

Coroners Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Coroners Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

About the bill as introduced

Since 2014, the coronial system has struggled to keep pace with the number of cases being accepted. This has resulted in a backlog of active cases and an increase in the time taken to conclude coronial investigations.

The Coroners Amendment Bill aims to reduce delays for bereaved families by improving the efficiency of the coronial system.

The bill seeks to do this primarily by amending the Coroners Act 2006 (the principal Act) to establish the new position of coronial associate. The bill provides for coronial associates to be able to exercise all of the functions, powers, and duties of a coroner, except for holding inquests or deciding that an inquest is necessary.¹ This would allow coroners to spend more of their time on complex cases.

The bill would also make other changes to the principal Act, including:

- allowing coroners to record some deaths as being caused by “unascertained natural causes”
- giving coroners sole discretion to decide whether a coronial inquiry should be held as a hearing “on the papers” and not as an inquest²

¹ A coronial inquest takes place in a courtroom environment and is generally reserved for the most complex cases, and where there is public interest in holding an inquest.

- allowing coroners to issue written findings stating only the cause of death, and not the circumstances, if they consider that there is no public interest in the circumstances.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We propose, but do not discuss, a number of minor, technical, and consequential amendments to improve the bill's workability and the clarity of its drafting. For example, we propose deleting clauses 4, 5, and 6, and incorporating their substance elsewhere in the bill.

Clarifying “unascertained natural causes”

Clause 10 of the bill would replace section 64(2) of the principal Act and insert new sections 64(2A) and 64(2B), which would allow a coroner to record the cause of a death as “unascertained natural causes”.

New section 64(2A) states that a coroner could only record a death as “unascertained natural causes” if they were satisfied that the death was the result of natural causes and no further investigation into the circumstances was required.

Many submitters expressed concern about the wording of new section 64(2A). Submitters were concerned that a coroner recording the cause of a death as “unascertained natural causes” would result in less thorough investigations of deaths. Some submitters were also concerned that “unascertained natural causes” would be recorded as the cause of death in cases where further investigation was warranted, such as deaths that appeared to be the result of violence or suspicious circumstances.

We acknowledge the concerns held by submitters about the phrase “unascertained natural causes”. While the ability of a coroner to record a death as “unascertained natural causes” is intended to be limited to circumstances where the evidence available points to a natural death, we agree that the wording should be clarified. We recommend amending proposed section 64(2A) to replace “unascertained natural causes” with “presumed natural causes without investigation”. Our proposed section 64(2A)(a) would require the coroner to be satisfied that “the evidence gathered to date raises a presumption that the death is from natural causes”. It would also require the coroner to be satisfied that “no further investigation is required to discharge the coroner's role under this Act”.

² A hearing held “on the papers” is held by the coroner in chambers rather than in a courtroom setting.

As introduced, new section 64(2)(c) would require a coroner to record any other conditions not directly related to the cause or causes of death, but which have contributed to or have had an adverse effect on the conditions causing death (if those conditions are known).

We consider that if a coroner has information about conditions that have contributed to the death, then the cause of death cannot be described as unascertained. Because of this, we recommend removing proposed new section 64(2)(c).

Coronial inquiries “on the papers”

Clause 12 of the bill would replace existing section 77 of the Act, which sets out the procedures for holding an inquiry as a hearing “on the papers” rather than as an inquest.

New section 77(a) would carry over existing requirements for a coroner to consult interested parties on whether an inquest should be held. New section 77(c) would require the coroner to consider their views, among other factors and information.

We recommend various changes to proposed section 77 to clarify that the requirement on the coroner is to consider the views of interested parties, and other relevant factors and information, in conjunction with discharging the coroner’s responsibilities under the Act.

Coronial associates conducting hearings on papers or referring deaths to chief coroner

Clause 13 would insert new section 77A, authorising coronial associates to conduct hearings “on the papers”. New subsections (4) to (6) would require the chief coroner to decide whether a coronial inquest should be held, if any interested party expressed the view that an inquest was warranted. The bill as introduced would not authorise a coronial associate to make this decision.

We do not believe it is practicable for the chief coroner to decide whether an inquest should be held every time an interested party expresses this view. However, we do not think the decision should be left to coronial associates. We recommend that proposed section 77A be amended to require the coronial associate in these instances to refer the case to the chief coroner, who must then assign it to a coroner.

We recommend inserting section 77A(3) to require that the coroner to whom the case is referred conduct the inquest if they consider one necessary. If the coroner does not deem an inquest necessary, they would conduct the inquiry “on the papers”.

We also recommend inserting new section 77A(2) which would require a coronial associate to refer a death to the chief coroner if they believed that an inquest may be required, or if an interested party expresses the view that an inquest should be held.

