

Coroners Amendment Bill

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Hon Amy Adams

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Contents

	Page
1 Title	5
2 Commencement	5
3 Principal Act	5
Part 1	
Amendments to Parts 1 and 2	
Subpart 1—Amendments to Part 1 (general provisions)	
4 Section 3 amended (Purpose of this Act)	5
5 Section 4 amended (Coroner’s role)	6
6 Section 7 replaced (Chief coroner’s functions)	6
7 Chief coroner’s functions	6
7 Section 9 amended (Interpretation)	7
8 Section 10 amended (Coroner defined)	9
8A New section 12A inserted (Transitional and savings provisions relating to amendments to this Act)	9
12A Transitional and savings provisions relating to amendments to this Act	9
Subpart 2—Amendments to Part 2 (deaths to be reported and post-mortems)	
9 Sections 13 and 14 replaced	10
13 Duty to report deaths	10
14 Deaths that must be reported under section 13(2)	10
10 Section 15 replaced (Reporting of deaths to coroner by police)	11
15 Reporting of deaths to coroner by police	11
11 Section 16 replaced (Chief coroner to designate replacement designated coroner or report death to original designated coroner)	11

Coroners Amendment Bill

	16	Responsible coroner	12
12		Section 17 amended (Investigations by police)	12
13		Section 18 replaced (When police have exclusive right to custody of body)	12
	18	When New Zealand Police has exclusive right to custody of body	12
14		Section 19 replaced (When designated coroner has exclusive right to custody of body)	13
	19	When responsible coroner has exclusive right to custody of body	13
	<u>19A</u>	<u>Police responsible for co-ordinating extraction of body</u>	<u>13</u>
14A		New section 21A and cross-heading inserted	13
		<i>Preliminary inspections</i>	
	21A	Coroner may direct preliminary inspection	13
15		Section 22 amended (Representative for liaison with immediate family)	14
16		Sections 23 and 24 replaced	14
	23	Coroner must give interested parties notice of significant matters	14
	24	Significant matters referred to in section 23(1)	14
17		Section 25 amended (Viewing, touching, or remaining with or near body in coroner's custody)	15
18		Section 27 amended (Family may request pathologist's report on post-mortem)	15
18A		Section 28 amended (Any person may access specified certificates and notices)	15
19		Section 31 amended (Coroner may direct post-mortem)	15
20		Section 36 amended (Nature of post-mortem)	16
21		Section 38 amended (Who may attend post-mortem)	16
21A		Section 39 amended (Definitions for section 38)	16
22		Section 40 amended (Coroner may require person's doctor to report)	16
23		Section 41 amended (High Court may order post-mortem in certain circumstances)	16
24		Section 42 amended (Release of bodies)	17
24A		Section 43 amended (Restriction on release if no post-mortem directed)	17
25		Section 46 amended (Costs of transporting body moved for post-mortem, etc)	17
26		Section 48 amended (Retention of parts and samples on release of body)	17
27		Section 50 replaced (Coroner must notify family, etc, of retention, and of right to request return, of retained parts and samples)	17

Coroners Amendment Bill

	50	Coroner must notify immediate family of retention, and of right to request return, of parts and samples	17
27A		Section 54 amended (Restrictions on return and disposal)	18
28		Section 55 amended (Return on request of retained parts and samples)	18

**Part 2
Amendments to Parts 3 and 4**

Subpart 1—Amendments to Part 3 (inquiries into causes and circumstances of deaths)

29		Section 57 amended (Purposes of inquiries)	19
30		New sections 57A and 57B inserted	19
	57A	Recommendations or comments by coroners	19
	57B	Coroner must consult certain persons or organisations on recommendations or comments	19
31		Section 58 amended (Adverse comments by coroners)	20
32		Section 59 replaced (Jurisdiction of coroners to open inquiries)	20
	59	Jurisdiction of coroners to open inquiries	20
	59A	Limits on coroners' jurisdiction to open inquiries	21
33		Section 60 replaced (Deaths into which inquiries must be opened)	22
	60	Deaths into which inquiries must be opened	22
34		Section 61 repealed (Deaths where coroner may decide not to open inquiries)	22
34A		Section 62 amended (Other deaths)	22
34B		Section 64 amended (Duties of coroner who decides not to open inquiry)	22
35		Section 66 repealed (Which coroner conducts inquiry)	22
36		Section 68 amended (Procedure if person charged with offence)	23
37		Section 69 amended (Procedure if some other investigation to be conducted)	23
38		Sections 70 and 71 replaced	23
	70	Coroner may decide not to open or resume postponed or adjourned inquiry	23
	71	Restrictions on making public details of self-inflicted deaths	23
	71A	Chief coroner may grant exemption from restrictions in section 71	24
39		Section 75 amended (Review of coroner's decision as to making public of details, evidence, etc)	24
40		Section 77 replaced (Hearings on papers and chambers findings)	25
	77	Hearings on papers and chambers findings	25
41		Section 80 replaced (Decision to hold inquest)	25
	80	Decision to hold inquest	25
42		Section 81 amended (Date, etc, and notice of inquest)	26
43		Section 89 amended (Others who may cross-examine at inquest)	26

Coroners Amendment Bill

44	Section 92 replaced (Body must be viewed before certain inquiries concluded)	26
	92 Body must be viewed before certain inquiries concluded	26
45	Section 94 amended (Certificate of and written reasons for findings)	27
46	New sections 94A and 94B inserted	27
	94A Chief coroner to monitor inquiries not completed within 1 year	27
	94B Chief coroner to publish information regarding certain inquiries for which findings not completed	27
46A	Section 95 amended (Inquiry if coroner has failed or refused to open one)	28
	Subpart 2—Amendments to Part 4 (appointments, administration, powers, offences and penalties, and technical provisions)	
47	Section 103 amended (Coroners)	28
48	Section 104 amended (Relief coroners)	28
49	New section 105A inserted (Deputy chief coroner)	28
	105A Deputy chief coroner	28
50	New section 106A inserted (Attorney-General to publish information concerning coronial appointment process)	29
	106A Attorney-General to publish information concerning coronial appointment process	29
51	Section 107 replaced (Concurrent office or employment)	29
	107 Concurrent office or employment	29
	107A Recusal	29
52	New section 116A inserted (Establishment and constitution of suicide and media expert panel)	30
	116A Establishment and constitution of suicide and media expert panel	30
52A	Section 122 amended (Warrant for information, document, or other thing)	30
53	Section 123 amended (Entry and search under warrant under section 122)	30
53A	Section 124 amended (Duties when executing warrant under section 122)	30
53B	Section 128 amended (Warrant for removal of body)	30
53C	Section 129 amended (Entry and search under warrant under section 128)	31
53D	Section 130 amended (Warrant under section 128 to be produced)	31
53E	Section 131 amended (Power to seize evidence relevant to post-mortem)	31
54	Section 132 amended (Chief coroner may issue practice notes)	31
55	Section 133 replaced (Chief coroner must designate coroners for specified deaths)	31

	133	Chief coroner must designate coroners for specified kinds of deaths	31
	133A	Appointment of responsible or replacement coroner	32
56		Section 139 replaced (Publication of information in contravention of section 71 or prohibition under section 74)	32
	139	Publication of information in contravention of section 71	32
	139A	Publication of information in contravention of section 74	33
56A		Sections 141 and 142 repealed	33
56B		New section 143A inserted (Transitional and savings provisions: arrangements effective on and after 1 July 2016 <u>after commencement of Coroners Amendment Act 2014</u> are in Schedule 1)	33
	143A	Transitional and savings provisions: arrangements effective on and after 1 July 2016 <u>after commencement of Coroners Amendment Act 2014</u> are in Schedule 1	33
56C		Schedules 1 and 2 replaced	33
57		Consequential amendments	33
		Schedule 1	34
		Schedules 1 and 2 replaced	
		Schedule 2	37
		Consequential amendments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Coroners Amendment Act **2014**.

