

## CORONERS ACT.

### Act No. 2, 1960.

**Elizabeth II, No. 2, 1960.** An Act to make provision with respect to the appointment of coroners and deputy coroners and the holding of inquests into deaths, inquiries into fires and magisterial inquiries; to repeal the Coroners Act, 1912; to amend the Registration of Births Deaths and Marriages Act 1899 and certain other Acts; and for purposes connected therewith. [Assented to, 24th March, 1960.]

**B**E 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 and commencement.** 1. (1) This Act may be cited as the "Coroners Act, 1960".  
(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**Division into Parts.**

2. This Act is divided into Parts as follows:—

**PART I.—PRELIMINARY—ss. 1-4.**

**PART II.—APPOINTMENT OF CORONERS AND ADMINISTRATION—ss. 5-10.**

**PART III.—JURISDICTION OF CORONERS IN RESPECT OF INQUESTS AND INQUIRIES—ss. 11-13.**

**PART**

PART IV.—SPECIAL PROVISIONS RELATING TO IN- No. 2, 1960.  
QUESTS INTO DEATHS, INQUIRIES INTO FIRES  
AND MAGISTERIAL INQUIRIES—*ss.* 14-29.

PART V.—POST MORTEM EXAMINATIONS AND EXHU-  
MATIONS—*ss.* 30-35.

PART VI.—ACCIDENTS IN MINES—*s.* 36.

PART VII.—MISCELLANEOUS—*ss.* 37-45.

PART VIII.—AMENDMENTS OF REGISTRATION OF  
BIRTHS DEATHS AND MARRIAGES ACT 1899, AS  
AMENDED BY SUBSEQUENT ACTS—*s.* 46.

SCHEDULE.

3. (1) The several enactments mentioned in the Schedule <sup>Repeals and</sup> to this Act are to the extent therein expressed hereby <sup>savings.</sup> repealed.

(2) Where a person held office immediately before the commencement of this Act as coroner or deputy coroner and—

(a) the instrument approving of the appointment of such person and signed by the Governor specified a particular place at which such person was to be coroner or deputy coroner, as the case may be, such person shall 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

(b) the instrument approving of the appointment of such person and signed by the Governor approved of his appointment as a coroner or deputy coroner, as the case may be, in and for the State of New South Wales without specifying any particular place at which he was to be coroner or deputy coroner, as the case may be, such person shall be deemed to have been appointed by the Governor under the provisions of this Act to be a coroner or deputy coroner, as the case may be, in and for the State of New South Wales.

(3)

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(3) All proceedings initiated, pending or part heard at the commencement of this Act under any of the enactments repealed by this Act shall, subject to this Act, be continued as if such proceedings had been taken or initiated under this Act.

(4) A warrant of commitment for an offence or 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 Act, shall notwithstanding subsection one of this section continue in force and have effect according to its tenor after such commencement.

(5) The repeal of any enactment by this Act shall not revive the verdict of *felo de se*.

Nothing contained in this subsection shall limit any saving in the Interpretation Act of 1897.

**Inter-  
pretation.**

**4.** In this Act, unless the context or subject matter otherwise indicates or requires :—

“Coroner” includes a deputy coroner and a stipendiary magistrate exercising or performing the jurisdiction, powers or duties of a coroner.

“Inquest” means inquest by a coroner into the manner and cause of the death of any person.

“Inquiry” means inquiry held by a coroner into the cause and origin of a fire.

“Justice” means justice of the peace.

“Magisterial inquiry” means an inquiry by a justice or justices touching the death of any person.

“Prescribed” means prescribed by this Act or the regulations.

“Regulations” means regulations made under this Act.

“Supreme Court” means Supreme Court of New South Wales.

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PART

## PART II.

No. 2, 1960.

## APPOINTMENT OF CORONERS AND ADMINISTRATION.

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

Appoint-  
ment of  
coroners  
and deputy  
coroners.

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

(i) at such place as may be specified in the instrument,  
or

(ii) in and for the State of New South Wales.

(c) 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.

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

(2) (a) No person of or above the age of seventy years shall be appointed as a coroner or deputy coroner.

(b) A coroner or deputy coroner shall cease to hold office as such—

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

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

(c) Nothing in paragraph (b) of this subsection—

(i) prevents the appointment as a coroner or deputy coroner of a person who has been and has ceased to be a member of the Public Service; or

(ii) affects the tenure of office as a coroner or deputy coroner of a person, not being a member of the Public Service, who was, at the commencement of this Act, of or above the age of seventy years.

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Jurisdiction  
of all  
coroners to  
be State-  
wide.

6. Every coroner, whether or not he is appointed to be a coroner in and for the State of New South Wales, and every deputy coroner, shall have and may exercise, subject to the provisions of this Act, jurisdiction throughout the State of New South Wales.

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

7. (1) A coroner or deputy coroner appointed after the commencement of this Act shall not act as such unless he has taken and subscribed, and transmitted to the Minister, the oath of allegiance and the judicial oath prescribed by the Oaths Act, 1900, as amended by subsequent Acts :

Provided that a coroner or deputy coroner may, instead of taking and subscribing any such oath, make and subscribe a solemn affirmation in the form of such oath appointed by the said Act, as so amended.

(2) Any such oath may be taken before and may be administered and received by any justice without a writ of *dedimus potestatem* being issued to him.