Coronial associates’ functions, powers, duties, and immunities

Clause 17 would insert new sections 104A to 104C to establish the role, functions, and powers of the new coronial associate position. Proposed section 104B would give coronial associates the functions, powers, and duties of a coroner.

To ensure the legislation is clear, we recommend moving proposed section 104B to new section 117A, inserted by new clause 25A. This would locate it next to existing section 117 of the Act, which deals with coroners' powers and immunities generally.

As introduced, the bill would not provide clear immunity for the new coronial associate role. However, as coronial associates would be carrying out similar functions to coroners, we consider that they should have the same immunities.

Section 117 of the principal Act gives coroners the same level of legal immunity as High Court Judges. We note that immunity is an important component of the independence of the judiciary. It enables a judge to make decisions without fear of personal consequences. Appeals, judicial reviews, and complaints to the Judicial Conduct Commissioner are available for challenges to judicial decisions, unfair judicial processes, or judicial misconduct respectively.

Our proposed new section 117A(1)(b) would give coronial associates the same immunities as a coroner under existing section 117 of the Act.

Complaints about coronial associates

As introduced, clause 24 would insert section 113A, to give the chief coroner the authority to investigate complaints about coronial associates and to refer a complaint to the Attorney-General. Clause 25 would insert section 114A, authorising the Governor-General to remove a coronial associate from office on the grounds of:

- inability to perform the functions of the office
- bankruptcy
- neglect of duty
- misconduct.

These are the same criteria as for the removal of a community magistrate.

Coroners are subject to the complaints and removal processes set out in the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004. We believe the processes for complaints about, and removal of, coronial associates should be under the same regime as for coroners. We therefore recommend amending clauses 24 and 25 to align the complaints and removal processes for coroners and coronial associates.

Binding practice notes and rules

Clause 26 would introduce new section 132. This section would give the chief coroner the authority to issue practice notes that would be binding on coronial associates. These practice notes could create conditions or limitations on the exercise of coronial powers by a coronial associate.

We believe that allowing the chief coroner to issue practice notes that would be binding on other judicial officers is incompatible with the judicial independence of the coronial associate role.

We recommend that clause 26 be amended to remove the power of the chief coroner to issue limitations on the exercise of coronial power by a coronial associate. Instead,

we recommend inserting new section 140A (by means of clause 33) to state that any limitations on the authority of the coronial associate should be set out in rules, which are made by the Governor-General with the concurrence of the chief coroner. Any rules created under new section 140A would be secondary legislation.

Approval of forms: requests for return of retained parts and samples

Section 52 of the principal Act gives sole authority to the chief coroner to approve a form to request the return of body parts and samples retained following a post-mortem. To make the requirements for approving forms consistent throughout the legislation, we recommend amending section 52 of the Act.

Our proposed amendment would insert clause 9A to require that forms for requesting the return of body parts and samples retained following a post-mortem must be approved by the Secretary for Justice, with the agreement of the chief coroner.

Enabling another coroner to issue a certificate of interim findings

Families often require a “certificate of interim findings” to access the bank accounts and insurance of the deceased. To help bereaved families access these assets more quickly, we recommend amending clause 15 to enable another coroner to issue a certificate of interim findings when the responsible coroner is unavailable to do so.

Renaming the coronial associate role

As the coronial associate would be exercising most of the powers of a coroner, we believe that “associate coroner” would be a more appropriate title for the new role.

It is our view that “associate coroner” would more accurately convey the judicial nature of this new role. The title “associate coroner” would also create consistency with other comparable judicial roles such as the “Associate Judge of the High Court” position. We therefore recommend that the references throughout the bill to “coronial associate” be replaced with “associate coroner”.

New Zealand National Party differing view

National Party members support the intent of this bill, given the clear need to reduce a highly unsatisfactory backlog of coronial cases and provide answers to grieving family members more quickly.

However, National Party members are concerned about clause 16(1A), which would allow coroners to issue written findings as to the cause of death only—and not the circumstances of death—if the coroner determines that there is no “public interest” in doing so.

Our view is that a critical function of the coroner remains the investigation of sudden deaths, including the circumstances of death. Making public recommendations is important so that the chances of similar deaths occurring are reduced. This proposed amendment to the Coroners Act will shortcut this function, leaving a single individual in a single matter (that is, the coroner) to determine what is in the public interest with-

out necessarily knowing what other circumstances of death have similarly been left unexpressed in equivalent matters.

National will take the opportunity to discuss this point further throughout the legislative process. National will continue to support the bill, however, recognising its commitment to reduce the backlog of coronial cases, thereby providing more timely closure and greater certainty for the loved ones of those bereaved in such circumstances.