2 Commencement

This Act comes into force on ~~1 July 2016~~ the day immediately after the expiry of the period of 1 month that commences on the date on which this Act receives the Royal assent. 5

3 Principal Act

This Act amends the Coroners Act 2006 (the **principal Act**).

Part 1

10

Amendments to Parts 1 and 2

Subpart 1—Amendments to Part 1 (general provisions)

4 Section 3 amended (Purpose of this Act)

Replace section 3(1)(b) with:

- (b) the making of recommendations or comments that, if drawn to public attention, may reduce the chances of further deaths occurring in circumstances similar to those in which the deaths occurred.

5 Section 4 amended (Coroner’s role)

In section 4(2)(b), replace “specified recommendations or comments (as defined in section 9)” with “recommendations or comments under **section 57A**”.

6 Section 7 replaced (Chief coroner’s functions)

Replace section 7 with:

7 Chief coroner’s functions

- (1) The chief coroner’s main function is to contribute to the integrity and effectiveness of the coronial system provided for by this Act by—
- (a) facilitating the orderly and efficient operation of the system; and
 - (b) overseeing coroners’ investigations by—
 - (i) managing the workloads of coroners; and
 - (ii) issuing practice notes; and
 - (iii) monitoring the operation of the system; and
 - (c) facilitating the provision to coroners of support services and cultural, legal, medical, or other specialist advice.
- (2) The chief coroner has the following additional functions (which support the chief coroner’s main function):
- (a) to establish, and to help maintain, relationships between coroners and other persons carrying out functions or duties within the coronial system:
 - (b) to help to inform, and to achieve consistency in, coronial decision making and other coronial conduct (for example, by issuing practice notes):
 - (c) to perform the functions of a Head of Bench under the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 in relation to the exercise by coroners (except for those who are District Court Judges) of the judicial authority conferred on them by this Act:
 - (d) to help to avoid unnecessary duplication in investigations into deaths by liaising, and encouraging co-ordination (for example, through issuing practice notes or developing protocols), with other investigating authorities, official bodies, and statutory officers:
 - (e) to set up and maintain a register, which must be publicly available, of coroners’ recommendations and comments (or summaries of those recommendations and comments) made after ~~1 July 2016~~ the commencement of the Coroners Amendment Act 2014:

- (f) to carry out any other function or task conferred or imposed by this Act or any other enactment.

7 Section 9 amended (Interpretation)

- (1) In section 9, replace the definition of **chief coroner** with:

chief coroner means the person appointed under section 105, and includes either of the following people while he or she is authorised to act for the chief coroner under **section 105A** or 106:

- (a) the deputy chief coroner:
(b) the acting chief coroner

- (1A) In section 9, definition of **death**, replace “member of the police” with “Police employee”.

- (1B) In section 9, replace the definition of **death in official custody or care** with:

death in official custody or care means the death of any of the following:

- (a) a patient who is required to be detained in an institution pursuant to an order under section 9 of the Alcoholism and Drug Addiction Act 1966 (whether or not the death occurred in the institution): 15
- (b) a child or young person who has been placed in a residence within the meaning of section 2(1) or 364 of the Children, Young Persons, and Their Families Act 1989 (whether or not the death occurred in the residence): 20
- (c) a child or young person who—
- (i) is in the custody or care of an iwi social service, a cultural social service, a residential disability care operator, or the director of a child and family support service pursuant to section 43, 78, 101, 102, 110, 139, 140, 141, 142, 234, 238, or 345 of the Children, Young Persons, and Their Families Act 1989; or 25
- (ii) is in the charge of any person or organisation pursuant to section 362 of that Act:
- (d) a patient within the meaning of section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (whether or not the death occurred in the hospital concerned): 30
- (e) a care recipient or proposed care recipient within the meaning of section 5(1) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (whether or not the death occurred in the facility concerned):
- (f) a prisoner within the meaning of section 3(1) of the Corrections Act 2004 (whether or not the death occurred in the prison concerned): 35
- (g) a person in the custody of the New Zealand Police:
- (h) a person under the control of a security officer (as defined in section 3(1) of the Corrections Act 2004):

- (i) a resident within the meaning of section 3 of the Public Safety (Public Protection Orders) Act 2014
- (2) In section 9, replace the definition of **designated coroner** with:
designated coroner, in relation to a death, means the coroner designated by the chief coroner under **section 133** to receive reports of all deaths of that kind 5
- (2A) In section 9, definition of **other investigating authority**, paragraph (c), replace “Injury Prevention, Rehabilitation, and Compensation Act 2001” with “Accident Compensation Act 2001”.
- (3) In section 9, insert in their appropriate alphabetical order: 10
- dentist** means a health practitioner who is, or is deemed to be, registered with the Dental Council established by section 114(2) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of dentistry
- expert** has the same meaning as in section 4(1) of the Evidence Act 2006
- expert evidence** has the same meaning as in section 4(1) of the Evidence Act 2006 15
- health practitioner** means a person who is or is deemed to be registered with an authority as a practitioner of a particular health profession under the Health Practitioners Competence Assurance Act 2003
- interested party**, in relation to the death, or suspected death, of a person means— 20
- (a) a person who is recognised under section 22 as a representative of the immediate family of the person who is, or is suspected to be, dead; and
- (b) a member of the immediate family of the person who is, or is suspected to be, dead who has asked to be notified of matters, and has given the responsible coroner contact details for that purpose, because the member considers that the member’s interests are not represented by a representative recognised under section 22; and 25
- (c) a person whose conduct is, in the view of the responsible coroner, likely to be called into question during the course of any inquiry in relation to the death or suspected death; and 30
- (d) any other person or organisation that the responsible coroner considers has an interest in the death or suspected death (apart from any interest in common with the public)
- Justice** has the same meaning as in section 2 of the Justices of the Peace Act 1957 35
- medical procedure**—
- (a) means a medical, surgical, or dental treatment or operation, or any procedure of a similar kind; and

(b) includes the administration of a medicine (as defined in section 3 of the Medicines Act 1981) or an anaesthetic

overseas death means a death that occurs outside New Zealand other than a death on or from—

(a) a New Zealand registered aircraft (as defined in section 2(1) of the Civil Aviation Act 1990); or 5

(b) a New Zealand ship (as defined in section 2(1) of the Maritime Transport Act 1994); or

(c) an aircraft or a ship of the Armed Forces (as defined in section 2(1) of the Defence Act 1990) 10

pathologist's report means a report given by a pathologist to a coroner under section 31(6)

responsible coroner, in relation to a death, means,—

(a) until a replacement coroner is appointed under **section 133A(2)**, the coroner who is— 15

(i) the designated coroner to whom the death is reported under **section 15(2)(a)**; or

(ii) if the death is reported to another coroner under **section 15(2)(b)**, the responsible coroner appointed by the chief coroner under **section 133A(1)**; and 20

(b) on and after the date on which the chief coroner appoints a replacement coroner under **section 133A(2)**, the coroner who is the replacement coroner

(4) In section 9, repeal the definitions of **listed pathologist** and **specified recommendations or comments**. 25

8 Section 10 amended (Coroner defined)

Repeal section 10(2)(c) and (4)(c).

8A New section 12A inserted (Transitional and savings provisions relating to amendments to this Act)

After section 12, insert: 30

12A Transitional and savings provisions relating to amendments to this Act

Schedule 1 contains transitional and savings provisions relating to amendments made to this Act that affect this Act's other provisions (*see section 143A*).

