPUTY CORONER.

5. (1) The Governor may by instrument in writing appoint fit and proper persons to be coroners.

Appointment of coroners and deputy coroners.

5 (2) Any such instrument may provide that the person thereby appointed shall be a coroner—

cf. Act No. 2, 1960, s. 5 (1).

(a) at such place as may be specified in the instrument; or

(b) in and for this State.

10 (3) The Governor may appoint any fit and proper person to be a deputy coroner at any place if there is a person appointed to be a coroner at that place.

(4) The Governor may, for any cause which to him seems sufficient, remove any coroner or deputy coroner from office.

15 6. (1) A person of or above the age of 70 years shall not be appointed as a coroner or deputy coroner.

Age qualification for coroners and deputy coroners.  
cf. Act No. 2, 1960, s. 5 (2).

(2) A coroner or deputy coroner ceases to hold office as such—

(a) if he is a member of the Public Service, upon the day upon which he ceases to be such a member; or

20 (b) if he is not a member of the Public Service, upon the day upon which he attains the age of 70 years.

7. (1) A coroner or deputy coroner appointed after the commencement of this Act shall not act as such unless he has—

Oath of allegiance and judicial oath to be taken by appointed coroners and deputy coroners.  
cf. Act No. 2, 1960, s. 7.

25 (a) taken and subscribed the oath of allegiance and the judicial oath prescribed by the Oaths Act, 1900; or

(b) made and subscribed solemn affirmations in the form of those oaths,

and unless he has transmitted them to the Minister.

*Coroners.*

(2) Any such oath or affirmation may be taken or made before and may be administered and received by any justice.

(3) A coroner or deputy coroner who does not, within 3 months after his appointment as such, take the oaths or make the affirmations referred to in subsection (1) ceases to hold office as coroner or deputy coroner, as the case may be, when that period ends.

8. A coroner appointed under this Act, irrespective of whether he is appointed to be a coroner at a specified place or in and for this State, has all the jurisdiction, powers and duties conferred or imposed on coroners by or under this Act.

All appointed coroners to have full jurisdiction.  
cf. Act No. 2, 1960, s. 6.

9. A deputy coroner at a place has the jurisdiction, powers and duties of the coroner at that place if, and only if, the coroner—

Jurisdiction, powers and duties of deputy coroners.  
cf. Act No. 2, 1960, s. 10.

(a) is unable by reason of illness, absence from that place or other sufficient cause to act as coroner;

(b) directs the deputy coroner to hold an inquest or inquiry; or

(c) has ceased to hold office.

10. A stipendiary magistrate has, by virtue of his office, all the jurisdiction, powers and duties conferred or imposed on coroners by or under this or any other Act.

Stipendiary magistrates to have jurisdiction, powers and duties of coroners.  
cf. Act No. 2, 1960, s. 8.



*Coroners.*

11. Except as provided by section 12, a person who is not a stipendiary magistrate shall not exercise or perform the jurisdiction, powers or duties of a coroner within—

Only stipendiary magistrates to act as coroners in certain police districts. cf. Act No. 2, 1960, s. 9.

- 5 (a) the Metropolitan Police District or the police districts of Liverpool, Newcastle, Parramatta and Ryde; or
- (b) any other police district to which the provisions of this section are, by order of the Governor published in the Gazette, applied.

12. (1) A stipendiary magistrate may, by instrument in writing, delegate his jurisdiction, powers and duties—

Delegation by stipendiary magistrates. cf. Act No. 2, 1960, s. 8A.

- (a) to issue orders for the disposal of dead bodies;
- (b) to dispense with the holding of an inquest where death results from natural causes;
- 15 (c) to dispense with the holding of an inquiry where the fire did not occur in suspicious circumstances; or
- (d) in relation to any prescribed matters,

to an officer of any court at which he acts as coroner and may in like manner revoke wholly or in part any such delegation.

20 (2) Any jurisdiction, power or duty delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the delegate.

(3) Notwithstanding any delegation made under this section, the stipendiary magistrate may continue to exercise or perform any jurisdiction, power or duty delegated.

*Coroners.*

(4) Any act or thing done or suffered by the delegate when acting in pursuance of a delegation made under this section shall have the like force or effect as if the act or thing had been done or suffered by the stipendiary magistrate who made the  
5 delegation.

PART III.

JURISDICTION OF CORONERS.

13. (1) Where, on the information of a member of the police force, it appears to a coroner—

Inquests  
into deaths  
or suspected  
deaths.

10 (a) that, or that there is reasonable cause to suspect that, a person has died;

cf. Act No.  
2, 1960,  
s. 11 (1).

(b) that, or that there is reasonable cause to suspect that—

(i) the remains of the person are in this State;

15 (ii) the death or suspected death or the cause of the death or of the suspected death occurred in this State; or

(iii) the death or suspected death occurred outside this State and the person had a sufficient connection with this State, as referred to in  
20 subsection (2); and

(c) the death or suspected death is, under subsection (3), examinable by a coroner,

the coroner has jurisdiction to hold an inquest concerning the death or suspected death.

25 (2) The reference in subsection (1) (b) (iii) to a person having had a sufficient connection with this State is a reference to a person who—

(a) was ordinarily resident in this State when the death or suspected death occurred;

---

*Coroners.*

---

(b) was, when the death or suspected death occurred, in the course of a journey to or from some place in this State; or

5 (c) was last at some place in this State before the circumstances of his death or suspected death arose.

(3) For the purposes of subsection (1) (c), the death or suspected death of a person is examinable by a coroner if, on the information of the member of the police force who informed him of the death or suspected death, it appears to him that, or that  
10 there is reasonable cause to suspect that—

(a) the person died a violent or unnatural death;

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

15 (c) the person died under suspicious or unusual circumstances;

(d) a medical practitioner has not given a certificate as to the cause of death;

20 (e) the person was not attended by a medical practitioner within the period of 3 months immediately preceding his death or suspected death;

25 (f) the person died while under, or as a result of, or within a period of 24 hours after the administration to him of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature;

(g) the person died within a year and a day after the date of any accident to which the cause of his death or suspected death is or may be attributable; or



---

*Coroners.*

---

5 (h) the person died in an admission centre or mental hospital, within the meaning of the Mental Health Act, 1958, in an institution within the meaning of the Child Welfare Act, 1939, in a prison within the meaning of the Prisons Act, 1952, or in a lock-up and when he died was an inmate of the admission centre, mental hospital or institution or was in custody in the prison or lock-up, or the person died otherwise while in the custody of a member of the police force.