(3) A coroner or deputy coroner who does not, within three months after his appointment as such, comply with the provisions of subsection one of this section shall cease to hold office as coroner or deputy coroner, as the case may be.

Stipendiary  
magistrates  
to have  
powers of  
coroners.

8. Every stipendiary magistrate shall, by virtue of his office, have the jurisdiction, powers and duties of a coroner throughout the State of New South Wales.

Stipendiary  
magistrates  
to act as  
coroners in  
certain  
police  
districts.

9. (1) This section applies to—

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

(2) A person who is not a stipendiary magistrate shall not exercise or perform the jurisdiction, powers or duties of a coroner within any police district to which this section applies.

**10.**

**10.** (1) A deputy coroner shall not hold an inquest or inquiry unless the coroner at the place at which such deputy coroner is appointed—

- (a) is unable by reason of illness or other sufficient cause to act as coroner, or
- (b) directs such deputy coroner to hold such inquest or inquiry, or
- (c) has ceased to hold office.

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Jurisdiction,  
powers and  
duties of  
deputy  
coroners.

(2) A deputy coroner, when holding an inquest or inquiry, shall have the same jurisdiction, powers and duties as a coroner.

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### PART III.

#### JURISDICTION OF CORONERS IN RESPECT OF INQUESTS AND INQUIRIES.

**11.** (1) Where a coroner is informed by a member of the police force of the death of any person whose body is lying within the State of New South Wales and who—

- (a) has died a violent or unnatural death;
- (b) has died a sudden death the cause of which is unknown;
- (c) has died under suspicious or unusual circumstances;
- (d) has died, and in respect of whom a medical practitioner has not given a certificate as to the cause of the death;
- (e) has died, not having been attended by a medical practitioner within the period of three months immediately before his death;

(f)

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- (f) has died while under, or as a result of the administration 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) has died within a year and a day after the date of any accident where the cause of the death is attributable to the accident; or
- (h) has died in an admission centre, or mental hospital, within the meaning of the Mental Health Act, 1958, an institution within the meaning of the Child Welfare Act, 1939, as amended by subsequent Acts, or a prison within the meaning of the Prisons Act, 1952, as amended by subsequent Acts, or in any lockup or otherwise whilst in the lawful custody of any member of the police force,

the coroner so informed shall have jurisdiction, and it shall be his duty, subject to this Act, to hold an inquest into the manner and cause of the death of the deceased person.

An inquest may be held under this subsection whether or not the cause of the death, or the death, occurred within the State of New South Wales.

(2) (a) Where the cause of the death of any person referred to in subsection one of this section, or the death of such person, occurred outside the State of New South Wales, the coroner may, if he is satisfied that an inquest concerning the death has been or is to be held in the place where the cause of the death or the death occurred, dispense with the holding of an inquest into the manner and cause of the death of such person.

(b) Where after consideration of any information in his possession relating to the death, of which he has been informed under subsection one of this section, of a person who—

- (i) has died, and in respect of whom a medical practitioner has not given a certificate as to the cause of the death;

(ii)

- (ii) has died, not having been attended by a medical practitioner within the period of three months immediately before his death; or
- (iii) has died while under, but not as a result of the administration 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,

the coroner is of opinion that the manner and cause of the death are sufficiently disclosed, he may, subject to paragraph (c) of this subsection, dispense with the holding of an inquest into the manner and cause of the death of such person.

(c) The coroner shall not dispense with the holding of an inquest into the manner and cause of the death of a person who has died while under, but not as a result of the administration 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 if within fourteen days after the death he is requested by a relative of such person to hold an inquest into the manner and cause of the death.

This paragraph does not apply where, pursuant to paragraph (a) of this subsection, the coroner dispenses with the holding of an inquest into the manner and cause of the death.

In this paragraph, "relative" means spouse, parent, or child who has attained the age of twenty-one years, or where there is no spouse, parent, or child who has attained that age, a brother or sister who has attained that age.

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

Inquiries  
into  
fires.

(2)



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(2) Where after consideration of any information in his possession relating to a fire, the coroner is of opinion that the cause and origin of the fire are sufficiently disclosed or that an inquiry into the cause and origin of the fire is unnecessary, he may, subject to subsection three of this section, dispense with the holding of an inquiry into the cause and origin of the fire.

(3) A coroner shall have jurisdiction, and it shall be his duty, subject to this Act, to hold an inquiry into the cause and origin of 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, as amended by subsequent Acts, 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, as amended by subsequent Acts, by the Bush Fire Committee constituted under that Act, as so amended.

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

**13.** A coroner having jurisdiction to hold an inquest or inquiry under this Act is not bound to hold the inquest or inquiry in any case where after being informed in accordance with this Act of the death or fire concerned—

- (a) he is unable through illness or other cause to hold the inquest or inquiry; or
- (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,

but in any such case any other coroner who is informed of the death or fire by a member of the police force or by any coroner so transferred shall have jurisdiction, and it shall be his duty, subject to this Act, to hold the inquest or inquiry, as the case may be.

PART IV.

No. 2, 1960.

SPECIAL PROVISIONS RELATING TO INQUESTS INTO DEATHS,  
INQUIRIES INTO FIRES AND MAGISTERIAL INQUIRIES.

14. All inquests and inquiries shall be held before a coroner without a jury :

Inquests and inquiries to be held before coroner alone.