Subpart 2—Amendments to Part 2 (deaths to be reported and post-mortems)

9 Sections 13 and 14 replaced

Replace sections 13 and 14 with:

13	Duty to report deaths	5
(1)	A person who finds a body in New Zealand must report the finding to a Police employee as soon as practicable unless the person believes that the finding is already known to the New Zealand Police, or will be reported to a Police employee by another person.	
(2)	A person who learns of a death of a kind described in section 14 must report that death to a Police employee as soon as practicable unless the person believes that the death is already known to the New Zealand Police, or will be reported to a Police employee by another person.	10
(3)	Any person may, but is not required to, report an overseas death to a Police employee if—	15
	(a) the person is concerned that overseas authorities have not established the cause and circumstances of the death, or there is doubt about the accuracy of any conclusion reached by an overseas authority; and	
	(b) the body of the dead person is in New Zealand.	
14	Deaths that must be reported under section 13(2)	20
(1)	A death of a kind described in subsection (2) must be reported under section 13(2) if the death occurred in New Zealand or on or from—	
	(a) a New Zealand registered aircraft (as defined in section 2(1) of the Civil Aviation Act 1990); or	
	(b) a New Zealand ship (as defined in section 2(1) of the Maritime Transport Act 1994); or	25
	(c) an aircraft or a ship of the Armed Forces (as defined in section 2(1) of the Defence Act 1990).	
(2)	The kinds of deaths referred to in subsection (1) are—	
	(a) a death that appears to have been without known cause, or self-inflicted, unnatural, or violent:	30
	(b) a death—	
	(i) that occurred during, or appears to have been the result of, a medical procedure; and	
	(ii) that was medically unexpected:	35
	(c) a death—	

- (i) that occurred while the person concerned was affected by an anaesthetic; and
- (ii) that was medically unexpected:
- (d) the death of a woman that occurred while the woman was giving birth, or that appears to have been a result of the woman being pregnant or giving birth: 5
- (e) a death in official custody or care:
- (f) a death in relation to which no doctor has given a doctor's certificate (as defined in section 2(1) of the Burial and Cremation Act 1964).
- (3) For the purposes of **subsection (2)(b) and (c)**, a death is **medically unexpected** if it would not reasonably have been expected by a health practitioner who— 10
 - (a) was competent to carry out the procedure, or administer the anaesthetic, in question; and
 - (b) had knowledge of the dead person's medical condition before the procedure began. 15

10 Section 15 replaced (Reporting of deaths to coroner by police)

Replace section 15 with:

- #### 15 Reporting of deaths to coroner by police
- (1) This subsection applies to a Police employee— 20
 - (a) who finds a body in New Zealand; or
 - (b) to whom a report of a death is made under **section 13**.
 - (2) A Police employee to whom **subsection (1)** applies must, unless excused from doing so by **subsection (3)**, cause the death concerned to be reported immediately— 25
 - (a) to the appropriate designated coroner; or
 - (b) if there is no designated coroner, or if that coroner is unavailable, to another coroner.
 - (3) A Police employee is not required by **subsection (2)** to cause a death to be reported if he or she believes that the death is already known to, or will be reported by another Police employee to, a coroner. 30
 - (4) A coroner (other than the chief coroner) to whom a finding or death is reported under **subsection (2)(b)** must report it to the chief coroner as soon as practicable.

11 Section 16 replaced (Chief coroner to designate replacement designated coroner or report death to original designated coroner)

Replace section 16 with:

16 Responsible coroner

- (1) The responsible coroner must perform every part of the coroner’s role in relation to a death.
- (2) However, a duty coroner may from time to time perform or exercise a function, duty, or power on behalf of the responsible coroner. 5
- (3) In this section, **duty coroner** means a coroner who is, for the time being, authorised by the chief coroner to perform or exercise any function, duty, or power that—
- (a) would ordinarily be performed or exercised by a responsible coroner; but
- (b) in the circumstances, is more appropriately performed or exercised by a coroner who is immediately available. 10

12 Section 17 amended (Investigations by police)

- (1) In section 17(1)(b), replace “designated” with “responsible”.
- (2) After section 17(1), insert:
- (1A) In making a direction under subsection (1)(b), the responsible coroner must have regard to the principles set out in section 8 of the Policing Act 2008. 15
- (1B) If the Commissioner considers that a coroner’s direction under subsection (1)(b) is unreasonable or unnecessary, the Commissioner may refer the direction to the chief coroner.
- (1C) If a referral is made under **subsection (1B)**, the Commissioner and the chief coroner must, by agreement, confirm, revoke, or vary the direction. 20

13 Section 18 replaced (When police have exclusive right to custody of body)

Replace section 18 with:

18 When New Zealand Police has exclusive right to custody of body

- (1) The New Zealand Police has an exclusive right to custody of the body of a person— 25
- (a) from the time when a Police employee first suspects on reasonable grounds that a death to which **section 13(2)** applies may have occurred; and
- (b) until— 30
- (i) the death is reported to the designated coroner under **section 15(2)(a)**; or
- (ii) if the death is reported to another coroner under **section 15(2)(b)**, a responsible coroner has been appointed by the chief coroner under **section 133A(1)**. 35

- (2) Despite **subsection (1)(b)**, the New Zealand Police must ensure that the death is reported to the designated coroner, or another coroner, as soon as practicable.
- (3) Nothing in this section affects when the exclusive right can be and is exercised by or on behalf of the New Zealand Police, or prevents the New Zealand Police from exercising on behalf of the responsible coroner his or her right under **section 19**. 5

14 Section 19 replaced (~~When designated coroner has exclusive right to custody of body~~)

Replace section 19 with: 10

19 When responsible coroner has exclusive right to custody of body

The responsible coroner has an exclusive right to custody of the body of a person—

- (a) from the time when—
- (i) the death of the person is reported to him or her (as the designated coroner) under **section 15(2)(a)**; or 15
 - (ii) he or she is appointed as the responsible coroner in relation to the death under **section 133A**; and
- (b) until—
- (i) he or she authorises the release of the body under section 42; or 20
 - (ii) another coroner is appointed as the responsible coroner in relation to the death under **section 133A(2) or (3)**.

19A Police responsible for co-ordinating extraction of body

- (1) This section applies to a body if—
- (a) the responsible coroner has an exclusive right to custody of the body; and 25
 - (b) the body is in a location from which it can be extracted only with extraordinary effort or the use of special resources.
- (2) The New Zealand Police is responsible, on behalf of the coroner, for co-ordinating the extraction of the body from that location. 30

14A New section 21A and cross-heading inserted

After section 21, insert:

Preliminary inspections

21A Coroner may direct preliminary inspection

- (1) A coroner may direct a pathologist to perform a preliminary inspection of a body. 35

- (2) The purpose of a preliminary inspection is to enable the pathologist to advise the coroner about whether to direct a post-mortem under section 31.
- (3) The pathologist may use medical imaging as part of a preliminary inspection if access to medical imaging technology is readily available.
- (4) Nothing in this section limits the coroner's power to direct a post-mortem under section 31. 5
- (5) In this section,—
- medical imaging** includes, without limitation, X-ray, magnetic resonance imaging, tomography, and ultrasound
- preliminary inspection** means an inspection of a body consisting of either or both of the following: 10
- (a) an external visual examination:
- (b) the use of medical imaging.
- 15 Section 22 amended (Representative for liaison with immediate family)**
- Repeal section 22(1). 15
- 16 Sections 23 and 24 replaced**
- Replace sections 23 and 24 with:
- 23 Coroner must give interested parties notice of significant matters**
- (1) The responsible coroner must take all reasonable steps to give interested parties notice, as soon as practicable, of significant matters that relate to the carrying out of the duties and processes required by law to be performed or followed in relation to a death. 20
- (2) A failure to comply with this section does not affect the validity of any action taken by or on behalf of the coroner.
- Compare: 1988 No 111 s 11(1), (3) 25
- 24 Significant matters referred to in section 23(1)**
- (1) The significant matters referred to in **section 23(1)** include, without limitation,—
- (a) a direction by the coroner that a post-mortem of the body concerned be performed; and 30
- (b) the coroner's reasons for directing that a post-mortem be performed; and
- (c) the fact that a copy of the pathologist's report on a post-mortem can be obtained under section 27 or 29; and
- (d) the opening of an inquiry; and
- (e) the date, time, and place fixed for an inquest; and 35
- (f) the completion of an inquiry.