Appendix

Committee process

The Coroners Amendment Bill was referred to the committee on 30 August 2022.

We called for submissions on the bill with a closing date of 28 September 2022. We received and considered 2,516 submissions from interested groups and individuals. We heard oral evidence from 35 submitters by videoconference.

We received advice on the bill from the Ministry of Justice. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Ginny Andersen (Chairperson)

Hon Paul Goldsmith

Emily Henderson

Nicole McKee

Hon Mark Mitchell

Simon O'Connor

Willow-Jean Prime

Vanushi Walters

Arena Williams

Chris Penk participated in our consideration of this bill.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Aupito William Sio

Coroners Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Coroners Amendment Act **2022**.

2 Commencement

This Act comes into force on the day after the date of Royal assent.

5

3 Principal Act

This Act amends the Coroners Act 2006.

Part 1

Amendments to principal Act

Subpart 1—Substantive amendments to principal Act

10

4 ~~Section 3 amended (Purpose of this Act)~~

(1) In section 3(2)(a), replace “coroner” with “coroner or coronial associate”.

- (2) In section 3(2)(c), replace “coroners” with “coroners or coronial associates”.

5 Section 7 amended (Chief coroner’s functions)

- (1) In section 7(1)(b), replace “coroners’ investigations” with “investigations by coroners and coronial associates”.
- (2) In section 7(1)(b)(i), replace “coroners” with “coroners and coronial associates”.
- (3) In section 7(1)(c), replace “coroners” with “coroners and coronial associates”.
- (4) In section 7(2)(a), replace “coroners” with “coroners, coronial associates,”.
- (5) In section 7(2)(c), replace “coroners’ recommendations and comments” with “recommendations and comments of coroners and coronial associates”.

6 Section 8 amended (Overview of this Act)

In section 8(4), replace “the chief coroner and other coroners” with “the chief coroner, other coroners, and coronial associates”.

7 Section 9 amended (Interpretation)

In section 9, insert in its their appropriate alphabetical order:

approved form means a form approved and issued under **section 140A**
140B

coronial associate coroner means a person appointed under **section 104A**

8 Section 16 amended (Responsible coroner)

- (1) Replace section 16(2) with:
- (2) However, a duty coroner may from time to time perform or exercise the functions, powers, and duties of the responsible coroner, including (without limitation) deciding not to open an inquiry into a death.
- (2) After section 16(3), insert:
- (4) A coronial associate may, in accordance with **section 104B**, be authorised as a duty coroner under this section.

9 Section 42 amended (Release of bodies)

In section 42(3)(a), replace “the prescribed form” with “an approved form”.

9A Section 52 amended (Requests for return of retained parts and samples)

In section 52(3), replace “a form approved for the purpose by the chief coroner” with “an approved form”.

10 Section 64 amended (Duties of coroner who decides not to open inquiry)

- (1) In section 64(1), replace “the prescribed form” with “an approved form”.
- (2) Replace section 64(2) with:

- (2) An approved form must contain or have attached to it (as the case requires)—
- (a) the coroner’s reasons for the decision not to open an inquiry; and
 - (b) the cause of death to the extent known; ~~and~~
 - (c) ~~in relation to unascertained natural causes, any other conditions not directly related to the cause of death, but which have contributed to or have had an adverse effect on the conditions causing death (if known).~~
- (2A) ~~The coroner may record the cause of death in an approved form as unascertained natural causes if the coroner considers that—~~
- (a) ~~the death is from natural causes; and~~
 - (b) ~~no further investigation is required.~~
- (2A) The coroner may record the cause of death in an approved form as presumed natural causes without investigation if the coroner is satisfied that—
- (a) the evidence gathered to date raises a presumption that the death is from natural causes; and
 - (b) no further investigation is required to discharge the coroner’s role under this Act.
- (2B) The coroner is not required to provide information regarding the circumstances of the death ~~concerned~~ if the coroner considers there is no public interest in doing so.
- (3) In section 64(3), replace “The prescribed form” with “An approved form”.
- 11 Section 67 amended (Chief coroner and Secretary to be notified of inquiry)**
In section 67, replace “the prescribed form” with “an approved form”.
- 12 Section 77 replaced (~~Hearings~~Coroner may hold hearing on papers and make chambers findings)**
Replace section 77 with:
- 77 ~~Hearings~~Coroner may hold hearing on papers and make 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) notifies interested parties of the coroner’s intention to hold a hearing on the papers and make chambers findings instead of holding an inquest; and
 - (b) allows a reasonable period for interested parties to make their views known to the coroner ~~on whether an inquest should be held; and on whether—~~
- (i) an inquest should be held; or
 - (ii) a hearing should proceed on the papers; and