Provided that—

- (a) in the case of an inquest, where a relative of the deceased or the secretary of any society or organisation of which the deceased was a member at the time of his death so requests, or
- (b) in the case of an inquest or inquiry, where the Minister so directs,

the inquest or inquiry shall be held before a coroner and a jury of six persons.

In this section, "relative" has the meaning ascribed thereto in paragraph (c) of subsection two of section eleven of this Act.

15. 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 do so.

Coroner and jury not required to view body or scene of fire.

16. The coroner, justice or justices holding an inquest, inquiry or magisterial inquiry shall examine on oath all persons—

Witnesses to be examined on oath.

- (a) who tender evidence relevant to the inquest, inquiry or magisterial inquiry ; or
- (b) who, in the opinion of the coroner, justice or justices are able to give evidence relevant to the inquest, inquiry or magisterial inquiry.

17. Any person who in the opinion of the coroner, justice or justices holding an inquest, inquiry or magisterial inquiry has a sufficient interest in the subject matter of the inquest, inquiry or magisterial inquiry may by leave of the coroner,

Representation at inquests, inquiries and magisterial inquiries.

justice

**No. 2, 1960.** justice or justices, as the case may be, appear in person at the inquest, inquiry or magisterial inquiry or be represented thereat by counsel or a solicitor, and may examine and cross examine any witnesses on matters relevant to the inquest, inquiry or magisterial inquiry.

Coroner holding inquest or inquiry, or justices holding magisterial inquiry not to be bound by rules of procedure and evidence.

**18.** A coroner, justice or justices holding an inquest, inquiry or magisterial 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.

Depositions to be taken.

**19.** (1) Subject to subsection two of this section, the deposition of every witness at an inquest, inquiry or magisterial inquiry shall be taken down in writing and shall be read over either to or by the witness as the coroner, justice or justices holding the inquest, inquiry or magisterial inquiry may direct and be signed by the witness and the coroner, justice or justices, as the case may be.

(2) Where the coroner, justice or justices holding an inquest, inquiry or magisterial inquiry directs or direct that the deposition of any witness at the inquest, inquiry or magisterial inquiry, as the case may be, be recorded by such one of the following means as the coroner, justice or justices, as the case may be, may specify, namely, by means of shorthand, stenotype machine or sound-recording apparatus, or by such other means as may be prescribed by regulations made under paragraph (b) of subsection (1A) of section one hundred and fifty-four of the Justices Act, 1902, as amended by subsequent Acts, the deposition of that witness shall not be taken down in the manner specified in subsection one of this section but shall be recorded by the means so specified; and, in such case, it shall not be necessary for the deposition as so recorded to be read or played over to or by the witness or to be signed by the witness and the coroner, justice or justices or for their signatures to be appended or affixed thereto.

**Any**

Any reference in this Act to “depositions” shall where the depositions were recorded by any of the means referred to in this subsection be read and construed as a reference to a transcript certified in the manner prescribed by regulations made under the Justices Act, 1902, as amended by subsequent Acts, of the depositions so recorded. No. 2, 1960.

(3) (a) The coroner, justice or justices holding an inquest, inquiry or magisterial inquiry shall, as soon as practicable after the completion thereof, transmit the depositions of the witnesses to the Under Secretary, Department of the Attorney General and of Justice.

(b) Any person who—

- (i) shows cause sufficient in the opinion of the said Under Secretary why that person should be supplied with a copy of any depositions taken at any inquest, inquiry or magisterial inquiry; and
- (ii) pays a fee calculated on the rate prescribed by the regulations for the time being in force under section one hundred and fifty-four of the Justices Act, 1902, as amended by subsequent Acts, for copies of depositions,

shall be supplied by the said Under Secretary with a copy of the depositions so taken, if it has been transmitted to and received by him.

20. Whenever it is made to appear to a coroner, justice or justices—

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

Summons  
to give  
evidence or  
to produce  
document,  
etc.  
cf. Act No.  
27, 1902,  
s. 26.

the

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**No. 2, 1960.** the coroner, justice or justices, as the case may be, shall issue his or their summons for the appearance of such person to be examined as a witness or to produce such document or writing as the case may be :

Provided that if the coroner, justice or justices is or are satisfied by evidence upon oath that it is probable that such person will not appear to be examined or to produce such document or writing unless compelled to do so, he or they may issue his or their warrant in the first instance for the apprehension of such person :

Provided further that no person shall be bound to produce any document or writing not specified or otherwise sufficiently described in the summons or warrant or which he would not be bound to produce upon a subpoena duces tecum in the Supreme Court.

Form of  
summons.  
cf. Act No.  
27, 1902,  
s. 27.

**21. Every such summons shall—**

- (a) be under the hand and seal of the coroner, justice or justices issuing it, and
- (b) be directed to the person whose appearance is required, and
- (c) require such person to appear at a certain time and place before such coroner, justice or justices to testify what he knows concerning the subject matter of the inquest, inquiry or magisterial inquiry, or to produce the document or writing, as the case may be.

Manner of  
service of  
summons.  
cf. *Ibid.*  
s. 28.

**22. (1)** Every such summons 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 met with then by leaving it with some person for him at his last or most usual place of abode.

Proof of  
service.

(2) Service of a summons in manner aforesaid may be proved by the oath of the member of the police force who served it, or by affidavit or otherwise.

**23.**

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

No. 2, 1960.  
 Certain defects immaterial.  
 cf. Act No. 27, 1902, s. 30 (1).