- (2) For representatives recognised under section 22, and any member of the dead person’s immediate family who has asked to be notified of matters and has provided contact details to the coroner, the significant matters also include—
- (a) the right to object to a proposed post-mortem if, under section 33, immediate family members have that right; and 5
 - (b) the receipt or removal of a body part, or the taking of a bodily sample, under section 47; and
 - (c) the retention of a body part or bodily sample under section 48(2)(a) or (b) (and, in particular, the matters in **section 50(4)**).
- 17 Section 25 amended (Viewing, touching, or remaining with or near body in coroner’s custody) 10**
- Replace section 25(1) with:
- (1) This section applies to a body if—
- (a) the responsible coroner’s exclusive right to custody of the body, under **section 19**, is being exercised by the responsible coroner or on the responsible coroner’s behalf; and 15
 - (b) 1 or more people to whom subsection (2) applies wish to view, touch, or remain with or near the body.
- 18 Section 27 amended (Family may request pathologist’s report on post-mortem) 20**
- (1) In section 27(1), replace “the member of the person’s family a copy of the report” with “a member of a dead person’s immediate family a copy of the pathologist’s report”.
- (2) Replace section 27(1)(c) with:
- (c) that family member has asked for a copy of the report; and 25
- (3) After section 27(1), insert:
- (1A) The coroner may, at the request of a member of the dead person’s immediate family, authorise a pathologist to contact the family to explain, or answer questions in relation to, the pathologist’s report.
- 18A Section 28 amended (Any person may access specified certificates and notices) 30**
- In section 28(2), replace “(which relates to restrictions on the making public of details of self-inflicted deaths)” with “or 74”.
- 19 Section 31 amended (Coroner may direct post-mortem) 35**
- (1) After section 31(1), insert:
- (1A) Where more than 1 death appears to have occurred as a result of a single event or a series of related events, a coroner—

- (a) may direct 1 or more pathologists to perform post-mortems of any or all of the bodies (whether found before or after the direction is made) of people whose deaths appear to be a result of that event or series of events; and
- (b) may direct 1 or more dentists to attend any or all those post-mortems. 5
- (2) Repeal section 31(3).
- 20 Section 36 amended (Nature of post-mortem)**
- Replace section 36(1) with:
- (1) A pathologist who is directed under section 31 to carry out a post-mortem must carry out a full internal and external examination of the body unless the coroner, in the relevant direction under section 31, requires only a lesser examination (in which case the pathologist must comply with the direction). 10
- (1A) The pathologist may otherwise carry out the post-mortem as he or she thinks fit.
- 21 Section 38 amended (Who may attend post-mortem)** 15
- (1) After section 38(1)(f), insert:
- (fa) a dentist, if authorised to attend by a coroner:
- (2) Replace section 38(1)(g) with:
- (g) a Police employee:
- 21A Section 39 amended (Definitions for section 38)** 20
- (1) In section 39, replace the definitions of **funeral director**, **national qualification**, and **National Qualifications Framework** with:
- funeral director** has the meaning given in section 2(1) of the Burial and Cremation Act 1964
- (2) In section 39, repeal the definition of **Qualifications Authority**. 25
- 22 Section 40 amended (Coroner may require person’s doctor to report)**
- In section 40, insert as subsection (2):
- (2) The information specified in a notice under subsection (1) may include, without limitation, the dead person’s health information (as defined in section 22B of the Health Act 1956). 30
- 23 Section 41 amended (High Court may order post-mortem in certain circumstances)**
- In section 41(6)(a), replace “family representative, immediate family, and certain others” with “interested parties”.

- 24 Section 42 amended (Release of bodies)**
In section 42(1), replace “A coroner to whom a death has been reported under section 15(2)(a) or section 16(2)(b)” with “The responsible coroner”.
- 24A Section 43 amended (Restriction on release if no post-mortem directed)**
In section 43(1) and (2), replace “member of the police” with “constable”. 5
- 25 Section 46 amended (Costs of transporting body moved for post-mortem, etc)**
In section 46(2) and (3), replace “Commissioner of Police” with “responsible department”.
- 26 Section 48 amended (Retention of parts and samples on release of body)** 10
After section 48(2), insert:
- (2A) The pathologist must notify the coroner if the pathologist retains, or intends to retain, a part or sample under subsection (2)(a).
- (3) In this section, **minute**, in relation to a body part or bodily sample, has the meaning given by the Secretary by notice in the *Gazette* (both printed and on-line versions). 15
- (4) A notice under **subsection (3)** is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- 27 Section 50 replaced (Coroner must notify family, etc, of retention, and of right to request return, of retained parts and samples)** 20
Replace section 50 with:
- 50 Coroner must notify immediate family of retention, and of right to request return, of parts and samples**
- (1) This section applies if, under section 48(2)(a) or (b), a pathologist intends to retain, or has retained, a body part or bodily sample from a dead person’s body. 25
- (2) A responsible coroner must, before the release of the body, give notice of the intention to retain a part or sample if, due to the nature of the part or sample, the coroner considers that it is appropriate to give notice before the body is released. 30
- (3) Unless the coroner has given notice under **subsection (2)**, the coroner must, on or immediately after the release of the body, give notice that a part or sample has been retained.
- (4) A notice under this section must be given to every representative of the immediate family recognised under section 22 and must— 35
- (a) identify in general terms the part or sample that the pathologist intends to retain, or has retained; and

- (b) advise that detailed information about the part or sample is available on request; and
 - (c) explain the authority and reasons for the intention to retain, or for the retention of, the part or sample; and
 - (d) indicate how long the pathologist expects the part or sample will need to be retained for those reasons; and 5
 - (e) indicate (if known by the coroner) whether, and, if so, to what extent, the part or sample is likely to be destroyed in the course of being used for the purpose for which it is retained; and
 - (f) advise that members of the immediate family have the right to request the return of the part or sample (to the extent that the part or sample has not been destroyed); and 10
 - (g) indicate the date by which the return of any part or sample that has not been destroyed must be requested.
- (5) In considering whether to request the return of a part or sample, members of the dead person's immediate family may, with the coroner's approval, contact the pathologist for further information about the part or sample (including information about how the part or sample has been dealt with and how it may be dealt with if it is not returned). 15
- (6) A failure to comply with this section does not affect the validity of any action taken by or on behalf of the coroner. 20

27A Section 54 amended (Restrictions on return and disposal)

In section 54(2), replace "section 53 or 55 or section 56" with "section 53, 55, or 56".

28 Section 55 amended (Return on request of retained parts and samples) 25

Replace section 55(2) with:

- (2) The part or sample must, to the extent that it has not been destroyed in the course of analysis conducted for the purpose for which it was retained, be returned to the makers of the request when—
- (a) the coroner, having conducted and completed an inquiry into the death, completes and signs a certificate of findings in accordance with section 94; or 30
 - (b) the coroner notifies the Secretary, under section 64, of the coroner's decision not to open an inquiry.