10 (4) The reference in subsection (3) (d) or (e) to a medical practitioner includes, where it appears to the coroner that the death or suspected death occurred at a place outside this State, a reference to a person entitled under the law in force in that place to act as a medical practitioner.

15 **14.** (1) Subject to this Act, a coroner who has jurisdiction to hold an inquest concerning the death or suspected death of a person—

Mandatory  
and discre-  
tionary  
inquests.  
cf. Act No.  
2, 1960,  
s. 11 (2).

(a) which occurred otherwise than as referred to in section 13 (1) (b) (iii), shall hold the inquest; or

20 (b) which occurred as referred to in section 13 (1) (b) (iii)—

25 (i) shall hold the inquest if the death or suspected death occurred or is suspected to have occurred in, on or above the territorial sea adjacent to New South Wales;

(ii) shall hold the inquest if directed, in writing, by the Minister to do so; or

30 (iii) except as provided by subparagraphs (i) and (ii), may hold the inquest if, in the opinion of the coroner, there are special circumstances warranting his doing so.

*Coroners.*

(2) A coroner may dispense with the holding of an inquest concerning the death or suspected death of a person which, but for this subsection, he would be required under subsection (1) (a) or (b) (i) to hold if it appears to him—

- 5 (a) in the case of a suspected death of a person, that the person has died and, in the case of a suspected death or a death of a person, that the matters referred to in section 22 are sufficiently disclosed in relation to the person; or
- 10 (b) that an inquest or other official inquiry concerning the death or suspected death has been or is to be held at a place outside this State.

(3) For the purpose of enabling him to determine whether or not to dispense with the holding of an inquest concerning the death of a person who, it appears to him, died or may have died as  
 15 referred to in section 13 (3) (f), a coroner may, by order in writing served on any person having in his possession or power any document or writing relating to the medical care or treatment of the deceased person, require that person to produce, at such time and place as may be specified in the order, that document or  
 20 writing to the coroner, to any medical practitioner ordered by the coroner to perform a post mortem examination of the remains of the deceased person or to any other person ordered by the coroner to make a special examination or test of the remains of the deceased person or the contents of his body or any part thereof  
 25 or of any other matters or things.

(4) A person who does not comply with a requirement made of him under subsection (3) is guilty of an offence against this Act.

(5) A coroner shall not, except pursuant to subsection  
 30 (2) (b), dispense with the holding of an inquest concerning the death or suspected death of a person which he is required under subsection (1) (a) or (b) (i) to hold if it appears to him that the person has not been identified or that the person died or may have died—

- 35 (a) as a result of homicide other than suicide;
- (b) as referred to in section 13 (3) (h);

*Coroners.*

- (c) as a result of the administration to him of an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature; or
- 5 (d) while under, or within a period of 24 hours after the administration to him of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure or an operation or procedure of a like nature and where, within 28 days after the death or
- 10 suspected death, the coroner is requested to hold the inquest by a relative of the person or by any person who, in the opinion of the coroner, has a sufficient interest of any kind in the circumstances of the death or suspected death.
- 15 (6) A coroner who, under subsection (2), dispenses with the holding of an inquest concerning the death or suspected death of a person shall give reasons for his decision in writing—
  - (a) at the request of the Minister—to the Minister; or
  - (b) at the request, in writing, of any person who has, in
  - 20 the opinion of the coroner, a sufficient interest of any kind in the circumstances of the death or suspected death—to that person.
- (7) Where a coroner—
  - (a) refuses a request, referred to in subsection (5) (d),
  - 25 made by a person other than a relative so referred to; or
  - (b) refuses a request referred to in subsection (6) (b),
 because the person making the request does not, in the opinion of the coroner, have a sufficient interest of any kind in the circumstances of the death or suspected death, he shall, at the request,
 - 30 in writing, of that person, give to that person the reasons for his refusal.



---

*Coroners.*

---

15 **15.** (1) Where a coroner is informed by a member of the police force of any fire which has destroyed or damaged any property within this State, the coroner so informed shall have jurisdiction, and it shall be his duty, subject to this Act, to hold  
5 an inquiry concerning the fire.

*Inquiries into fires.  
cf. Act No. 2, 1960,  
s. 12.*

(2) Where after consideration of any information in his possession relating to a fire, the coroner is of opinion that the circumstances of the fire are sufficiently disclosed or that an inquiry concerning the fire is unnecessary, he may, subject to  
10 subsection (3), dispense with the holding of an inquiry concerning the fire.

(3) A coroner shall not dispense with the holding of an inquiry concerning a fire if he has been requested to hold the inquiry—

- 15 (a) in the case of a fire occurring within a fire district within the meaning of the Fire Brigades Act, 1909—by the Board of Fire Commissioners of New South Wales; or
- 20 (b) in the case of a bush fire within the meaning of the Bush Fires Act, 1949—by the Bush Fire Council of New South Wales constituted under that Act.

25 **16.** (1) A coroner having jurisdiction to hold an inquest or inquiry may refuse to hold the inquest or inquiry in any case where after being informed in accordance with this Act of the death or suspected death or of the fire concerned—

*Cases where a coroner is not bound to hold an inquest or inquiry.*

- (a) he is unable through illness, absence from the place where he holds office or ordinarily acts as coroner or  
other cause to hold the inquest or inquiry;
- 30 (b) he, being a person holding office as a stipendiary magistrate or clerk of petty sessions, or duly acting as a clerk of petty sessions, is after being so informed and before holding the inquest or inquiry transferred within the Public Service from the place where he held or acted in that office when he was so informed to some  
35 other place or position; or

*cf. Act No. 2, 1960,  
s. 13.*

*Coroners.*

(c) he is satisfied that the inquest or inquiry should be held by another coroner or that, except where he has jurisdiction to hold an inquest under section 47, the inquest or inquiry should, on the ground of public convenience, be held by a coroner at some other place than that at which he holds office or ordinarily acts as coroner.