24. (1) Wherever any person for whose appearance a summons has been issued does not appear at the time and place appointed thereby, the coroner, justice or justices by whom such summons was issued may, upon proof of the due service of the summons upon such person, and where such person is required to be examined as a witness or to produce a document or writing, if no just excuse is offered for his non-appearance, issue his or their warrant for the apprehension of such person.

On non-appearance to summons, warrants may be issued.  
 cf. *Ibid.* s. 31.

(2) Whenever any person is apprehended under any such warrant, or under a warrant issued under the provisions of section twenty of this Act, the coroner, justice or justices before whom such person is brought shall thereupon either—

Person apprehended under warrant, how dealt with.

(a) commit him—

- (i) by warrant to prison, or some lock-up, or place of security; or
- (ii) verbally to such safe custody as such coroner, justice or justices may think fit; and order him to be brought up at a time and place to be appointed by such coroner, justice or justices; or

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

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

General condition of recognizances.  
 cf. *Ibid.* s. 96.

(4) Every such recognizance shall be duly acknowledged by the person who enters into it, and shall be subscribed by the coroner, justice or justices before whom it is acknowledged.

Recognizances to be acknowledged and subscribed.  
 cf. *Ibid.*

(5)

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Notice of  
recogni-  
zance.

cf. Act No.  
27, 1902,  
s. 96.

Procedure  
on non-  
appearance  
of person  
discharged  
on recogni-  
zances.

cf. *Ibid.*  
s. 97.

cf. *Ibid.*

cf. *Ibid.*

Form of  
warrant.  
cf. *Ibid.*  
s. 29.

(5) A notice of every such recognizance, signed by the coroner, justice or justices, shall at the same time be given by the coroner, justice or justices to each person bound thereby.

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

(7) The coroner, justice or justices so transmitting any such recognizance shall certify on the back thereof the non-appearance of the person bound thereby.

(8) Such certificate shall be prima facie evidence of the non-appearance of such person.

**25.** (1) Every warrant, issued by a coroner, justice or justices under the provisions of this Act, for the apprehension of any person shall—

- (a) be under the hand and seal of the coroner, justice or justices issuing it; and
- (b) be directed to a member of the police force or other person by name; or generally to the senior officer of police of the district or place where it is to be executed, or to such officer of police and to all other members of the police force in New South Wales, or generally to all members of the police force in New South Wales; and
- (c) name or otherwise describe the person whose appearance is required; and
- (d) order the member of the police force or person to whom it is directed to apprehend the person whose appearance is required, and cause him to be brought before such coroner, justice or justices to testify what he knows concerning the subject matter of the inquest, inquiry or magisterial inquiry or to produce the document or writing, as the case may be.

(2)

(2) Every such warrant shall be returnable at a time No. 2, 1960. and place to be stated therein.

(3) Every such warrant may be executed by apprehending the person against whom it is directed at any place in New South Wales.

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

- (a) refuses to take the oath ; or
- (b) refuses to be examined upon oath ; or
- (c) having taken the oath, refuses to answer any question relevant to the subject matter of the inquest, inquiry or magisterial inquiry ; or
- (d) refuses or neglects to produce such document or writing,

shall be guilty of an offence against this Act.

**27.** (1) Any person who at any inquest, inquiry or magisterial inquiry is guilty of contempt shall be liable, upon summary conviction by the coroner, justice or justices holding such inquest, inquiry or magisterial inquiry, to a penalty not exceeding five pounds or to imprisonment for a period not exceeding seven days.

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

**28.**



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Inquest,  
inquiry or  
magisterial  
inquiry to  
be adjourned  
if person  
charged in  
respect of  
death or  
fire, or if  
prima facie  
case for an  
indictable  
offence is  
made out.

28. (1) Where a coroner, justice or justices is or are informed by a member of the police force either before he commences or they commence any inquest, inquiry or magisterial inquiry or after he commences or they commence but before he completes or they complete any inquest, inquiry or magisterial inquiry that a person has been charged before one, or more than one, justice with an indictable offence in which the question—

- (a) whether the person charged caused the death of the deceased person concerned; or
- (b) whether the person charged caused the fire concerned,

as the case may be, is in issue such coroner, justice or justices—

- (i) may, where he has or they have not commenced the inquest, inquiry or magisterial inquiry, or where he has or they have commenced it but has or have not taken the evidence hereinafter referred to, commence or continue, as the case may be, the inquest, inquiry or magisterial inquiry for the purpose only of taking evidence of the identity of the deceased person concerned and the place and date of his death or evidence of where the fire concerned occurred, as the case may be, and upon taking such evidence shall thereupon adjourn the inquest, inquiry or magisterial inquiry without fixing a date or place for the resumption thereof; or
- (ii) shall, where he has commenced such inquest, inquiry or magisterial inquiry and has taken the evidence referred to in subparagraph (i) of this subsection, immediately upon being so informed adjourn such inquest, inquiry or magisterial inquiry without fixing a date or place for the resumption thereof,

and where a jury has been impanelled shall discharge such jury.