	(c) considers those views, among other <u>relevant</u> factors and information; and	
	(d) after taking the steps in paragraphs (a) to (c) , is satisfied that—	
	(i) an inquest is not necessary for the coroner to discharge their role under this Act; and	5
	(ii) the hearing may be held on the papers.	
	<u>(d) is satisfied that an inquest is not required for the discharge of the coroner's role under this Act.</u>	
	<u>(2) This section does not apply to an associate coroner.</u>	
13	New section 77A inserted (Coronial associate may conduct hearings on papers<u>Associate coroner holds hearing on papers or refers death to chief coroner</u>)	10
	After section 77, insert:	
77A	Coronial associate may conduct hearings on papers	
(1)	A coronial associate may, in accordance with this section, hold a hearing on the papers and make chambers findings.	15
(2)	The coronial associate must—	
	(a) notify interested parties of the intention to hold a hearing on the papers; and	
	(b) allow a reasonable period for interested parties to make their views known to the coronial associate on whether an inquest should be held.	20
(3)	If no interested party expresses the view that an inquest should be held, the coronial associate may conduct the hearing on the papers.	
(4)	If any interested parties express the view that an inquest should be held,—	
	(a) the matter must be referred to the chief coroner for a decision; and	25
	(b) the chief coroner must consider the views of the interested parties, among other factors and information.	
(5)	The chief coroner must assign a coroner to hold an inquest if the chief coroner is satisfied that an inquest is necessary for the discharge of a coroner's role under this Act.	30
(6)	If the chief coroner is satisfied that an inquest is not necessary and that a hearing on the papers may be held, the chief coroner may refer the matter to a coronial associate or a coroner.	
77A	<u>Associate coroner holds hearing on papers or refers death to chief coroner</u>	
(1)	<u>An associate coroner may hold a hearing on the papers and make chambers findings if—</u>	35

- (a) the associate coroner considers an inquest may not be required, having considered the matters in section 80(2); and
- (b) the associate coroner notifies interested parties of the associate coroner's intention to hold a hearing on the papers and make chambers findings rather than refer the death to the chief coroner; and 5
- (c) the associate coroner allows a reasonable period for interested parties to make their views known to the associate coroner on whether—
 - (i) an inquest should be held; or
 - (ii) a hearing should proceed on the papers; and
- (d) no interested party expresses the view that an inquest should be held. 10
- (2) If an interested party expresses the view that an inquest should be held, or the associate coroner considers an inquest may be required,—
 - (a) the associate coroner must refer the death to the chief coroner; and
 - (b) the chief coroner must assign the death to a coroner (but not to an associate coroner). 15
- (3) The coroner who is assigned the death must decide whether to hold an inquest or a hearing on the papers.
- (4) If interested parties have been consulted, the coroner who is assigned the death—
 - (a) must consider the views (if any) expressed by the parties, among other relevant factors and information; and 20
 - (b) is not required to reconsult interested parties if the coroner decides to proceed by way of a hearing on the papers and make chambers findings.

14 Section 91 amended (Evidence at distance for purposes of inquest)

- (1) In section 91(2), replace “a Justice” with “a coronial associate or Justice” 25
- (2) In section 91(3), replace “A coroner or Justice” with “A coroner, coronial associate, or Justice”.
- (3) Replace section 91(5) with:
- (5) Evidence given by a witness under subsection (2) and admitted by a coroner, ~~coronial associate, or Justice~~ an associate coroner, or a Justice must be— 30
 - (a) put into writing; and
 - (b) read over to or by the witness; and
 - (c) signed by the witness and the coroner, ~~coronial associate~~ coroner, or Justice. 35
- (6) The coroner, ~~coronial associate~~ coroner, or Justice must then send the evidence to the coroner holding the inquest concerned.

- (7) The coroner holding the inquest must receive the evidence and act upon it as if it had been given and admitted at the inquest concerned.

15 Section 93 amended (Certificate of and written reasons for interim findings)

- (1) After section 93(1), insert: 5
- (1A) Another coroner may complete and sign the certificate if the coroner conducting the inquiry is not available.
- (2) In section 93(2), replace “the prescribed form” with “an approved form”.