(2) Where a coroner refuses to hold an inquest or inquiry in a case referred to in—

(a) subsection (1) (a) or (c), a member of the police force; or

(b) subsection (1) (b), the coroner, may inform any other coroner of the death or suspected death or of the fire and that other coroner may proceed in all respects as if the firstmentioned coroner had not been informed of the death or suspected death or of the fire.

PART IV.

INQUESTS AND INQUIRIES GENERALLY.

DIVISION 1.—*Principal Provisions.*

17. (1) Where, under this Act, an inquest or inquiry is to be held, the coroner—

(a) shall fix a time and place for the commencement of the inquest or inquiry;

(b) shall give particulars of the time and place to any person who has given notice in writing to the coroner of his intention to seek leave to appear or to be represented at the inquest or inquiry; and

(c) may give particulars of the time and place to any person who has, in the opinion of the coroner, a sufficient interest in the subject-matter of the inquest or inquiry.

Time and place of inquest or inquiry.

*Coroners.*

(2) Without limiting subsection (1) (b) or (c), particulars referred to in those paragraphs shall be deemed to have been given if a notice specifying the particulars is sent by post to the person to whom the particulars are to be given.

5 18. (1) An inquest or inquiry shall, except as provided by subsection (2), be held before a coroner without a jury.

Inquests and inquiries with or without juries.  
cf. Act No. 2, 1960, s. 14.

(2) An inquest shall be held before a coroner with a jury if—

(a) the Minister so directs; or

10 (b) a relative of the person who has died or is suspected of having died or the secretary of any society or organisation of which that person was, immediately before his death or suspected death, a member so requests.

15 (3) Where an inquest concerning a death or suspected death caused or suspected by the coroner of having been caused by an explosion or accident in or about a mine situated wholly or partly in the Broken Hill Jury District constituted under the Jury Act, 1977, is held before a coroner with a jury, the jury shall  
20 consist of 6 persons summoned in accordance with the regulations.

(4) An inquiry shall be held before a coroner with a jury if the Minister so directs.

19. (1) Where—

25 (a) before an inquest or inquiry commences or at any time during the course of an inquest or inquiry, it appears to the coroner that a person has been charged with an indictable offence; or

30 (b) at any time during the course of an inquest or inquiry the coroner is of opinion that the evidence given at the inquest or inquiry establishes a prima facie case against any known person for an indictable offence.

Procedure at inquest or inquiry where person charged with, or prima facie case for, indictable offence.  
cf. Act No. 2, 1960, s. 28.



*Coroners.*

and the indictable offence is one in which the question whether the person charged or the known person caused the death or suspected death or the fire is in issue, the coroner—

- 5 (c) where he has not commenced the inquest or inquiry or has commenced it but—
  - (i) in the case of an inquest concerning the death of a person, has not taken evidence as to his identity and the date and place of his death;
  - 10 (ii) in the case of an inquest concerning the suspected death of a person, has not taken evidence that establishes that he has died and as to his identity and the date and place of his death; or
  - (iii) in the case of an inquiry, has not taken evidence as to the date and place of the fire,
  - 15 may commence or continue the inquest or inquiry but for the purpose only of taking that evidence and shall, upon doing so, terminate the inquest or inquiry;
- (d) where he has commenced the inquest or inquiry but decides not to continue it under paragraph (c), shall
  - 20 terminate the inquest or inquiry; or
- (e) where he has commenced the inquest or inquiry and has taken the evidence referred to in paragraph (c) relevant thereto, shall terminate the inquest or inquiry,

and discharge the jury, if any.

- 25 (2) Where, under subsection (1), a coroner terminates an inquest or inquiry after coming to the opinion that a prima facie case for an indictable offence has been established against a known person, he shall forward to the Attorney-General the depositions taken at the inquest or inquiry together with a statement signed
  - 30 by the coroner specifying the name of that person and particulars of the offence.

*Coroners.*

20. (1) Notwithstanding that, under section 19 (1), a coroner decides not to commence, or terminates, an inquest concerning the death or suspected death of a person or an inquiry concerning a fire, an inquest or a fresh inquest concerning that death or 5 suspected death, or an inquiry or a fresh inquiry concerning that fire, as the case may be, may subsequently be held under this Act, but shall not be held—

Further inquest or inquiry after previous inquest or inquiry terminated under section 19.

(a) where a person has been charged with an indictable offence in which the question whether he caused the death or suspected death or the fire is in issue, until—

(i) the charge is finally dealt with on the committal of that person for trial for the offence to a sittings of the Supreme Court or the District Court or on his committal to either of those courts to be dealt with as provided in section 51A of the Justices Act, 1902;

(ii) the Attorney-General directs that no further proceedings be taken against that person in respect of the charge; or

(iii) a justice orders or justices order that that person be discharged as to the information under inquiry before him or them with respect to the charge; or

(b) where the coroner has terminated the inquest or inquiry after coming to the opinion that a prima facie case for an indictable offence has been established against a known person and neither the person named in the statement referred to in section 19 (2) nor any other person has been charged with an indictable offence in which the question whether the person so named or that other person caused the death or suspected death or the fire is in issue—until the Attorney-General directs that no proceedings be taken against the person so named for the indictable offence particulars of which are set out in the statement.

(2) For the purposes of subsection (1) (a) (i), a charge shall be deemed to be finally dealt with when no further appeal can be made in respect thereof without an extension of time being granted by the Court of Criminal Appeal or without special leave of the High Court of Australia or of Her Majesty in Council.