(2)

(2) Where the evidence given at any inquest, inquiry <sup>No. 2, 1960.</sup> or magisterial inquiry establishes, in the opinion of the coroner, justice or justices holding it, a prima facie case against any known person for an indictable offence in which the question—

- (a) whether such known person caused the death of the deceased person concerned; or
- (b) whether such known person caused the fire concerned,

as the case may be, is in issue and the coroner, justice or justices has or have not been informed in accordance with subsection one of this section the coroner, justice or justices shall—

- (i) immediately after the evidence at the inquest, inquiry or magisterial inquiry, as the case may be, has been taken and before making his or their findings, or where there is a jury, taking the jury's verdict, adjourn the inquest, inquiry or magisterial inquiry without fixing a date or place for the resumption thereof; and
- (ii) forward to the Attorney General the depositions taken at the inquest, inquiry or magisterial inquiry together with a statement signed by the coroner, justice or justices setting forth the name of the person against whom a prima facie case for an indictable offence has, in his or their opinion, been established and particulars of such offence; and
- (iii) where a jury has been impanelled, discharge the jury.

(3) The coroner, justice or justices may if he thinks or they think fit to do so resume an inquest, inquiry or magisterial inquiry adjourned under subsection one or two of this section but shall not do so until—

- (a) where the inquest, inquiry or magisterial inquiry is adjourned under subsection one of this section, and
  - (i)

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- (i) the person charged with the indictable offence is committed for trial for such offence to a sittings of the Supreme Court or a Court of Quarter Sessions, and
  - (a) an information is filed against such person in respect of such charge—after the date upon which the charge is finally dealt with ; or
  - (b) the Attorney General directs that no further proceedings be taken against such person in respect of such charge—after the date upon which the Attorney General so directs ;
- (ii) the person charged with the indictable offence is committed to a sittings of the Supreme Court or a Court of Quarter Sessions to be dealt with as provided in section 51A of the Justices Act, 1902, as amended by subsequent Acts, and
  - (a) the Attorney General does not direct that no further proceedings be taken against such person in respect of such charge—after the date upon which the charge is finally dealt with ; or
  - (b) the Attorney General directs that no further proceedings be taken against such person in respect of such charge—after the date upon which the Attorney General so directs ; or
- (iii) the information against the person charged with the indictable offence is dismissed by the justice or justices hearing the charge—after the date upon which the charge is so dismissed,

(b)

(b) where the inquest, inquiry or magisterial inquiry is adjourned under subsection two of this section, and **No. 2, 1960.**

(i) an information is filed against the person named in the statement referred to in paragraph (ii) of subsection two of this section, or any other person, for an indictable offence in which the question—

(a) whether such known person caused the death of the deceased person concerned; or

(b) whether such known person caused the fire concerned,

as the case may be, is in issue—after the date upon which the charge set out in the information is finally dealt with;

(ii) 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 so referred to—after the date upon which the Attorney General so directs.

For the purposes of this subsection 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.

(4) Where a coroner resumes an inquest or inquiry which has been adjourned pursuant to this section and in which the jury has been discharged, the coroner shall proceed in all respects as if the inquest or inquiry had not previously been commenced, and the provisions of this Act shall apply accordingly as if the resumed inquest or inquiry were a fresh inquest or inquiry, as the case may be.

**Coroners Act.**

No. 2, 1960.

Finding of  
coroner,  
justice or  
justices, or  
verdict of  
jury, to be  
recorded.

**29.** (1) The coroner, justice or justices holding an inquest or a magisterial inquiry shall at the conclusion thereof set forth in writing his or their findings, or, in the case of an inquest held before a jury, the jury's verdict, as to—

- (a) the identity of the deceased person concerned;
- (b) when and where such deceased person died; and
- (c) the manner and cause of the death of such deceased person.

(2) The coroner holding an inquiry shall at the conclusion thereof set forth in writing his findings, or, in the case of an inquiry held before a jury, the jury's verdict, as to the cause and origin of the fire concerned.

(3) Any writing made under the provisions of subsection one or two of this section shall not indicate or in any way suggest that any person is guilty of any indictable offence.

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**PART V.**
**POST MORTEM EXAMINATIONS AND EXHUMATIONS.**

Post  
mortem  
or other  
examina-  
tion  
may be  
ordered by  
coroner,  
justice or  
justices.

**30.** (1) A coroner, justice or justices may, either before commencing or after commencing and before completing an inquest or magisterial inquiry, as the case may be, by order in writing direct—

- (a) any medical practitioner to perform a post mortem examination of the body of the deceased person concerned; and
- (b) the same or any other medical practitioner or any other person whom the coroner, justice or justices considers or consider has sufficient qualifications to do so, to make a special examination or test, specified in the order, of any part of the body of the deceased person concerned or of the contents of the body or any part thereof, or of such other matters

matters or things as the coroner, justice or justices No. 2, 1960.  
 considers or consider ought to be examined for the  
 purpose of the inquest or magisterial inquiry.

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

A medical practitioner or other person so informed shall not carry out or assist in carrying out any order under subsection one of this section relating to such 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.

**31.** Whenever it appears to the coroner, or to a majority of the jury at any inquest, or to the justice or justices holding a magisterial inquiry, that the cause of death has not been satisfactorily explained by the evidence given in the first instance at such inquest or magisterial inquiry by the medical practitioner or medical practitioners by whom the post mortem examination of the body of the deceased person concerned was made, or by the medical practitioner or medical practitioners or other person by whom any special examination or test of any part of the body of the deceased person concerned was made pursuant to paragraph (b) of subsection one of section thirty of this Act, the coroner, justice or justices 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 examination or test referred to in that paragraph.

