

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.

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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.

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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—

Interpre-
tation.
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;

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“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.

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

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

- (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 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
- (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.

- (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.

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(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—

(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.

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

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.

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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.

- (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;
- (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.

(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.

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(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;

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- (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

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- (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.

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(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);

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- (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.

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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; cf. Act No. 2, 1960,
s. 13.
- (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

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- (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.

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(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.

(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,

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

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

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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.

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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.

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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.

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(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.

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 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 authorising 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.

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(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.

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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.

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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.

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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

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- (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

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(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

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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.

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(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.

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(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 criminales 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.

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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.
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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.

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(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.

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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

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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

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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.

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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.

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Regulations. **58.** (1) The Governor may make regulations not inconsistent
cf. Act No. 2, 1960,
s. 45. 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

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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.

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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

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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.

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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.