16 Section 94 amended (Certificate of and written reasons for findings)

- (1) After section 94(1), insert: 10
- (1A) Despite section 57(2)(e), the coroner is not required to make findings in relation to the circumstances of the death concerned if the coroner considers there is no public interest in doing so.
- (2) In section 94(2), replace “the prescribed form” with “an approved form”.
- (3) In section 94(3), replace “the coroner” with “a coroner”. 15

17 New sections 104A to 104C and 104B inserted

After section 104, insert:

104A ~~Coronial associates~~ Associate coroners

- (1) The Governor-General may, by warrant, appoint fit and proper people to be ~~coronial associates~~ associate coroners. 20
- (2) Each one of those people must have held a practising certificate as a barrister or solicitor for at least 5 years.
- (3) The appointment must be for a period not exceeding 5 years, but the person is eligible to be reappointed for 1 or more further terms.
- (4) The appointment must be made on the advice of the Attorney-General, given after consultation with the Minister. 25
- (5) ~~A coronial associate~~ An associate coroner vacates that office, if they have not earlier done so in another way, on attaining the age of 70 years.
- (6) However, a former ~~coronial associate~~ associate coroner of or over the age of 70 years may be ~~appointed or reappointed as a coronial associate~~ an associate coroner for 1 term that— 30
- (a) is specified in the warrant of ~~appointment or~~ reappointment; and
- (b) does not exceed 2 years.

~~104B~~ Functions, powers, and duties of coroners that may be performed or exercised by coronial associates

- (1) Except to the extent stated in this section, in a practice note issued under **~~section 132~~**, or in or under other legislation,—
- (a) a coronial associate has the functions, powers, and duties of a coroner appointed under section 103; and 5
- (b) references in this Act to the functions, powers, and duties of a coroner, responsible coroner, duty coroner, or designated coroner must be read, with the necessary modifications, as including the functions, powers, and duties of a coronial associate. 10
- (2) A coronial associate does not have the functions, powers, or duties of a coroner to hold an inquest, or decide whether an inquest should be held, under **~~sections 77, 77A, and 80 to 91~~**.
- (3) Despite **~~subsection (2)~~**, a coronial associate may exercise or perform the functions, powers, and duties of a coroner referred to in section 91(4) if the associate is authorised by a coroner under section 91(2) to take evidence at a distance. 15

~~104C~~104B Coroners, relief coroners, and coronial associates associate coroners may continue in office to complete investigations

- (1) A coroner, a relief coroner, or ~~a coronial associate~~ an associate coroner who has retired or whose term of office has expired may continue in office for the purpose of completing any investigations already commenced before their retirement or the expiry of their term. 20
- (2) A coroner, a relief coroner, or ~~a coronial associate~~ an associate coroner must not continue in office under **~~subsection (1)~~** for longer than 3 months without the consent of the ~~Minister~~ Attorney-General. 25
- (3) The fact that a coroner, a relief coroner, or ~~a coronial associate~~ an associate coroner continues in office does not affect the power to appoint another person to the office.
- (4) A coroner, a relief coroner, or ~~a coronial associate~~ an associate coroner who continues in office is entitled to be paid the appropriate rate for the days or half-days worked in completing the investigation. 30
- (5) The **appropriate rate** is the rate of the remuneration and allowances to which the coroner, the relief coroner, or the ~~coronial~~ associate coroner would have been entitled for those days or half-days if the coroner, the relief coroner, or the ~~coronial~~ associate coroner had not retired or their term of office had not expired. 35

18 Section 106A amended (Attorney-General to publish information concerning coronial appointment process)

(1) In section 106A(a), after “coroners”, insert “~~and coronial associates~~ associate coroners”.

(2) In section 106A(b), after “coroner”, insert “~~or a coronial associate~~ an associate coroner”.

(3) In section 106A, insert as subsection (2):

(2) The processes under **subsection (1)** may be different for coroners and ~~coronial associates~~ associate coroners.

19 Section 107 amended (Concurrent office or employment) 10

(1) In section 107(1)(a) and (b), after “coroner”, insert “~~or a coronial associate~~ an associate coroner”.

(2) In section 107(2), after “other coroners”, insert “~~and coronial associates~~ associate coroners”.

(3) After section 107(3), insert: 15

(4) ~~A coronial associate~~ An associate 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 coronial associate~~ an associate coroner.

20

20 Section 107A amended (Recusal)

In section 107A, after “coroners”, insert “~~and coronial associates~~ associate coroners”.

21 Section 108 amended (Coroners act full-time unless authorised to act part-time) 25

(1) In the heading to section 108, after “Coroners”, insert “~~and coronial associates~~ associate coroners”.

(2) After section 108(1), insert:

(1A) ~~A coronial associate~~ An associate coroner acts as ~~a coronial associate~~ an associate coroner full-time unless they are authorised by the Attorney-General to act part-time.

30

(3) Replace section 108(2) and (3) with:

(2) The Attorney-General may, in accordance with subsection (4), authorise the following people to act part-time for any specified period:

(a) a coroner appointed under section 103 (coroners) or section 104 (relief coroners): 35

(b) ~~a coronial associate~~ an associate coroner.