Additional  
 medical  
 evidence in  
 certain  
 cases.  
 cf. Act No.  
 36, 1912,  
 s. 13.

**Coroners Act.**

**No. 2, 1960.** **32.** Where any order issued under subsection one of section thirty, or under section thirty-one, of this Act is served upon any medical practitioner, or other person, to whom it is directed or is left at his usual residence in sufficient time for him to obey it and he nevertheless does not obey it he shall, unless he shows a good and sufficient cause, be guilty of an offence against this Act.

Medical witness neglecting to obey order.  
cf. Act No. 36, 1912, s. 15.

**33.** A medical practitioner or other person who performs a post mortem examination of the body of a deceased person, or who makes any special examination or test, pursuant to an order issued under subsection one of section thirty, or under section thirty-one, of this Act shall, as soon as practicable after performing the post mortem examination or making the special examination or test, furnish a report thereon to the coroner, justice or justices by whom the order was issued.

Report of post mortem examination, special examination or test to be furnished.

**34.** A medical practitioner or other person who in accordance with an order or request of a coroner or of a justice or justices—

Remuneration of medical practitioners.

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

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

Provided that a medical officer appointed at a salary or other remuneration to attend a public hospital, gaol or other public building, shall not be entitled to such fees in respect of any post mortem examination, special examination or test of the body, or part of the body, of a deceased person who died in such hospital, gaol or building.

**35.** Where the body of a deceased person has been buried and an inquest concerning the death of such person—

Warrant for exhumation of body.

- (a) has not been held;
- (b) has been commenced but not completed; or

(c)

- (c) has been completed and the Supreme Court has <sup>No. 2, 1960.</sup> quashed such 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 body, or a special examination or test, or a further or more complete special examination or test, of the body or any part thereof, issue his warrant for the exhumation of the body and any member of the police force to whom the warrant is addressed shall cause it to be executed, and, upon it being executed, shall report the fact to the coroner.

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## PART VI.

### ACCIDENTS IN MINES.

**36.** (1) With respect to coroners' inquests on the bodies of persons whose deaths may have been caused by explosions or accidents in or about mines, the following provisions shall have effect:—

Accident in coal and other mines.  
cf. Act No. 36, 1912, s. 17.

- (a) Where a coroner holds an inquest on the body of any person whose death may have been caused by any explosion or accident, of which notice is required by the Mines Inspection Act, 1901, as amended by subsequent Acts, or the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, to 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 four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.

(c)



No. 2, 1960.

- (c) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.
- (d) If an explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section unless the majority of the jury, if there is a jury, think it necessary so to adjourn.
- (e) An inspector may at any such inquest examine any witness, subject nevertheless to the order of the coroner.
- (f) Where evidence is given at an inquest at which an inspector is not present of any neglect as 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, the coroner shall send to an inspector notice in writing of such 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 not be qualified to serve on the jury impanelled on the inquest; and no constable or other person shall summon any person disqualified under this provision, nor shall any coroner allow any such person to be sworn or to sit on the jury.
- (h) The coroner shall not allow to be sworn or to sit on the jury any person who, in his opinion, might exhibit animus against the mine owner; nevertheless, whenever it is practicable, one-half of the jurymen shall be miners:

Provided that the provisions of this paragraph shall not apply in the case of an explosion or accident in a coal or shale mine.

(i)

(i) Any relative of any person whose death may have <sup>No. 2, 1960.</sup> been caused by the explosion or accident with respect to which 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 said 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.

(2) In this section, unless the subject matter or <sup>Interpre-</sup> context otherwise indicates— <sup>tation.</sup>

“Inspector” means an inspector of mines or the Chief Inspector of Mines under the Mines Inspection Act, 1901, as amended by subsequent Acts, and an inspector of collieries under the Coal Mines Regulation Act, 1912, as amended by subsequent Acts.

“Mine” means mine of any metal or mineral as defined by the Mines Inspection Act, 1901, as amended by subsequent Acts, and mine of coal or shale as defined by the Coal Mines Regulation Act, 1912, as amended by subsequent Acts.

(3) Every person who fails to comply with the pro- <sup>Penalty.</sup> visions of this section shall be liable to a penalty not exceeding five pounds for each offence.

(4) No prosecution shall be instituted against a <sup>Prosecution</sup> coroner for any offence under this section, except with the <sup>against a</sup> consent in writing of the Minister for Mines. <sup>coroner.</sup>

(5) The provisions of this section shall apply, mutatis mutandis, to and in respect of coroners' inquests on the bodies of persons whose deaths may have been caused by explosions or accidents on dredges within the meaning of the Mines Inspection Act, 1901, as amended by subsequent Acts.

Powers of  
Supreme  
Court to  
order in-  
quest,  
inquiry or  
magisterial  
inquiry.

37. (1) Where the Supreme Court upon an application made by, or under the authority of, the Minister is satisfied that it is necessary or desirable in the interests of justice that an inquest, inquiry or magisterial inquiry should be held, the Supreme Court may order that the inquest, inquiry or magisterial inquiry be held.

(2) Where an inquest, inquiry or magisterial inquiry has been held and the Supreme Court, upon an application made by, or under the authority of, the Minister 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, inquiry or magisterial inquiry be quashed and another inquest, inquiry or magisterial inquiry be held, the Supreme Court may order that the first inquest, inquiry or magisterial inquiry be quashed and that instead thereof another inquest, inquiry or magisterial inquiry, as the Supreme Court directs, be held.