*Coroners.*

**21.** (1) If, at any time during the course of an inquest concerning the death or suspected death of a person, it appears to the coroner from the evidence that the person has not died—

Procedure  
at inquest  
upon finding  
no death.

5 (a) he shall, if there is no jury, so find and terminate the inquest; or

(b) he may, if there is a jury, request the jury to bring in a preliminary verdict as to whether or not the person has died.

10 (2) If, pursuant to a request referred to in subsection (1) (b), the verdict of the jury is—

(a) that the person has not died, the coroner shall terminate the inquest and discharge the jury; or

(b) that the person has died or that it is uncertain whether he has died, the inquest shall be resumed.

15 (3) The coroner shall, upon the termination of an inquest under this section, record in writing his findings or, if there is a jury, the jury's verdict.

**22.** (1) The coroner holding an inquest concerning the death or suspected death of a person shall, at its conclusion or termination, record in writing his findings or, if there is a jury, the jury's verdict, as to whether the person died and, if so—

Finding of  
coroner or  
verdict of  
jury to be  
recorded.

cf. Act No. 2,  
1960, s. 29.

(a) his identity;

(b) the date and place of his death; and

25 (c) except in the case of an inquest terminated under section 19 or 21, the manner and cause of his death.



---

*Coroners.*

---

(2) The coroner holding an inquiry concerning a fire shall, at its conclusion or termination, record in writing his findings or, in the case of an inquiry held before a jury, the jury's verdict—

- 5 (a) except as provided in paragraph (b), as to the date and place and the circumstances of the fire;
- (b) in the case of an inquiry terminated under section 19 or 21, as to the date and place of the fire.

(3) Any record made under the provisions of subsection (1) or (2) shall not indicate or in any way suggest that an offence  
10 has been committed by any person.

(4) Subsection (1) does not apply in respect of an inquest terminated under section 21.

**23.** (1) Notwithstanding that an inquest concerning the death or suspected death of a person— Further inquest.

- 15 (a) is terminated under section 21 (1) (a); or
- (b) is concluded and the coroner's findings are, or the jury's verdict recorded under section 22 is, that the person has not died or it is uncertain whether he has died,

a fresh inquest concerning the death or suspected death may  
20 subsequently be held under this Act.

(2) Where the remains of a person are found in this State, an inquest concerning the death of the person may be held notwithstanding that an inquest concerning the suspected death of the person has been held.

---

*Coroners.*

---

*DIVISION 2.—Machinery Provisions.*

24. The jurisdiction, powers and duties conferred or imposed upon a coroner in relation to inquests or inquiries or in relation to deaths or suspected deaths or fires, shall be exercised and performed by him only in relation to inquests or inquiries which he has jurisdiction to hold or in relation to deaths or suspected deaths or fires concerning which he has jurisdiction to hold an inquest or inquiry.

Powers of coroners defined.  
cf. Act No. 2, 1960, s. 38.

25. (1) Where a coroner considers that an examination should, for the purposes of an inquest or inquiry, be made in relation to any place or that any measurements or photographs should, for those purposes, be taken in relation to any place, he may issue an order in writing to a specified person authorising him to enter any specified place during a specified period and to—

Order authorising entry of certain places.  
cf. Act No. 2, 1960, s. 38A.

15 (a) make such examination of—

(i) the nature and condition of the place or any equipment or machinery therein or thereon; or

(ii) any other matter or thing; or

(b) take such measurements or photographs,

20 as is or are specified or referred to in the order.

(2) An order may be made under subsection (1)—

(a) before the commencement; or

(b) after the commencement and before the completion,

of the inquest or inquiry referred to in that subsection.

25 (3) A person to whom an order is issued under subsection (1) may, during the specified period, enter the specified place and—

(a) make the examination; or

(b) take the measurements or photographs,

30 specified or referred to in the order.

*Coroners.*

(4) A person who, upon production to him of an order issued under subsection (1), obstructs or hinders the person to whom the order was issued in the exercise of his powers under this section arising by virtue of the order is guilty of an offence against  
5 this Act.

26. Notwithstanding any other provision of this Act, a coroner, being a medical practitioner, shall not hold an inquest concerning the death or suspected death of any person whom he attended professionally at or immediately before the death or suspected  
10 death of that person or during any illness which that person suffered before and which continued up to his death or suspected death.

Coroner who is medical practitioner not to hold certain inquests.  
cf. Act No. 2, 1960, s. 39.

27. (1) A coroner may commence or hold an inquest or inquiry on a Sunday if he is of opinion that such a course is  
15 necessary or desirable.

Inquest or inquiry on Sunday.  
cf. Act No. 2, 1960, s. 40.

(2) In such a case, the coroner shall note on the proceedings the circumstances which in his opinion render such a course necessary or desirable.

(3) A coroner may, for the purposes of this Act, do any  
20 act or issue a summons, warrant or order on a Sunday.

28. An inquest or inquiry which would, but for this section, be held before a coroner and a jury at any place that is not a place for which a jury district is constituted under the Jury Act, 1977, shall be held at the nearest such place.

Place where inquest or inquiry before jury to be held.  
cf. Act No. 2, 1960, s. 14A.



---

*Coroners.*

---

**29.** A view of the body of a deceased person or of the scene of a fire shall not, upon any inquest or inquiry, be taken by the coroner or, where there is a jury, by the jury unless the coroner deems it advisable to be done.

Coroner  
and jury  
not to  
view  
body or  
scene  
of fire.  
cf. Act  
No. 2, 1960,  
s. 15.

5 **30.** The room or building in which a coroner holds an inquest or inquiry shall be open to the public.

Place of  
inquest.  
cf. Act  
No. 2, 1960,  
s. 41.

**31.** The coroner holding an inquest or inquiry shall examine on oath all persons—

Witnesses  
to be  
examined  
on oath.

10 (a) who tender evidence relevant to the inquest or inquiry;  
or

cf. Act  
No. 2, 1960,  
s. 16.