- (3) To avoid doubt, an authorisation under **subsection (2)** may—
- (a) take effect as from the appointment of the coroner or the ~~coronial~~ associate coroner or at any other time; and
 - (b) be given more than once in respect of the same coroner or ~~coronial~~ associate coroner. 5
- (4) In section 108(4), after “authorise a coroner”, insert “or a ~~coronial~~ associate an associate coroner”.
- (5) In section 108(4)(a), replace “the coroner” with “the coroner or the ~~coronial~~ associate coroner”.
- (6) In section 108(6), replace “A coroner” with “A coroner or a ~~coronial~~ associate an associate coroner”. 10
- (7) Replace section 108(7) with:
- (7) The basis on which a coroner or a ~~coronial~~ associate an associate coroner acts must not be altered during the term of their appointment without their consent, but consent under this subsection is not necessary if the alteration is required by subsection (6). 15
- 22 Section 110 amended (Salaries and allowances)**
- (1) In section 110(1), replace “coroners (including the chief coroner, the deputy chief coroner, and any relief coroners)” with “coroners (including the chief coroner, the deputy chief coroner, and any relief coroners) and ~~coronial~~ associate coroners”. 20
- (2) Replace section 110(2) with:
- (2) The salary of a coroner or a ~~coronial~~ associate an associate coroner must not be diminished during the continuance of their appointment.
- (3) In section 110(3), after “a coroner”, insert “or a ~~coronial~~ associate an associate coroner”. 25
- 23 Section 112 amended (Resignation)**
- After section 112(2), insert:
- (3) A ~~coronial~~ associate An associate coroner may at any time resign the office by written notice to the Attorney-General. 30
- 24 New section 113A inserted (Complaints about coronial associates)**
- After section 113, insert:
- 113A Complaints about coronial associates**
- (1) A complaint about a coronial associate may be made to and dealt with by the chief coroner. 35
 - (2) The chief coroner may refer the complaint to the Attorney-General.

25 New section 114A inserted (Removal of coronial associates)

After section 114, insert:

114A Removal of coronial associates

A coronial associate may be removed from office by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

24 Section 113 amended (Complaints about coroners)

- (1) In the heading to section 113, delete “**about coroners**”.
- (2) In section 113(1),—
 - (a) replace “coroners’ conduct” with “the conduct of coroners and associate coroners”; and
 - (b) replace “because coroners” with “because coroners and associate coroners”.

25 Section 114 amended (Removal)

- (1) In section 114(1), after “coroner”, insert “or an associate coroner”.
- (2) In section 114(2)(a), after “coroner”, insert “or the associate coroner”.
- (3) In section 114(2)(b), after “coroner”, insert “or the associate coroner” in each place.

25A New section 117A inserted (Functions, powers, duties, and immunities of associate coroners)

After section 117, insert:

117A Functions, powers, duties, and immunities of associate coroners

- (1) Except as set out in **subsections (2) to (4)**, another provision of this Act, or in rules made under **section 140A**,—
 - (a) an associate coroner has the functions, powers, and duties of a coroner appointed under section 103; and
 - (b) an associate coroner has the immunities of a coroner under section 117; and
 - (c) references in this Act to a coroner, designated coroner, duty coroner, replacement coroner, or responsible coroner must be read, with the necessary modifications, as including an associate coroner.
- (2) An associate coroner does not have the functions, powers, or duties of a coroner to hold an inquest.
- (3) References in this Act or other legislation to a coroner holding an inquest do not include an associate coroner (*but see section 91(2) to (7) if an associate coroner is authorised by a coroner to take evidence at a distance*).

(4) **Subsection (1)(c)** does not apply to sections 103 to 114.

26 Section 132 replaced (Chief coroner may issue practice notes)

Replace section 132 with:

132 Chief coroner may issue practice notes

- (1) To help inform, and to achieve consistency in, coronial decision-making and other coronial conduct, the chief coroner may issue to coroners and ~~coronial associates~~ associate coroners written practice notes (not inconsistent with this Act). 5
- (2) Practice notes under this section may specify matters—
 - (a) to which coroners and ~~coronial associates~~ associate coroners must have regard when—
 - (i) making recommendations or comments (*see* section 57A):
 - (ii) calling for investigations or examinations, or commissioning reports (*see* section 118(2)):
 - (iii) determining the format of their written findings: 15
 - (iv) co-ordinating with other investigating authorities, official bodies, and statutory officers who investigate deaths:
 - (b) to which coroners must have regard when—
 - (i) 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)): 20
 - (ii) holding joint inquests (*see* section 84(3)):
 - (iii) managing the disclosure of evidence to witnesses appearing at a hearing:
 - (iv) determining whether to hold a pre-hearing: 25
 - (v) determining whether a person is appropriately regarded as an expert in a particular area.
- (3) ~~The chief coroner may specify in a practice note—~~
 - (a) ~~any conditions or limitations on the exercise or performance of a coroner's functions, powers, and duties by a coronial associate:~~ 30
 - (b) ~~any circumstances in which coroners and coronial associates may transfer deaths to one another, the process for transferring deaths, and whether any transfers of deaths are subject to approval by the chief coroner.~~
- (4) **Subsections (2) and (3)** do **Subsection (2)** does not limit **subsection (1)**. 35
- (5) Before issuing a practice note (or an amendment, revocation, or replacement of a practice note) under this section, the chief coroner must take all reasonable steps to consult coroners and ~~coronial associates~~ associate coroners about the