(3) Upon service on the Minister of any order made by the Supreme Court under subsection one or two of this section, the Minister shall endorse on a copy thereof the name of some coroner, justice or justices, as the case may require, and shall send that copy so endorsed to the coroner, justice or justices whose name or names he has endorsed thereon.

Upon receipt of the copy so endorsed, such coroner, justice or justices shall have jurisdiction, and it shall be his or their duty, subject to this Act (subsection two of section eleven and of section twelve excepted) to hold the inquest, inquiry or magisterial inquiry, as the case may be, ordered to be held.

(4) The power vested by this section in the Supreme Court may be exercised by any Judge of that Court.

38. The jurisdiction, powers and duties conferred or imposed upon a coroner, justice or justices in relation to inquests, inquiries or magisterial inquiries, as the case may be, or in relation to deaths or fires, shall be exercised and performed by him or them only in relation to inquests, inquiries and magisterial inquiries which he has, or they have, jurisdiction to hold or in relation to deaths or fires concerning which he has, or they have, jurisdiction to hold an inquest, inquiry or magisterial inquiry, as the case may be.

No. 2, 1960.  
Powers of coroners and certain justices defined.

39. Notwithstanding any other provision of this Act, a coroner, being a medical practitioner, shall not hold an inquest concerning the death of any person whom he attended professionally at or immediately before the death of such person or during such person's illness terminating in his death.

Coroner who is medical practitioner not to hold certain inquests.

40. (1) A coroner, justice or justices may commence or hold an inquest, inquiry or magisterial inquiry, as the case may be, on a Sunday if the coroner is of opinion that such a course is necessary or desirable.

Inquest or inquiry on Sunday.

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

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

41. The room or building in which a coroner holds an inquest or inquiry, or a justice or justices holds or hold a magisterial inquiry, shall be open to the public.

Place of inquest.

42. A coroner, justice or justices holding an inquest, inquiry or magisterial inquiry may order—

Power of coroner, justice or justices to clear court and prohibit publication of evidence.

- (a) any witness or all witnesses thereat to go and remain outside the room or building in which the inquest, inquiry or magisterial inquiry is being held until required to give evidence; and

(b)

**Coroners Act.**

**No. 2, 1960.** (b) that any evidence given at the inquest, inquiry or magisterial inquiry being held by him be not published.

Any person who fails to comply with any such order shall be liable—

- (c) if a body corporate—to a penalty not exceeding five hundred pounds;
- (d) if any other person—to a penalty not exceeding two hundred and fifty pounds, or to imprisonment for a term not exceeding six months, or to both such penalty and imprisonment.

**Prisoners not to be jurors.** **43.** No prisoner in any prison shall be summoned, impanelled or serve as a juror at any inquest or inquiry concerning the death of a prisoner in such prison.

**Penalty.** **44.** (1) Any person convicted of an offence against this Act or the regulations shall for every such offence for which no other penalty is provided by or under this Act be liable to a penalty not exceeding fifty pounds.

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

**Regulations.** **45.** (1) The Governor may make regulations not inconsistent with this Act for and with respect to—

- (a) the conduct of and procedure at inquests, inquiries and magisterial inquiries;
- (b) the procedure for summoning persons to attend as jurors at any inquest or inquiry;
- (c) notwithstanding the provisions of any other Act, prescribing the qualifications of such jurors;
- (d) prescribing any forms to be used under this Act;
- (e) the allowances to be paid to witnesses attending inquests, inquiries and magisterial inquiries;
- (f) all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. (2)

(2) The regulations may impose a penalty not No. 2, 1960. exceeding fifty pounds for any breach thereof.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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## PART VIII.

### AMENDMENTS OF REGISTRATION OF BIRTHS DEATHS AND MARRIAGES ACT 1899, AS AMENDED BY SUBSEQUENT ACTS.

46. (1) The Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts, is amended—

Amendment  
of Act  
No. 17,  
1899.

- (a) by omitting section 27A and by inserting in lieu thereof the following section :—

Substituted  
sec. 27A.

27A. (1) The Registrar-General shall, from time to time, on application therefor furnish to every medical practitioner printed forms in or to the effect of the forms in the Ninth, Tenth and Eleventh Schedules to this Act.

Issue of  
medical  
certificates  
of cause of  
death.

(2)

No. 2, 1960.

(2) Where a person dies and—

- (a) he was immediately before his death, or during his illness terminating in his death, attended by a medical practitioner, such medical practitioner shall, subject to subsection three of this section, sign and deliver or forward forthwith to the district registrar a certificate in or to the effect of the form in the Ninth Schedule to this Act; or
- (b) he was not immediately before his death, or during his illness terminating in his death, attended by a medical practitioner, any medical practitioner who has viewed the body of such person after his death may, subject to subsection three of this section, sign and deliver or forward to the district registrar a certificate in or to the effect of the form in the Eleventh Schedule to this Act,

and, as soon as practicable after signing any such certificate, shall deliver to the tenant of the house or place in which the death occurred a notice in writing in or to the effect of the form in the Tenth Schedule to this Act of the signing of the certificate.