(b) who, in the opinion of the coroner, are able to give evidence relevant to the inquest or inquiry.

**32.** Any person who, in the opinion of the coroner holding an inquest or inquiry, has a sufficient interest in the subject-matter of the inquest or inquiry may by leave of the coroner appear in person at the inquest or inquiry or be represented thereat by counsel or a solicitor, and may examine and cross-examine any witnesses on matters relevant to the inquest or inquiry.

Represent-  
ation at  
inquests or  
inquiries.

cf. Act  
No. 2, 1960,  
s. 17.

20 **33.** A coroner holding an inquest or inquiry shall not be bound to observe the rules of procedure and evidence applicable to proceedings before a court of law, but no witness shall be compelled to answer any question which criminate him, or tends to criminate him, of any felony, misdemeanour or offence.

Rules of  
procedure  
and  
evidence.

cf. Act  
No. 2, 1960,  
s. 18.

*Coroners.*

34. (1) The deposition of every witness at an inquest or inquiry shall be recorded by means of writing, shorthand, stenotype machine, sound-recording apparatus or any other means prescribed for the time being by regulations made under section 154 (1A) (b) of the Justices Act, 1902.

Depositions to be taken. cf. Act No. 2, 1960, s. 19.

(2) Where, for the purposes of subsection (1), the deposition of a witness is recorded by means of writing, it shall be read over either to or by the witness, as the coroner holding the inquest or inquiry may direct, and be signed by him and by the coroner.

10 (3) The coroner holding an inquest or inquiry shall, as soon as practicable after the completion thereof, cause the depositions taken at the inquest or inquiry to be filed in the office of the clerk of petty sessions where, or nearest to the place where, the inquest or inquiry was held or in such other office of a clerk of petty sessions as the Minister in writing may direct.

(4) Any person who—

(a) shows cause sufficient in the opinion of the clerk of petty sessions in whose office the depositions are filed why that person should be supplied with a copy of the depositions taken at any inquest or inquiry; and

(b) pays a fee calculated at the rate prescribed by the regulations for the time being in force under section 154 of the Justices Act, 1902, for copies of depositions,

shall be supplied by the clerk of petty sessions with a copy of the depositions.



*Coroners.*

35. (1) If it is made to appear to a coroner—

- 5 (a) that any person is likely to be able to give material evidence at any inquest or inquiry being held, or to be held, by him or is likely to have in his possession or power any document or writing required for the purposes of evidence at the inquest or inquiry; and
- 10 (b) that that person will not appear voluntarily to be examined as a witness, or to produce the document or writing at the time and place appointed for the holding of the inquest or inquiry,

Summons for appearance or warrant for apprehension of witness.

cf. Act No. 2, 1960, s. 20.

the coroner—

- (c) may issue his summons for the appearance of that person to be examined as a witness or to produce the document or writing, as the case may be; or
- 15 (d) if he is satisfied by evidence upon oath that it is probable that that person will not appear to be examined or to produce the document or writing unless compelled to do so, may issue his warrant in the first instance for the apprehension of that person.

20 (2) A person is not bound to produce any document or writing not specified or otherwise sufficiently described in a summons or warrant issued under subsection (1) in respect of him or which he would not be bound to produce upon a subpoena for production in the Supreme Court.

25 36. A summons issued under section 35 (1) shall—

- (a) be under the hand and seal of the coroner issuing it;
- (b) be directed to the person whose appearance is required; and

Form of summons.

cf. Act No. 2, 1960, s. 21.



*Coroners.*

- (c) require that person to appear at a certain time and place before the coroner to testify what he knows concerning the subject-matter of the inquest or inquiry or to produce any document or writing specified or described in the summons.

37. (1) A summons issued under section 35 (1) shall be served by a member of the police force upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be found, then by leaving it with some person for him at his last or most usual place of abode.

Manner of service of summons. cf. Act No. 2, 1960, s. 22.

(2) Service of a summons in the manner specified in subsection (1) may be proved by the oath of the member of the police force who served it attending at the inquest or inquiry, by his affidavit or otherwise.

38. No objection shall be taken or allowed to any summons or warrant in respect of any alleged defect therein in substance or in form.

Certain defects immaterial. cf. Act No. 2, 1960, s. 23.

39. Where a person for whose appearance a summons has been issued does not appear at the time and place appointed thereby, the coroner by whom the summons was issued may, upon proof of the due service of the summons upon that person and if no just excuse is offered for his non-appearance, issue his warrant for the apprehension of that person.

Warrants for non-appearance to summons. cf. Act No. 2, 1960, s. 24 (1).

40. (1) Where a person is apprehended under a warrant issued under section 35 or 39 the coroner before whom the person is brought shall thereupon either—

Apprehension of witness under warrant. cf. Act No. 2, 1960, s. 24 (2)-(8).

(a) commit him—

(i) by warrant to prison, a lock-up or place of security; or

---

*Coroners.*

---

(ii) verbally to such safe custody as the coroner may think fit,

and order him to be brought up at a time and place to be appointed by the coroner; or

5 (b) discharge him upon his entering into a recognizance.

(2) Such a recognizance shall be entered into with or without a surety or sureties, as the coroner may direct, conditioned that the person entering into it shall appear at the time and place appointed in the recognizance.

10 (3) Such a recognizance shall be duly acknowledged by the person who enters into it and shall be subscribed by the coroner before whom it is acknowledged and notice of it, signed by the coroner, shall at the same time be given by the coroner to that person.

15 (4) Where a person discharged on such a recognizance does not appear at the time and place appointed in the recognizance, the coroner shall transmit the recognizance to the Clerk of the Peace to be proceeded upon according to law.

(5) The coroner so transmitting such a recognizance shall  
20 certify on the back thereof the non-appearance of the person bound thereby and the certificate shall be prima facie evidence of the non-appearance of that person.

41. (1) A warrant, issued by a coroner under section 35 or  
39, for the apprehension of any person shall—

25 (a) be under the hand and seal of the coroner;

(b) be directed to a member of the police force by name or generally to the senior officer of police of the district or place where it is to be executed, or to that officer of

Form of  
warrant.  
cf. Act No.  
2, 1960,  
s. 25.