Part 2 Amendments to Parts 3 and 4

Subpart 1—Amendments to Part 3 (inquiries into causes and circumstances of deaths)

29 Section 57 amended (Purposes of inquiries)	5
Replace section 57(3) with:	
(3) The second purpose is to make recommendations or comments (<i>see section 57A</i>).	
30 New sections 57A and 57B inserted	10
After section 57, insert:	
57A Recommendations or comments by coroners	
(1) A responsible coroner may make recommendations or comments in the course of, or as part of the findings of, an inquiry into a death.	
(2) Recommendations or comments may be made only for the purpose of reducing the chances of further deaths occurring in circumstances similar to those in which the death occurred.	15
(3) Recommendations or comments must—	
(a) be clearly linked to the factors that contributed to the death to which the inquiry relates; and	
(b) be based on evidence considered during the inquiry; and	20
(c) be accompanied by an explanation of how the recommendation or comment may, if drawn to public attention, reduce the chances of further deaths occurring in similar circumstances.	
57B Coroner must consult certain persons or organisations on recommendations or comments	25
(1) Before making a recommendation or comment under section 57A , a coroner must—	
(a) notify the following persons or organisations of the proposed recommendation or comment:	
(i) any experts from whom the coroner has received evidence under section 76; and	30
(ii) any other expert who the coroner considers has an interest in the inquiry; and	
(iii) any persons or organisations to whom the recommendation or comment is directed; and	35

<ul style="list-style-type: none"> (b) give those persons or organisations 20 working days to comment on the proposed recommendation or comment. (2) The chief coroner must record any comments (or summaries of those comments) made by persons or organisations notified under subsection (1) in the register of recommendations and comments maintained under section 7(2)(e). (3) To avoid doubt, the chief coroner may make the comments made by a person or organisation publicly available, via the register or otherwise, without the approval of that person or organisation. 	5
<p>31 Section 58 amended (Adverse comments by coroners)</p> <p>In section 58(5), replace “section 57 (purposes of inquiries)” with “sections 57 to 57B”.</p>	10
<p>32 Section 59 replaced (Jurisdiction of coroners to open inquiries)</p> <p>Replace section 59 with:</p>	
<p>59 Jurisdiction of coroners to open inquiries</p> <ul style="list-style-type: none"> (1) The responsible coroner in relation to a death may open an inquiry into the death if the death occurred, or is likely to have occurred, within the last 100 years and— <ul style="list-style-type: none"> (a) the body of the person concerned is in New Zealand; or (b) the coroner is satisfied that it is likely that the person concerned is dead and that— <ul style="list-style-type: none"> (i) the person’s body is destroyed, irrecoverable, or lost; and (ii) the person was in New Zealand immediately before the person’s death; or (c) the body of the person concerned is not in New Zealand, or is destroyed, irrecoverable, or lost, and— <ul style="list-style-type: none"> (i) the death occurred on or from— <ul style="list-style-type: none"> (A) a New Zealand registered aircraft (as defined in section 2(1) of the Civil Aviation Act 1990); or (B) a New Zealand ship (as defined in section 2(1) of the Maritime Transport Act 1994); or (C) an aircraft or a ship of the Armed Forces (as defined in section 2(1) of the Defence Act 1990); or (ii) the death occurred outside New Zealand on or from an aircraft or a ship (other than an aircraft or ship referred to in subparagraph (i)) and the Solicitor-General has authorised the coroner to open an inquiry into the death. 	15 20 25 30 35

- (2) This section is subject to **section 59A**, except that **subsection (1)(c)(ii)** overrides **section 59A(1)**.

59A Limits on coroners' jurisdiction to open inquiries

- (1) A coroner must not open an inquiry into an overseas death unless the coroner is reasonably satisfied that— 5
- (a) overseas authorities have not established the cause and circumstances of the death, or there is doubt about the accuracy of any conclusion reached by an overseas authority; and
 - (b) an inquiry under this Act is likely to identify the cause and circumstances of the death. 10
- (2) A coroner must not open an inquiry into a death if the coroner is satisfied that the death—
- (a) occurred while the dead person was a member of the Defence Force on operational service; and
 - (b) arose from hostilities in which the Defence Force or an allied force was engaged. 15
- (3) A coroner must adjourn an inquiry if, during the course of the inquiry, the coroner determines that the death to which the inquiry relates is likely to have occurred in the circumstances described in **subsection (2)**.
- (4) **Subsections (2) and (3)** apply unless the Attorney-General directs the coroner to carry out an investigation, or to resume an inquiry, into the cause and circumstances of the death. 20
- (4A) Before the Attorney-General directs a coroner to carry out an investigation, or to resume an inquiry, the Attorney-General must, without limitation, consider— 25
- (a) whether the investigation or inquiry is likely to identify the cause and circumstances of the death; and
 - (b) whether the investigation or inquiry could reveal information that may prejudice the security or defence of New Zealand; and
 - (c) whether the investigation or inquiry is likely to examine military tactics; and 30
 - (d) whether a court of inquiry has been, or will be, assembled under section 200A of the Armed Forces Discipline Act 1971 for the purposes of collecting and recording evidence about the relevant death.
- (5) If the Attorney-General directs a coroner to carry out an investigation, or to resume an inquiry, the coroner may open or resume an inquiry, but its only purpose is to establish, so far as possible, the particulars specified in section 4(2)(a). 35
- (6) In this section,—

allied force and Defence Force have the meanings given in section 2(1) of the Defence Act 1990	
operational service means service as a member of the Defence Force—	
(a) in a war or other armed conflict; or	
(b) in a peacekeeping force; or	5
(c) in any other type of service declared by the Chief of Defence Force to be operational service for the purposes of this section.	
33 Section 60 replaced (Deaths into which inquiries must be opened)	
Replace section 60 with:	
60 Deaths into which inquiries must be opened	10
(1) A responsible coroner must open and conduct an inquiry into a death if—	
(a) the death appears to have been self-inflicted; or	
(b) the dead person appears to have been a person in official custody or care; or	
(c) the coroner is not satisfied that the matters required by this Act to be established by an inquiry are already adequately disclosed in respect of the death by information arising from investigations or examinations the coroner has made or caused to be made.	15
(2) This section is subject to sections 59 and 59A .	
34 Section 61 repealed (Deaths where coroner may decide not to open inquiries)	20
Repeal section 61.	
34A Section 62 amended (Other deaths)	
(1) Replace section 62(1) with:	
(1) The responsible coroner must decide whether to open an inquiry into a death.	25
(2) After section 62(2)(a), insert:	
(ab) section 59A (limits on coroners’ jurisdiction to open inquiries):	
34B Section 64 amended (Duties of coroner who decides not to open inquiry)	
In section 64(3)(b), replace “member of the police” with “constable” in each place.	30
35 Section 66 repealed (Which coroner conducts inquiry)	
Repeal section 66.	

- 36 Section 68 amended (Procedure if person charged with offence)**
- In section 68(1), replace “coroner to whom a death has been reported under section 15(2)(a) or section 16(2)(b) and” with “responsible coroner in relation to a death”.
- 37 Section 69 amended (Procedure if some other investigation to be conducted)** 5
- In section 69(1), replace “coroner to whom a death has been reported under section 15(2)(a) or section 16(2)(b) and” with “responsible coroner in relation to a death”.
- 38 Sections 70 and 71 replaced** 10
- Replace sections 70 and 71 with:
- 70 Coroner may decide not to open or resume postponed or adjourned inquiry**
- (1) This subsection applies to an inquiry that is postponed or adjourned under either of the following sections: 15
- (a) section 68 (procedure if person charged with offence);
- (b) section 69 (procedure if some other investigation to be conducted).
- (2) A coroner may decide, or the chief coroner may direct the coroner, not to open or resume an inquiry to which **subsection (1)** applies.
- (3) Before making a decision or a direction under **subsection (2)**, the coroner or the chief coroner (as applicable) must be satisfied that the matters specified in section 57(2)(a) to (e) have, in respect of the death concerned, been adequately established in the course of the relevant criminal proceedings or investigation. 20
- (4) A coroner who decides, or who is directed, under **subsection (2)** not to open or resume an inquiry must give the Secretary written notice that the inquiry will not be opened or resumed. 25
- 71 Restrictions on making public details of self-inflicted deaths**
- ~~(1) This section applies in respect of a death if the death was self-inflicted or there is reasonable cause to suspect that the death was self-inflicted.~~
- (1) This section applies in respect of a death if— 30
- (a) the death occurred in New Zealand or on or from an aircraft or a ship specified in **section 14(1)**; and
- (b) the death was self-inflicted or there is reasonable cause to suspect that the death was self-inflicted.
- (2) No person may, unless the person is granted an exemption under **section 71A** or has permission under section 72, make public— 35
- (a) the method or any suspected method of the self-inflicted death; or