(3) A medical practitioner who—

- (a) has attended a person immediately before his death, or during his illness terminating in his death; or
- (b) has viewed the body after death of a person who was not immediately before his death, or during his illness terminating in his death, attended by a medical practitioner,

shall not sign a certificate in or to the effect of the form in the Ninth Schedule or Eleventh Schedule to this Act or a notice in or to the effect of the form

form in the Tenth Schedule to this Act in respect <sup>No. 2, 1960.</sup> of the death of any such person who, in the opinion of such medical practitioner—

- (i) has died a violent or unnatural death;
- (ii) has died a sudden death the cause of which is unknown;
- (iii) has died under suspicious or unusual circumstances;
- (iv) has died, not having been attended by a medical practitioner within the period of three months immediately before his death;
- (v) has died while under, or as a result of the administration 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,

but shall as soon as practicable after the death, report the death to the officer in charge of the police station nearest to the place where the death occurred.

It shall be the duty of the officer in charge of any police station to whom any such report is made as soon as practicable after the report is made to him to inform a coroner of the death in respect of which the report was made.

- (b) (i) by omitting from subsection two of section <sup>Sec. 29.</sup> twenty-nine the word "magistrate" wherever <sup>(Finding of body.)</sup> occurring and by inserting in lieu thereof the words "justice or justices of the peace";

- (ii) by inserting next after the same subsection the following new subsection :—

(3) Where—

- (a) a coroner dispenses with the holding of an inquest in pursuance of the provisions of subsection two of section eleven of the Coroners Act, 1960; or
- (b)



No. 2, 1960.

- (b) a coroner, justice or justices adjourns or adjourn an inquest, inquiry or magisterial inquiry, as the case may be, in pursuance of the provisions of section twenty-eight of that Act,

such coroner, justice or justices shall notify in writing to the district registrar such information as he possesses or they possess as to the identity of the deceased person concerned, and the date, place and cause of the death of such person, and such registrar shall make the entry accordingly or if the death has been previously registered shall add to or correct the entry, as the case may require.

Sec. 30.  
(Certificates  
of death.)

- (c) (i) by omitting from subsection two of section thirty the words "or magistrate holding an inquest or inquiry upon any dead body" and by inserting in lieu thereof the words ", justice or justices of the peace holding an inquest or magisterial inquiry upon any dead body or a coroner who has dispensed with the holding of an inquest upon any dead body in pursuance of the provisions of subsection two of section eleven of the Coroners Act, 1960,";
- (ii) by omitting from subparagraph (ii) of paragraph (a) of subsection three of the same section the word "magistrate" and by inserting in lieu thereof the words "justice or justices of the peace";
- (iii) by inserting in paragraph (b) of the same subsection after the word "coroner," the word "stipendiary";
- (d)



**Coroners Act.**

**No. 2, 1960.** I hereby certify that I was in medical attendance—

\*immediately before the deceased's death *or*

\*during the deceased's illness terminating in his death and that the particulars and cause of death above written are true to the best of my knowledge and belief.

I \*may be in a position later to give, on application by the Registrar-General, additional information as to cause of death for the purpose of more precise statistical classification.

Signature

Residence

Date

\* Strike out whichever is inapplicable.

† This means the disease, injury, or complication which caused death not the mode of dying, as, e.g., heart failure, asphyxia, asthenia, &c.

(ii) by omitting the Eleventh Schedule and by inserting in lieu thereof the following Schedule :—

Sec. 27A (2).

**ELEVENTH SCHEDULE.**

Registration of Births Deaths and Marriages Act 1899, as amended—  
Section 27A (2) (b).

Registrar to enter No. of Death Entry. .....
--

**MEDICAL CERTIFICATE OF CAUSE OF DEATH.**

(For use only by a legally qualified medical practitioner who has viewed the body of the deceased after death, and to be delivered or forwarded by him to the District Registrar of Births, Deaths, and Marriages direct.)

Name of deceased

Date of death as stated to me            day of            , 19 .

Age as stated to me

Place of death

Last seen alive by me            day of            , 19 .

Post mortem    \*held  
                  \*not held

Cause

Cause of Death.	Duration of Disease.		
	Years.	Months.	Days.
I.			
Immediate cause† .. ..			
Morbid conditions, if any, giving rise to immediate cause (stated in order proceeding backwards from immediate cause)			
(a) .. ..			
(b) .. ..			
(c) .. ..			
II.			
Other morbid conditions (if important) contributing to death but not related to immediate cause .. ..			

No. 2, 1960.

I hereby certify that I viewed the body of the above-named deceased after death, and that the particulars and cause of death above written are true to the best of my knowledge and belief.

I <sup>\*may</sup> ~~\*may not~~ be in a position later to give, on application by the Registrar-General, additional information as to cause of death for the purpose of more precise statistical classification.

Signature

Residence

Date

\*Strike out whichever is inapplicable.

†This means the disease, injury, or complication which caused death, not the mode of dying, as, e.g., heart failure, asphyxia, asthenia, &c.

(2) The Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts and by this Act, may be cited as the Registration of Births, Deaths, and Marriages Act, 1899-1960.

SCHEDULE.

Sec. 3.

No. of Act.	Name of Act.	Extent of Repeal.
1912, No. 36	Coroners Act, 1912 ..	The whole.
1937, No. 35	Statute Law Revision Act, 1937.	So much of the Second Schedule as amended Act No. 36, 1912.
1945, No. 4	Mines Inspection (Amendment) Act, 1945.	Section 11.
1954, No. 32	Justices (Amendment) Act, 1954.	Subsection (4) of section 1, section 5.

FARM