*Coroners.*

police and to all other members of the police force in this State, or generally to all members of the police force in this State;

- 5 (c) name or otherwise describe the person whose appearance is required; and
- (d) order any member of the police force to whom it is directed to apprehend the person whose appearance is required, and cause him to be brought before the coroner to testify what he knows concerning the subject-matter of the inquest or inquiry or to produce the document or writing specified or described in the warrant.
- 10

(2) Such a warrant shall be returnable at a time and place to be stated therein.

(3) Such a warrant may be executed by apprehending the 15 person against whom it is directed at any place in this State.

**42.** (1) A person who appears, whether or not upon summons or warrant, to give evidence or to produce any document or writing at an inquest or inquiry and who, without lawful excuse—

Refusal of witness to be examined. cf. Act No. 2, 1960, s. 26.

- (a) refuses to take the oath;
- 20 (b) refuses to be examined upon oath;
- (c) having taken the oath, refuses to answer any question relevant to the subject-matter of the inquest or inquiry; or
- (d) refuses or neglects to produce the document or writing,
- 25 is guilty of an offence against this Act.



*Coroners.*

(2) The reference in subsection (1) to an oath is, in relation to a person who objects to taking an oath, a reference to an affirmation referred to in section 12 of the Oaths Act, 1900.

43. (1) A person who at any inquest or inquiry is guilty of contempt is liable, upon summary conviction by the coroner holding the inquest or inquiry, to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 14 days. Contempt. cf. Act No. 2, 1960, s. 27.

(2) A coroner who is not a justice and any justice shall in respect of any such conviction have all the powers of a justice in respect of a conviction by a justice and the provisions of the Justices Act, 1902, with respect to the enforcement of convictions apply to any such conviction or order made thereupon.

44. (1) A coroner holding an inquest or inquiry may order— Power of coroner to clear court and prohibit publication of evidence and reports of proceedings. cf. Act No. 2, 1960, s. 42 (a).

(a) any witness or all of the witnesses to go and remain outside the room or building in which the inquest or inquiry is being held until required to give evidence; or

(b) that any evidence given at the inquest or inquiry being held by him be not published.

(2) Where, at the commencement or in the course of an inquest, it appears to the coroner that the death or suspected death with which the inquest is concerned may have been self inflicted, the coroner may order that no report, or no further report, of the proceedings be published until after he has made his findings or, in the case of an inquest held before a jury, the jury has brought in its verdict.

(3) Subject to subsection (4), where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted, no report of the proceedings shall be published after the finding or verdict.

*Coroners.*

(4) Where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted and the coroner holding the inquest is of opinion that it is desirable in the public interest to permit a report of the proceedings of the inquest to be published, he may, by order, permit the whole of the proceedings, or such part of the proceedings as are specified in the order, to be published.

45. (1) A person who fails to comply with an order made under section 44 (1) or (2) is guilty of an offence against this Act. Offences. cf. Act No. 2, 1960, s. 42 (c), (d).

10 (2) Where, in an inquest, there is a finding or verdict that, or to the effect that, the death of a person was self inflicted, any person who publishes or causes to be published any report of the proceedings of the inquest after the finding or verdict is guilty of an offence unless an order has been made under section 15 44 (4) and the report complies with the order.

(3) Where—

- (a) a coroner holding an inquest or inquiry forbids or disallows any question or warns any witness that he is not compelled to answer any question; or
- 20 (b) a witness in an inquest or inquiry refuses to answer any question on the ground that it criminales him, or tends to criminate him, of any felony, misdemeanour or offence,

any person who publishes the question, warning, refusal or claim  
25 of privilege without the express permission of the coroner is guilty of an offence against this Act.

(4) A person who is guilty of an offence against this Act arising under this section is liable—

- 30 (a) if a body corporate, to a penalty not exceeding \$5,000; or
- (b) if any other person, to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 6 months.

*Coroners.*

**46.** For the purposes of sections 44 and 45, matter is published only if it is—

Meaning of  
"published"  
in sections  
44 and 45.

- (a) inserted in any newspaper or any other periodical publication;
- 5 (b) publicly exhibited; or
- (c) broadcast by wireless transmission or by television.

**PART V.**

**SUPREME COURT'S POWERS RELATING TO INQUESTS AND INQUIRIES.**

10 **47.** (1) Where the Supreme Court, upon an application made by, or under the authority of, the Minister or by any other person, is satisfied that it is necessary or desirable in the interests of justice that an inquest concerning a death or suspected death or inquiry concerning a fire should be held (whether or not an inquest con-  
15 cerning the death or suspected death or an inquiry concerning the fire has been partly held and terminated), the Supreme Court may order that the inquest or inquiry be held.

Powers of  
Supreme  
Court to  
order  
inquest or  
inquiry.  
cf. Act No.  
2, 1960,  
s. 37.

(2) Where an inquest or inquiry has been, or purports to have been, held and the Supreme Court, upon an application made  
20 by, or under the authority of, the Minister or by any other person is satisfied that, by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, discovery of new facts or evidence, or otherwise, it is necessary or desirable in the interests of justice that the inquest or inquiry be quashed and a  
25 fresh inquest or inquiry be held, the Supreme Court may order that the first inquest or inquiry be quashed and that instead thereof a fresh inquest or inquiry be held.



*Coroners.*

(3) Upon service on the Minister of an order made by the Supreme Court under subsection (1) or (2), the Minister shall endorse on a copy thereof the name of some coroner and send it to that coroner.

5 (4) Where a coroner whose name is endorsed on the copy of the order refuses, under section 16 (1) (a) or (b), to hold the inquest, the Minister shall endorse on a copy of the order the name of some other coroner and send it to that other coroner.