- (b) any detail (for example, the place of death) that suggests the method or any suspected method of the self-inflicted death; or
- (c) a description of the death as a suicide.
- (3) Despite **subsection (2)(c)**,—
- (a) a person may make public that the death is a suspected suicide; and 5
- (b) a person may describe the death as a suicide if the coroner has completed a certificate of findings under section 94 stating that the death was a suicide.
- 71A Chief coroner may grant exemption from restrictions in section 71**
- (1) A person may apply to the chief coroner for an exemption from the restrictions (specified in **section 71(2)**) applying to the publication of details of self-inflicted deaths. 10
- (2) On receiving an application under **subsection (1)**, the chief coroner—
- (a) must, so far as practicable, give priority to the consideration of the application; and 15
- (b) may request advice from the suicide and media expert panel established under **section 116A**; and
- (c) may request further information from the applicant.
- (3) The chief coroner may grant an applicant an exemption from all or any of the restrictions in **section 71(2)** only if the chief coroner is satisfied that— 20
- (a) granting the exemption does not present an undue risk that other people will attempt to copy the behaviour of the dead person concerned; and
- (b) any risk that people will attempt to copy the behaviour of the dead person concerned is outweighed by other considerations that make it desirable, in the public interest, to allow the publication of the details. 25
- (4) To ensure an application is dealt with promptly, the chief coroner may carry out any communications necessary for processing the application in person or by way of remote access (such as by telephone, video, or Internet link).
- (5) The chief coroner must keep a written record of— 30
- (a) every application received under **subsection (1)**; and
- (b) whether the chief coroner granted an exemption to the applicant under **subsection (3)**; and
- (c) the reasons in each case for granting, or declining to grant, the exemption.
- 39 Section 75 amended (Review of coroner’s decision as to making public of details, evidence, etc)** 35
- (1) Replace the heading to section 75 with “**Review of decisions relating to publication of details, evidence, etc**”.

- (2) Replace section 75(1)(a) with:
- (a) a refusal by the chief coroner to grant an exemption under **section 71A** from a restriction applying to the publication of details of self-inflicted deaths; or
- 40 Section 77 replaced (Hearings on papers and chambers findings)** 5
- Replace section 77 with:
- 77 Hearings on papers and chambers findings**
- (1) A coroner may, instead of holding an inquest, hold a hearing on the papers and make chambers findings if the coroner—
- (a) gives notice to the persons specified in **subsection (2)** of the coroner’s proposal to hold a hearing on the papers and make chambers findings; and 10
- (b) has not, at the end of the period stated in the notice (which must be a period that the coroner considers reasonable in the circumstances), received any notification of an intention to give evidence, or cross-examine witnesses, in person. 15
- (2) The persons to whom the coroner must give notice under **subsection 1(a)** are—
- (a) those persons who, under section 76, are persons from whom evidence is generally to be heard for the purposes of an inquiry; and 20
- (b) those persons who, under section 89, are entitled to cross-examine witnesses at an inquest.
- (3) A coroner who has given notice under **subsection (1)(a)** must hold an inquest instead of holding a hearing on the papers and making chambers findings if he or she receives a notification of the kind referred to in **subsection (1)(b)**. 25
- 41 Section 80 replaced (Decision to hold inquest)**
- Replace section 80 with:
- 80 Decision to hold inquest**
- (1) A coroner conducting an inquiry into a death must decide whether to hold an inquest for the purposes of the inquiry. 30
- (2) Without limiting **subsection (1)**, a coroner deciding whether to hold an inquest into a death must consider whether either, or both, of the following applies:
- (a) the death was a death in official custody or care and the death would not reasonably have been expected by a doctor who had access to the person’s health information (as defined in section 22B of the Health Act 1956): 35

- (b) an inquest would assist the inquiry into the death by providing an opportunity for persons who have not been involved in the inquiry to—
- (i) scrutinise evidence considered by the coroner as part of the inquiry; or
 - (ii) offer new evidence in respect of the death. 5
- (3) A coroner who decides under this section not to hold an inquest must comply with **section 77**.

42 Section 81 amended (Date, etc, and notice of inquest)

- (1) Replace section 81(1) with:
- (1) A coroner who decides to hold an inquest for the purposes of an inquiry must— 10
- (a) fix a date, time, and place for the inquest; and
 - (b) comply with **section 23** (coroner must give interested parties notice of significant matters) in relation to the date, time, and place fixed for the inquest at least 10 working days before that date. 15
- (2) In section 81(2), replace “the people who have a sufficient interest in the inquiry concerned include a person who” with “an interested party”.
- (2A) In section 81(3)(a), replace “family” with “immediate family”.
- (3) After section 81(3)(a), insert:
- (ab) are likely to have their conduct called into question if an inquiry is opened in relation to the death; or 20

43 Section 89 amended (Others who may cross-examine at inquest)

Replace section 89(1) with:

- (1) Any interested party may, personally or by counsel, cross-examine witnesses at an inquest. 25

44 Section 92 replaced (Body must be viewed before certain inquiries concluded)

Replace section 92 with:

92 Body must be viewed before certain inquiries concluded

- (1) No coroner may issue a certificate of interim findings, or conclude an inquiry, unless satisfied that the body of the person concerned— 30
- (a) has been viewed in New Zealand; or
 - (b) is destroyed, irrecoverable, or lost, and—
 - (i) the person was in New Zealand immediately before the body was destroyed or became irrecoverable or lost; or 35
 - (ii) the death occurred on or from—

- (A) a New Zealand registered aircraft (as defined in section 2(1) of the Civil Aviation Act 1990); or
- (B) a New Zealand ship (as defined in section 2(1) of the Maritime Transport Act 1994); or
- (C) an aircraft or a ship of the Armed Forces (as defined in section 2(1) of the Defence Act 1990). 5
- (2) **Subsection (1)** does not apply to an inquiry the opening of which was authorised by the Solicitor-General under **section 59(1)(c)(ii)**.
- 45 Section 94 amended (Certificate of and written reasons for findings)**
- (1) Replace section 94(1) with: 10
- (1) The coroner conducting and completing an inquiry must—
- (a) consider all the evidence admitted for the purposes of the inquiry; and
- (b) as soon as is reasonably practicable, and in light of the purposes stated in section 57, complete and sign a certificate of findings in relation to the death concerned. 15
- (2) Replace section 94(4)(c) and (d) with:
- (c) any recommendations or comments made under **section 57A**.
- (3) After section 94(4), insert:
- (5) The coroner must provide a copy of the completed and signed certificate of findings, together with any recommendations or comments, to— 20
- (a) the chief coroner; and
- (b) all interested parties.
- 46 New sections 94A and 94B inserted**
- After section 94, insert:
- 94A Chief coroner to monitor inquiries not completed within 1 year** 25
- If a coroner conducting an inquiry into a death has not, in respect of the death, completed and signed a certificate of findings under section 94 within 1 year of the date on which the death was reported to the coroner, the chief coroner—
- (a) must monitor the progress of the inquiry; and
- (b) may require the coroner conducting the inquiry to explain why he or she has not concluded the inquiry. 30
- 94B Chief coroner to publish information regarding certain inquiries for which findings not completed**
- (1) The chief coroner must, at regular intervals, publish—