	terms and effect of that practice note (or of that amendment, revocation, or replacement of a practice note).	
	(6) The chief coroner must regularly review any practice notes issued under this section.	
27	Section 133A amended (Appointment of responsible or replacement coroner)	5
	After section 133A(3), insert:	
	(4) A coronial associate may, in accordance with section 104B , be appointed as a responsible coroner or replacement coroner under this section.	
28	Section 134 amended (Failure to supply information or documents or other things as required by coroner's notice under section 120)	10
	(1) In the heading to section 134, delete "coroner's".	
	(2) In section 134, delete "(coroner may by written notice require person to supply information or documents or other things)".	
29	Section 135 amended (False or misleading statements and omissions in certain documents)	15
	(1) In section 135(2)(c), delete "by a coroner".	
	(2) In section 135(2)(d), delete "(coroner may by written notice require person to supply information or documents or other things)".	
30	Section 137 amended (Failure or refusal to give report required)	20
	(1) In section 137, delete "to a coroner".	
	(2) In section 137(a), delete "(coroner may direct post-mortem)".	
	(3) In section 137(b), delete "(coroner may require person's doctor to report)".	
31	Section 138 amended (False or misleading statement for purposes of section 64(3))	25
	In section 138, delete "(duties of coroner who decides not to open inquiry)".	
32	Section 139A amended (Publication of information in contravention of section 74)	
	In section 139A(1), delete "(which empowers the coroner to prohibit the making public of evidence given at any part of inquiry proceedings)".	30
33	New section 140A inserted (Secretary may approve forms)<u>New sections 140A and 140B inserted</u>	
	After section 140, insert:	

140A Rules

- (1) The Governor-General may, with the concurrence of the chief coroner, make rules that—
- (a) provide for any conditions or limitations on the exercise or performance of a coroner’s functions, powers, and duties by associate coroners:
 - (b) contain provisions that may be necessary to enable the proper exercise or performance by associate coroners of their functions, powers, and duties.
- (2) Rules made under this section are subject to **section 117A(2) and (3).**
- (3) Rules made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

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140AB Secretary may approve forms

- (1) The Secretary may approve and issue forms for the purposes of this Act.
- (2) The Secretary must have the agreement of the chief coroner before approving and issuing forms.

Subpart 2—Transitional amendments to principal Act

15

34 New section 11A inserted (Transitional, savings, and related provisions)

After section 11, insert:

11A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

20

35 Section 12A repealed (Transitional and savings provisions relating to amendments to this Act)

Repeal section 12A.

36 Section 143A amended (Transitional and savings provisions: arrangements effective after commencement of Coroners Amendment Act 2016 are in Schedule 1)

25

- (1) In the heading to section 143A, replace “Schedule 1” with “**Part 1 of Schedule 1**”.
- (2) In section 143A, replace “Schedule 1” with “**Part 1** of Schedule 1”.

37 Schedule 1 amended

30

- (1) Replace the Schedule 1 heading with:

Schedule 1
Transitional, savings, and related provisions

ss 11A, 143A

- (2) In Schedule 1, before clause 1, insert:

Part 1
Transitional and savings provisions effective after commencement of
Coroners Amendment Act 2016

- (3) In Schedule 1,— 5
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
 - (b) make all necessary consequential amendments.

Part 2
Consequential amendments to other legislation

- 38 Consequential amendments** 10
- Amend the legislation specified in **Schedule 2** as set out in that schedule.

Schedule 1

New Part 2 inserted into Schedule 1

s 37(3)

Part 2	
Provisions relating to Coroners Amendment Act 2022	
6	Interpretation for this Part In this Part, commencement date means the date on which this Part comes into force.
7	Continuation of section 77 if coroner has given notice before commencement date Section 77 <u>(as it read before the commencement date)</u> continues to apply as if the Coroners Amendment Act 2022 had not been enacted if— (a) a coroner gives notice under section 77(1)(a) before the commencement date; and (b) the coroner receives a notification of the kind referred to in section 77(1)(b)— (i) before, on, or after the commencement date; but (ii) within the notification period stated in the notice.