10 (5) Upon receipt of the copy endorsed under subsection (3) or (4) the coroner whose name is endorsed on the copy of the order shall have jurisdiction, and it shall be his duty, to hold the inquest or inquiry ordered to be held in accordance with the provisions of this Act, notwithstanding that he does not have jurisdiction to hold the inquest or inquiry under any other provision  
15 of this Act.

(6) Section 14 does not apply to or in respect of the holding of an inquest or inquiry by a coroner who has jurisdiction to hold the inquest or inquiry under this section.

PART VI.

20 POST MORTEM EXAMINATIONS AND EXHUMATIONS.

48. (1) A coroner may, either before commencing or after commencing and before completing an inquest concerning the death of a person, by order in writing, direct—

25 (a) any medical practitioner to perform a post mortem examination of the remains of that person; and

(b) the same or any other medical practitioner or any other person who the coroner considers has sufficient qualifications to do so, to make a special examination or test,

Post mortem or other examination may be ordered by coroner. cf. Act No. 2, 1960, s. 30.

*Coroners.*

specified in the order, of the remains of that person or of the contents of his body or any part thereof, or of such other matters or things as the coroner considers ought to be examined for the purpose of the inquest,

and to furnish, as soon as practicable, a report of the examination or test to the coroner.

(2) Where it appears to a coroner that the death of a person was probably caused, partly or entirely, by improper or negligent treatment by a medical practitioner or other person, the coroner shall not issue an order under subsection (1) relating to that person to that medical practitioner or other person, but shall, where he issues such an order, cause that medical practitioner or other person to be informed either verbally or in writing that an order under subsection (1) relating to that person has been issued and of the name and address of the medical practitioner or other person to whom the order has been issued.

(3) A medical practitioner or other person so informed shall not carry out or assist in carrying out an order under subsection (1) relating to the deceased person but shall if he attends at the time and place that the order is being carried out be entitled to be present while the order is being carried out.

49. Where it appears to the coroner or to a majority of the jury at any inquest concerning the death of a person that the cause of death has not been satisfactorily explained by the evidence given in the first instance by the medical practitioner or medical practitioners by whom a post mortem examination of the remains of the deceased person was made, or by the medical practitioner or medical practitioners or other person by whom a special examination or test was made pursuant to section 48 (1) (b), the coroner shall by order in writing direct any other medical practitioner or medical practitioners or other person referred to in that paragraph to perform a post mortem examination or a special

Additional medical evidence in certain cases.  
cf. Act No. 2, 1960, s. 31.

---

*Coroners.*

---

examination or test referred to in that paragraph and to furnish, as soon as practicable, a report of the examination or test to the coroner.

50. Where an order issued under section 48 (1) or 49 is served upon the medical practitioner, or other person, to whom it is directed or is left at his last or most usual place of abode or place of practice, in sufficient time for him to obey it and he does not obey it, he is, unless he shows a good and sufficient cause, guilty of an offence against this Act.

Medical witness neglecting to obey order.  
cf. Act No. 2, 1960, s. 32.

51. A coroner to whom a report in writing referred to in section 48 (1) or 49 is furnished shall, on the request in writing of a relative of the deceased person or of any person who has, in the opinion of the coroner, a sufficient interest of any kind in the cause of death of the deceased person, furnish a copy of the report to the relative or other person making the request.

Copies of medical reports.  
cf. Act No. 2, 1960, s. 33A.

52. (1) A medical practitioner or other person who in accordance with an order or request of a coroner—

Remuneration of medical practitioners.  
cf. Act No. 2, 1960, s. 34.

- (a) makes any post mortem examination or any special examination or test; or
- 20 (b) attends and gives evidence at an inquest with respect to a post mortem examination or special examination or test made by him,

shall be entitled to be paid fees calculated at the prescribed rate.

(2) Notwithstanding subsection (1), a medical officer appointed at a salary or other remuneration to attend a public hospital, gaol or other public institution, shall not be entitled



---

*Coroners.*

---

under subsection (1) to fees in respect of any post mortem examination, special examination or test with respect to a person who died in that hospital, gaol or institution.

(3) Subsection (2) does not apply in respect of a medical officer appointed to attend a public hospital except where he is an employee of that public hospital.

**53.** (1) Where the remains of a person have been buried and an inquest concerning the death of the person—

Warrant  
for ex-  
humation  
of body.  
cf. Act  
No. 2, 1960,  
s. 35.

(a) has not been held;

10 (b) has been commenced and—

(i) has been terminated under section 19 or 21; or

(ii) has otherwise not been completed; or

(c) has been completed and the Supreme Court has quashed the inquest and has ordered a fresh inquest to be held,

15 a coroner may, if he considers it desirable to do so for the purpose of ordering a post mortem examination, or a further or more complete post mortem examination, of the remains, or a special examination or test, or a further or more complete special examination or test, of the remains or any part thereof, issue his warrant  
20 for the exhumation of the remains and any member of the police force to whom the warrant is directed shall cause it to be executed, and, upon it being executed, shall report the fact to the coroner.

(2) Where an inquest concerning the death or suspected death of a person has been terminated under section 19 or 21, a  
25 coroner shall not exercise his powers under subsection (1) with respect to the remains of that person unless an inquest or a fresh inquest concerning the death of that person may be held as referred to in section 20 or 23 or pursuant to section 47.

---

---

*Coroners.*

---

**PART VII.**

**MISCELLANEOUS.**

**54.** (1) A person convicted of an offence against this Act Penalty.  
is, for every such offence for which no other penalty is provided cf. Act  
5 by or under this Act, liable to a penalty not exceeding \$500. No. 2, 1960,  
s. 44.

(2) A penalty imposed by this Act or the regulations may  
be recovered in a summary manner before a stipendiary magistrate  
or any 2 justices in petty sessions.

**55.** (1) Schedule 1 has effect with respect to inquests con- Deaths or  
10 cerning deaths or suspected deaths which, it appears to a coroner, suspected  
may have been caused by explosions or accidents in certain mines, deaths in  
as referred to in that Schedule. mines.

(2) A provision of Schedule 1 that is inconsistent with  
any other provision of this Act prevails over that other provision  
15 to the extent of the inconsistency.