- (a) a list of all inquiries in respect of which an inquest, or a hearing on the papers, has been held but a certificate of findings has not been completed and signed under section 94; and
- (b) for each inquiry, the date on which the inquest, or hearing on the papers, was held. 5
- (2) In addition to the information specified in **subsection (1)**, the chief coroner must publish an explanation of the process by which a person can find out the status of an inquiry in relation to which an inquest, or a hearing on the papers, has been held but a certificate of findings has not yet been completed and signed. 10
- 46A Section 95 amended (Inquiry if coroner has failed or refused to open one)**
In section 95(1), replace “coroner by whom the inquiry should be opened” with “responsible coroner”.
- Subpart 2—Amendments to Part 4 (appointments, administration, powers, offences and penalties, and technical provisions) 15
- 47 Section 103 amended (Coroners)**
Replace section 103(5) with:
- (5) However, a former coroner of or over the age of 70 years may be reappointed for 1 term that—
- (a) is specified in a warrant of reappointment; and 20
- (b) does not exceed 2 years.
- 48 Section 104 amended (Relief coroners)**
Replace section 104(6) with:
- (6) However, a former coroner or a former relief coroner of or over the age of 70 years may be appointed or reappointed as a relief coroner for 1 term that— 25
- (a) is specified in a warrant of appointment or reappointment; and
- (b) does not exceed 2 years.
- 49 New section 105A inserted (Deputy chief coroner)**
After section 105, insert:
- 105A Deputy chief coroner** 30
- (1) The Governor-General may, on the advice of the Attorney-General, appoint a coroner as deputy chief coroner for a term that does not exceed 5 years.
- (2) Where there is a vacancy in the role of chief coroner or the chief coroner is for any other reason absent from duty, the deputy chief coroner may, unless an acting chief coroner has been appointed, perform or exercise all or any of the functions, duties, and powers of the chief coroner. 35

(3)	Without limiting subsection (2) , the deputy chief coroner may at any time perform or exercise any function, duty, or power of the chief coroner that has been delegated by the chief coroner to the deputy chief coroner.	
(4)	The fact that a deputy chief coroner purports to perform or exercise, or to have performed or exercised, any function, duty, or power under this section is, in the absence of proof to the contrary, sufficient evidence of the deputy chief coroner's authority to do so.	5
50	New section 106A inserted (Attorney-General to publish information concerning coronial appointment process)	
	After section 106, insert:	10
106A	Attorney-General to publish information concerning coronial appointment process	
	The Attorney-General must publish information explaining his or her processes for—	
(a)	seeking expressions of interest for the appointment of coroners; and	15
(b)	nominating people for appointment as a coroner.	
51	Section 107 replaced (Concurrent office or employment)	
	Replace section 107 with:	
107	Concurrent office or employment	
(1)	The chief coroner must, after consulting the Attorney-General, develop and publish a protocol specifying—	20
(a)	the employment, or types of employment, that the Attorney-General considers to be compatible with being a coroner; and	
(b)	the offices, or types of offices, that the Attorney-General considers to be compatible with being a coroner.	25
(2)	The protocol may specify different employment or offices, or types of employment or types of offices, for relief coroners and other coroners.	
(3)	A coroner may hold another judicial office but must not undertake any other paid employment or hold any non-judicial office (whether paid or not) unless that employment or office is of a type specified in the protocol as being compatible with being a coroner.	30
107A	Recusal	
	The chief coroner must, after consulting the Attorney-General, develop and publish guidelines to assist coroners to decide if they should recuse themselves from an inquiry.	35

52 New section 116A inserted (Establishment and constitution of suicide and media expert panel)

After section 116, insert:

116A Establishment and constitution of suicide and media expert panel

- | | | |
|-----|--|----|
| (1) | A suicide and media expert panel is established. | 5 |
| (2) | The panel consists of up to 4 members appointed by the Director-General of Health by written notice. | |
| (3) | The Director-General of Health must be satisfied that the panel includes— | |
| | (a) at least 1 member with expertise in suicide prevention; and | |
| | (b) at least 1 member with expertise in media; and | 10 |
| | (c) at least 1 member with expertise in tikanga Māori; and | |
| | (d) at least 1 member with expertise in Māori youth suicide. | |
| (4) | The panel or any member of the panel must advise the chief coroner, if the chief coroner requests the panel or the member to do so, about applications, made under section 71A(1) , for exemptions from the restrictions applying to the publication of details of self-inflicted deaths. | 15 |

52A Section 122 amended (Warrant for information, document, or other thing)

- | | | |
|-----|--|----|
| (1) | In section 122, replace “member of the police” with “constable” in each place. | |
| (2) | In section 122(3)(a), replace “members of the police” with “constables”. | |
| (3) | In section 122(3)(b), replace “member or members of the police” with “1 or more constables”. | 20 |

53 Section 123 amended (Entry and search under warrant under section 122)

- | | | |
|-----|---|----|
| (1) | Replace section 123(1) with: | |
| (1) | Section 110 of the Search and Surveillance Act 2012 applies to a search authorised by a warrant issued under section 122. | 25 |
| (2) | In section 123(2), replace “member of the police” with “constable”. | |

53A Section 124 amended (Duties when executing warrant under section 122)

In section 124, replace “member of the police” with “constable” in each place.

53B Section 128 amended (Warrant for removal of body)

- | | | |
|-----|--|----|
| (1) | In section 128(1), replace “member of the police” with “constable”. | 30 |
| (2) | In section 128(2)(a), replace “members of the police” with “constables”. | |
| (3) | In section 128(2)(b), replace “member or members of the police” with “1 or more constables”. | |

- 53C Section 129 amended (Entry and search under warrant under section 128)**
In section 129, replace “member of the police” with “constable”.
- 53D Section 130 amended (Warrant under section 128 to be produced)**
In section 130, replace “member of the police” with “constable” in each place.
- 53E Section 131 amended (Power to seize evidence relevant to post-mortem)** 5
In section 131, replace “member of the police” with “constable” in each place.
- 54 Section 132 amended (Chief coroner may issue practice notes)**
- (1) Replace section 132(3) with:
- (3) Practice notes under this section may specify matters to which coroners must have regard in— 10
- (a) making recommendations or comments (*see section 57A*):
 - (b) recommending to the chief coroner that a specialist adviser be appointed to sit with and help the coroner at an inquest (*see section 83(2)*):
 - (c) holding joint inquests (*see section 84(3)*):
 - (d) calling for investigations or examinations, or commissioning reports (*see section 118(2)*): 15
 - (e) managing the disclosure of evidence to witnesses appearing at a hearing:
 - (f) determining whether to hold a pre-hearing:
 - (g) determining whether a person is appropriately regarded as an expert in a particular area: 20
 - (h) determining the format of the coroner’s written findings:
 - (i) co-ordinating with other investigating authorities, official bodies, and statutory officers who investigate deaths.
- (2) After section 132(5), insert:
- (6) The chief coroner must regularly review any practice notes issued under this section. 25
- 55 Section 133 replaced (Chief coroner must designate coroners for specified deaths)**
- Replace section 133 with:
- 133 Chief coroner must designate coroners for specified kinds of deaths** 30
- (1) The chief coroner must from time to time, by notice in writing to the coroners concerned and to the New Zealand Police, designate coroners to receive, under **section 15(2)(a)**, reports of all deaths of a specified kind.
- (2) **Deaths of a specified kind** may be deaths that—
- (a) are reported to the coroner within a specified time period; or 35

<ul style="list-style-type: none"> (b) occur in a specified area; or (c) fall into another specified class. <p>(3) The chief coroner may at any time in the same way amend, revoke, or revoke and replace a designation under this section.</p>	5
133A Appointment of responsible or replacement coroner	
<p>(1) If the chief coroner receives a report of a death under section 15(4), the chief coroner must appoint a responsible coroner in relation to the death (who may, but need not, be the designated coroner for deaths of that kind).</p> <p>(2) The chief coroner may appoint a replacement coroner to take over as the responsible coroner in relation to a death if the chief coroner is satisfied that—</p> <ul style="list-style-type: none"> (a) the responsible coroner has a personal interest in the inquiry; or (b) it is necessary or desirable that the responsible coroner not conduct the inquiry— <ul style="list-style-type: none"> (i) because of his or her workload; or (ii) because of his or her expertise or lack of expertise in particular areas; or (c) there is some other good reason why the responsible coroner should not conduct the inquiry. <p>(3) The chief coroner must appoint a replacement coroner to take over as the responsible coroner in relation to a death if the responsible coroner has recused himself or herself from the inquiry.</p>	10 15 20
56 Section 139 replaced (Publication of information in contravention of section 71 or prohibition under section 74)	
Replace section 139 with:	
139 Publication of information in contravention of section 71	
<p>(1) A person commits an offence if the person publishes or permits to be published any information in contravention of section 71 (which relates to restrictions on the making public of details of self-inflicted deaths).</p> <p>(2) A person who commits an offence against subsection (1) is liable on conviction,—</p> <ul style="list-style-type: none"> (a) in the case of a body corporate, to a fine not exceeding \$20,000; (b) in any other case, to a fine not exceeding \$5,000. <p>(3) Subsection (1) does not apply to a person who hosts material on Internet sites or other electronic retrieval systems that can be accessed by a user, unless the specific information has been placed or entered on the site or system by that person.</p>	25 30 35