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Schedule 2

Consequential amendments to other legislation

s 38

Part 1

Amendments to Acts

5

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57)

After section 42(5), insert:

(6) For the purposes of this section,—

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

10

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

In section 2, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

15

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Burial and Cremation Act 1964 (1964 No 75)

In section 2(1), insert in their appropriate alphabetical order:

20

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

~~**coroner** includes a coronial associate, but only to the extent that the coronial associate is authorised to exercise and perform the functions, powers, and duties of a coroner under **section 104B** of the Coroners Act 2006 and by a practice note under **section 132** of that Act~~

25

~~**coronial associate** means a person who holds office as a coronial associate under **section 104A** of the Coroners Act 2006~~

30

Crimes Act 1961 (1961 No 43)

In section 99, definition of **judicial officer**, after “Coroner,”, insert “associate coroner,”.

Films, Videos, and Publications Classification Act 1993 (1993 No 94)

In section 131(4)(j), after “Coroner,”, insert “associate coroner.”

Friendly Societies and Credit Unions Act 1982 (1982 No 118)

In section 45(2), replace “a coroner” with “a coroner or an associate coroner”.

Health and Disability Services (Safety) Act 2001 (2001 No 93)

5

After section 31(5), insert:

- (6) For the purposes of subsection (5)(c), a coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006.

Health and Safety at Work Act 2015 (2015 No 70)

10

In section 16, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

15

Human Tissue Act 2008 (2008 No 28)

In section 6, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

20

Inferior Courts Procedure Act 1909 (1909 No 13)

In section 2, insert as subsection (2):

- (2) For the purposes of this section,—

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

25

Coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006.

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

30

In section 5, insert in its appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

In section 5, definition of **Head of Bench**, replace paragraph (i) with:

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)—continued

(i) in relation to a coroner or an associate coroner, the chief coroner

In section 5, definition of **Judge**, replace paragraph (a)(ix) with:

(ix) a coroner or an associate coroner; and

Medicines Act 1981 (1981 No 118)

In section 2(1), insert in their appropriate alphabetical order:

5

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

Coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Misuse of Drugs Act 1975 (1975 No 116)

10

In section 2(1), insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

15

New Zealand Sign Language Act 2006 (2006 No 18)

In section 4, definition of **legal proceedings**, paragraph (b), replace “any coroner” with “any coroner or associate coroner”.

Oaths and Declarations Act 1957 (1957 No 88)

In Schedule 2, after the item relating to “Coroners”, insert:

20

Associate coroners

Remuneration Authority Act 1977 (1977 No 110)

After section 12B(1)(f), insert:

(g) ~~coronial-associates~~ associate coroners appointed under **section 104A** of the Coroners Act 2006.

25

Te Ture mō Te Reo Māori 2016/Māori Language Act 2016 (2016 No 17)

In section 7(7), definition of **legal proceedings**, paragraph (b), replace “a coroner” with “a coroner or an associate coroner”.

Transport Accident Investigation Commission Act 1990 (1990 No 99)

In section 14A, definition of **proceedings**, paragraph (b), replace “any coroner” with “any coroner or associate coroner”.

30

Transport Accident Investigation Commission Act 1990 (1990 No 99)—continued

In section 14N(a), replace “a coroner’s inquiry” with “a coroner’s inquiry or an associate coroner’s inquiry”.

Water Services Act 2021 (2021 No 36)

In section 5, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

5

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Visiting Forces Act 2004 (2004 No 59)

In section 4(1), insert in their appropriate alphabetical order:

10

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Part 2

15

Amendments to secondary legislation**Coroners (Forms) Regulations 2008 (SR 2008/416)**

Revoke regulations 4 to 8.

In the Schedule, revoke forms 1 to 5.

Cremation Regulations 1973 (SR 1973/154)

20

In section 2, insert in its appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

In section 2, replace the definition of **coroner** with:

coroner includes—

25

(a) the chief coroner, an acting chief coroner, a deputy chief coroner, or a relief coroner under the Coroners Act 2006; or

(b) an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Health (Burial) Regulations 1946 (SR 1946/132)

30

In section 3, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

Health (Burial) Regulations 1946 (SR 1946/132)—*continued*

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

National Civil Defence Emergency Management Plan Order 2015 (LI 2015/140)

In the Schedule, clause 2(1), insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

5

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Traffic Regulations 1976 (SR 1976/227)

In section 2, insert in their appropriate alphabetical order:

10

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

Coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Legislative history

24 August 2022
30 August 2022

Introduction (Bill 157–1)
First reading and referral to Justice Committee