**56.** Except as provided in Schedule 3, a magisterial inquiry Abolition  
as defined in section 4 (1) of the Coroners Act, 1960, touching of magis-  
the death of any person shall not be held after the commencement terial  
of this section. inquiries.

20 **57.** (1) Each Act specified in Column 1 of Schedule 2 is, Repeals and  
to the extent specified opposite that Act in Column 2 of that savings and  
Schedule, repealed. transitional  
provisions.

(2) Schedule 3 has effect.

*Coroners.*

**58.** (1) The Governor may make regulations not inconsistent with this Act for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the conduct of and procedure at inquests and inquiries;
- (b) the summoning of jurors for a jury referred to in section 18 (3);
- (c) prescribing any forms to be used under this Act; and
- 10 (d) the allowances to be paid to witnesses attending inquests and inquiries.

(2) The regulations may impose a penalty not exceeding \$200 for any breach thereof.

## SCHEDULE 1.

Sec. 55.

15 SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED DEATHS IN MINES.

1. In this Schedule, except so far as the context or subject-matter otherwise indicates or requires—

20 “inspector” means an inspector of mines or the Chief Inspector of Mines under the Mines Inspection Act, 1901, or an inspector of collieries under the Coal Mines Regulation Act, 1912;

“mine” means mine, as defined by the Mines Inspection Act, 1901, of any metal or mineral, as so defined, or any mine of coal or shale to which the Coal Mines Regulation Act, 1912, applies.

25 2. With respect to an inquest concerning a death or suspected death which, it appears to the coroner, may have been caused by an explosion or accident in or about a mine situated in, or access to which is obtained from a place in, this State, the following provisions shall have effect:—

- 30 (a) Where a coroner holds an inquest concerning a death or suspected death which, it appears to the coroner, may have been caused by an explosion or accident, of which notice is required by the Mines Inspection Act, 1901, or the Coal Mines Regulation Act, 1912, to





*Coroners.*SCHEDULE 1—*continued.*SPECIAL PROVISIONS—INQUESTS CONCERNING DEATHS OR SUSPECTED  
DEATHS IN MINES—*continued.*

4. No prosecution shall be instituted against a coroner for any offence  
5 under this Schedule except with the consent in writing of the Minister for  
Mines.

## SCHEDULE 2.

Sec. 57 (1).

## REPEALS.

Column 1.		Column 2.
10 Year and number of Act.	Short title of Act.	Extent of repeal.
1960, No. 2 ..	Coroners Act, 1960. .. ..	The whole.
1963, No. 15 ..	Coroners (Amendment) Act, 1963. ..	The unrepealed portion.
15 1967, No. 52 ..	Coroners (Amendment) Act, 1967. ..	The whole.
1970, No. 63 ..	Coroners (Amendment) Act, 1970. ..	The whole.
1973, No. 87 ..	Registration of Births, Deaths and Marriages Act, 1973.	So much of Schedule 1 as relates to Acts No. 2, 1960, and No. 15, 1963.
20 1977, No. 18 ..	Jury Act, 1977. .. ..	The matter in section 3 relating to Schedule 6. Section 78 (2) and Schedule 6.
1978, No. 47 ..	Coroners (Amendment) Act, 1978. ..	The whole.

## SCHEDULE 3.

Sec. 57 (2).

## SAVINGS AND TRANSITIONAL PROVISIONS.

1. A person who immediately before the commencement of this clause  
held office as a coroner or deputy coroner shall—

- 30 (a) if he was appointed to be a coroner or deputy coroner at a  
particular place, be deemed to have been appointed by the  
Governor under the provisions of this Act to be the coroner or  
deputy coroner, as the case may be, at that place; or

*Coroners.*

SCHEDULE 3—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (b) if he was appointed to be a coroner or deputy coroner in and for this State but was not appointed to be a coroner or deputy coroner at any particular place, be deemed to have been appointed under the provisions of this Act to be a coroner or deputy coroner, as the case may be, in and for this State.
- 10 2. (1) All proceedings, other than proceedings on a magisterial inquiry referred to in subclause (2) of this clause, which were commenced and were pending or part heard at the commencement of this clause under any of the enactments repealed by this Act shall, subject to this Act, be continued and completed as if those proceedings had been taken or commenced under this Act.
- 15 (2) Proceedings on a magisterial inquiry, as defined in section 4 (1) of the Coroners Act, 1960, touching the death of any person, being proceedings that were commenced and were pending or part heard at the commencement of this clause, may be continued and completed as if this Act had not been enacted but shall be terminated if an inquest concerning the death of that person is held under this Act.
- 20 3. A warrant of commitment for an offence or a recognizance for the appearance of any person charged to take his trial for an offence, issued or taken by a coroner and in force immediately before the commencement of this clause, shall, notwithstanding any repeal effected by this Act, continue in force and have effect according to its tenor after that commencement.
- 25 4. Without limiting any saving in the Interpretation Act, 1897, the repeal of any enactment by this Act does not revive the verdict of *felo de se*.
- 30 5. (1) Section 34 (3) applies in respect of depositions which were taken at an inquest, inquiry or magisterial inquiry held before the commencement of this clause and were not filed in the office of a clerk of petty sessions in the same way as it applies in respect of depositions taken at an inquest or inquiry held after that commencement.
- 35 (2) Section 34 (4) applies in respect of depositions which were taken at an inquest, inquiry or magisterial inquiry held before the commencement of this clause in the same way as it applies in respect of depositions taken at an inquest or inquiry held after that commencement.



---

*Coroners.*

---

SCHEDULE 3—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) In relation to any such depositions transmitted to the Under Secretary, Department of the Attorney-General and of Justice, before the commencement of the Coroners (Amendment) Act, 1963, and received by him, section 34 (4), as applied by subclause (2) of this clause, shall be construed as if a reference therein to the clerk of petty sessions in whose office the depositions are filed were a reference to the Under Secretary.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

(90c)