139A	Publication of information in contravention of section 74	
(1)	A person commits an offence if the person publishes or permits to be published any information in contravention of a prohibition under section 74 (which empowers the coroner to prohibit the making public of evidence given at any part of inquiry proceedings).	5
(2)	A person who commits an offence against subsection (1) is liable on conviction,—	
	(a) in the case of a body corporate, to a fine not exceeding \$5,000;	
	(b) in any other case, to a fine not exceeding \$1,000.	
(3)	Subsection (1) does not apply to a person who hosts material on Internet sites or other electronic retrieval systems that can be accessed by a user, unless the specific information has been placed or entered on the site or system by that person.	10
56A	Sections 141 and 142 repealed	
	Repeal sections 141 and 142.	15
56B	New section 143A inserted (Transitional and savings provisions: arrangements effective on and after 1 July 2016 after commencement of Coroners Amendment Act 2014 are in Schedule 1)	
	After section 143, insert:	
143A	Transitional and savings provisions: arrangements effective on and after 1 July 2016 after commencement of Coroners Amendment Act 2014 are in Schedule 1	20
	The transitional and savings provisions set out in Schedule 1 have effect on and after the commencement of the Coroners Amendment Act 2014 on 1 July 2016 .	25
56C	Schedules 1 and 2 replaced	
	Replace Schedules 1 and 2 with the Schedule 1 set out in Schedule 1 of this Act.	
57	Consequential amendments	
	The enactments specified in Schedule 2 are amended in the manner indicated in that schedule.	30

Schedule 1
Schedules 1 and 2 replaced

s 56C

Schedule 1

Transitional and savings provisions effective on and after 1 July 2016 after commencement of Coroners Amendment Act 2014

5

s 143A

1 Interpretation

In this schedule,—

amendment Act means the Coroners Amendment Act **2014**

10

commencement date means the date on which the Coroners Amendment Act **2014** comes into force**date of death** means—

- (a) the date on which a death occurred; or
- (b) if the date on which a death occurred is unknown, the date on which the death is first discovered.

15

2 Application of Act to deaths occurring before 1 July 2016 commencement date(1) This clause applies in respect of a death if the date of death is earlier than 1 July 2016 ~~the commencement date~~.

20

(2) Despite the commencement of the amendment Act, the following sections apply in respect of the death as if the amendment Act had not come into force:

- (a) section 13:
- (b) section 14:
- (c) section 15:
- (d) section 71:
- (e) section 139.

25

(3) If the death is reported to the coroner on or after 1 July 2016 ~~the commencement date~~, the rest of this Act applies in respect of the death (except that, in **section 18(1)(a)**, the reference to **section 13(2)** must be treated as a reference to section 13 as it read before 1 July 2016 ~~the commencement date~~).

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(4) If the death is reported to the coroner before 1 July 2016 ~~the commencement date~~, **clause 3** applies.

3	<u>Application of Act to deaths reported to coroner before 1 July 2016 commencement date</u>	
(1)	This clause applies in respect of a death that was reported to a coroner under section 15 before 1 July 2016 <u>the commencement date</u> .	
(2)	Despite the commencement of the amendment Act, the following sections apply in respect of the death as if the amendment Act had not come into force:	5
(1)	section 16:	
(2)	section 17:	
(3)	section 18:	
(4)	section 19:	10
(5)	section 22:	
(6)	section 23:	
(7)	section 24:	
(8)	section 25:	
(9)	section 27:	15
(10)	section 31:	
(11)	section 36:	
(12)	section 39:	
(13)	section 41:	
(14)	section 42:	20
(15)	section 48:	
(16)	section 50:	
(17)	section 55:	
(18)	section 57:	
(19)	section 58:	25
(20)	section 59:	
(21)	section 60:	
(22)	section 61:	
(23)	section 62:	
(24)	section 68:	30
(25)	section 69:	
(26)	section 70:	
(27)	section 71:	
(28)	section 75:	
(29)	section 77:	35

(30) section 80:	
(31) section 81:	
(32) section 89:	
(33) section 92:	
(34) section 94:	5
(35) section 95:	
(36) section 133 (<i>see clause 5</i>):	
(37) section 139.	
(3) Despite the commencement of the amendment Act, the following sections do not apply in respect of the death:	10
(a) section 21A:	
(b) section 57A:	
(c) section 57B:	
(d) section 59A:	
(e) section 71A:	15
(f) section 133A.	
4 Practice notes issued by chief coroner saved	
A practice note issued by the chief coroner under section 132 before 1 July 2016 <u>the commencement date</u> continues in force until revoked by the chief coroner.	20
5 Designated coroners continued	
(1) This clause applies to a coroner who, before 1 July 2016 <u>the commencement date</u> , was a designated coroner (within the meaning of section 9 as it read before 1 July 2016 <u>the commencement date</u>).	
(2) In respect of deaths where the date of death is earlier than 1 July 2016 <u>the commencement date</u> , the coroner remains the designated coroner (within the meaning of section 9 as it read before 1 July 2016 <u>the commencement date</u>).	25
(3) In respect of deaths where the date of death is on or after 1 July 2016 <u>the commencement date</u> , the coroner must be treated as a designated coroner (within the meaning of section 9 as amended by the amendment Act).	30

Schedule 2 Consequential amendments

s 57

Part 1

Consequential amendments to other Acts 5

Burial and Cremation Act 1964 (1964 No 75)

In section 46B(5)(a), replace “section 13 (except subsection (1)(b))” with “**section 14** (except **subsection (2)(f)**)”.

In section 46C(1), replace “section 14” with “**section 13**”.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38) 10

In section 5, definition of **coroner**, after “chief coroner”, insert “, deputy chief coroner,”.

Search and Surveillance Act 2012 (2012 No 24)

In the Schedule, insert in its appropriate alphabetical order: 15

Coroners Act 2006	122	Members of the Police may search specified place, craft, or vehicle if warrant issued	Section 110
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Visiting Forces Act 2004 (2004 No 59)

In section 19(1), replace “If a death has been reported to a coroner under section 15(2)(a) or section 16(2)(b) of the Coroners Act 2006 and the coroner is satisfied that the person” with “If a responsible coroner in relation to a death is satisfied that the dead person” 20

In section 19(6), replace “If a death has been reported to a coroner under section 15(2)(a) or section 16(2)(b) of the Coroners Act 2006 and the coroner” with “If a responsible coroner in relation to a death”.

After section 19(7), insert:

- (8) In this section, **responsible coroner** has the meaning given in section 9 of the Coroners Act 2006. 25

Part 2

Consequential amendment to regulations

Cremation Regulations 1973 (SR 1973/154)

In regulation 2, definition of **coroner**, after “acting chief coroner,”, insert “a deputy chief coroner,” 30

Coroners Amendment Bill

Legislative history

31 July 2014
19 February 2015
3 August 2015
20 October 2015
14 June 2016

Introduction (Bill 239–1)
First reading and referral to Justice and Electoral Committee
Reported from Justice and Electoral Committee (Bill 239–2)
Second reading
Committee of the whole House (Bill 239–3)

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