

CORONERS ORDINANCE 1974

365

No 51 of 1974

An Ordinance to provide for the holding of inquests into the manner and cause of deaths and inquiries into the cause and origin of fires and other matters

[Assented to 30 September 1974]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Coroners Ordinance* 1974. Short title
2. This Ordinance shall come into operation on a date to be fixed by the Administrator in Council by notice in the *Gazette*.* Commencement
3. The *Coroners Ordinance* 1930, the *Coroners Ordinance* (No. 2) 1930, the *Coroners Ordinance* 1934, the *Coroners Ordinance* 1936, the *Coroners Ordinance* (No. 2) 1936, the *Coroners Ordinance* 1938 and the *Coroners Ordinance* 1970 are repealed. Repeal
4. In this Ordinance, unless the contrary intention appears— Definitions
 - “Coroner”, in relation to a matter, means a Coroner for the Territory, and includes a Deputy Coroner who is exercising the powers, authority and jurisdiction of a Coroner in relation to that matter;
 - “inquest” means an inquest into the manner and cause of death of a person;
 - “inquiry” means an inquiry into the cause and origin of a fire;
 - “medical practitioner” means a person registered as a legally qualified medical practitioner under the law of a State or Territory of the Commonwealth providing for the registration of medical practitioners;

* The date was fixed 28 October, 1974 (see *Northern Territory Government Gazette* No. 43 of 24 October, 1974, page 485).

“offence” includes a felony and a misdemeanour;

“Police Force” means the Police Force of the Northern Territory;

“remains” means the remains of a human body, and includes a whole dead body;

“Supreme Court” means the Supreme Court of the Northern Territory of Australia.

PART II—THE CORONER'S COURT

Establishment
of Coroner's
Court

5.(1) For the purposes of this Ordinance, there shall be a court to be known as the Coroner's Court.

(2) The Coroner's Court shall be constituted by a Coroner.

(3) The Coroner's Court is a Court of Record.

Coroners

6. A person who is a Magistrate is a Coroner for the Territory.

Deputy
Coroners

7.(1) The Administrator in Council may, upon the recommendation of the Chief Magistrate, by notice in the *Gazette*, appoint such persons to be Deputy Coroners for the Territory as he thinks necessary.

(2) A Deputy Coroner holds office during the pleasure of the Administrator in Council.

(3) A Deputy Coroner shall be paid such remuneration and allowances as are prescribed.

(4) A Deputy Coroner shall exercise such powers, authority and jurisdiction of a Coroner in relation to all or such specified matters as may, by instrument in writing, be given to him by the Chief Magistrate.

(5) A Deputy Coroner who is not a Justice of the Peace for the Territory under the *Justices Ordinance* shall not exercise the powers, authority or jurisdiction of a Coroner until he has taken an oath or made an affirmation in accordance with Form 1.

(6) An oath or affirmation under sub-section (5) may be taken or made before, and may be administered or received by, a Judge of the Supreme Court, a Magistrate, or a person authorized in that behalf by the Administrator in Council.

Clerk of
Coroner's
Court

8. The clerk of the Local Court at Darwin or Alice Springs, whichever is situated nearer to the place where a Coroner holds an inquest or inquiry, shall be the clerk of the Coroner's Court for the purposes of that inquest or inquiry.

9.(1) The clerk of the Coroner's Court for the purpose of an inquest or inquiry shall have the custody of the record of the inquest or inquiry.

Custody of
record of
inquest or
inquiry

(2) Where a Coroner holds an inquest or inquiry under this Ordinance at a place other than the court house in which is situated the office of the person who is clerk of the Coroner's Court for the purpose of that inquest or inquiry, and that person is not in attendance at the inquest or inquiry, the Coroner shall, as soon as practicable after the inquest or inquiry has been completed, cause to be transmitted to that person the record of the inquest or inquiry.

PART III—JURISDICTION OF CORONER

Division 1—Inquests into Deaths

10.(1) A Coroner shall, subject to this Ordinance, hold an inquest into the manner and cause of death within the Territory of a person who—

Jurisdiction
to hold
inquests

- (a) is killed;
- (b) has apparently drowned;
- (c) dies a sudden death the cause of which is unknown;
- (d) dies under suspicious or unusual circumstances;
- (e) dies while under, or as a result of the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or operation of a like nature;
- (f) dies and a medical practitioner has not given a certificate as to the cause of death;
- (g) dies, not having been attended by a medical practitioner at any time within 3 months prior to his death;
- (h) dies within a year and a day from the date of an accident where the cause of death may be attributable to the accident;
- (i) dies in an institution established or maintained for the purpose of the oversight, care and control of mentally defective persons within the meaning of the *Mental Defectives Ordinance*, in an institution within the meaning of the *Child Welfare Ordinance*, in a prison or police prison within the meaning of the *Prisons Ordinance* or in a lock-up or otherwise while in the custody of a member of the Police Force; or
- (j) dies under circumstances that, in the opinion of the Attorney-General, require that the manner

and cause of death should be more clearly and definitely ascertained.

(2) A Coroner has jurisdiction to hold an inquest into the manner and cause of death of a person who died outside the Territory in any of the circumstances specified in paragraphs (a) to (j), inclusive, of sub-section (1) if—

- (a) that person ordinarily resided in the Territory;
- (b) the Coroner has reasonable cause to believe that the cause of the death occurred within the Territory; or
- (c) the remains of that person are within the Territory.

(3) A Coroner has jurisdiction to hold an inquest into the death of a person notwithstanding that the remains of the person—

- (a) are not within the Territory;
- (b) have been destroyed; or
- (c) are in a place from which they cannot be recovered.

Concurrent
inquests

11. Where in the opinion of a Coroner it is desirable so to do, he may, at the one inquest, inquire into the manner and cause of death of 2 or more persons who he reasonably believes died at or about the same time through causes arising from the same incident.

Circumstances
in which
Coroner may
dispense
with inquest

12.(1) Subject to sub-section (2) and section 13, where after consideration of the information furnished to him relating to the death of a person who apparently died in any of the circumstances specified in section 10(1), a Coroner is of the opinion that the manner and cause of death is sufficiently disclosed or that an inquest is unnecessary, the Coroner may dispense with the holding of an inquest.

(2) Sub-section (1) does not apply where—

- (a) a person dies while under, or as a result of the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or operation of a like nature; and
- (b) within 21 days after his death, a request that an inquest be held is made in writing to the Coroner by any of the following relatives of the deceased person:
 - (i) his spouse;
 - (ii) either of his parents;
 - (iii) a child of his who has attained the age of 18 years; or

- (iv) if he is not survived by a child who has attained the age of 18 years, any brother or sister of his who has attained that age.

(3) Where a Coroner dispenses with the holding of an inquest under sub-section (1), he shall furnish to the Attorney-General a certificate stating that he has so dispensed with the holding of the inquest and the grounds on which he has based his opinion that the manner and cause of death is sufficiently disclosed or that an inquest is unnecessary.

(4) The Coroner shall, at the same time, forward a copy of the certificate to the Chief Magistrate who may make such recommendations to the Attorney-General as he considers necessary.

(5) Where a Coroner has jurisdiction under section 10(2) to hold an inquest into the manner and cause of death of a person but he is satisfied that such an inquest has been or is to be held outside the Territory, he may dispense with the holding of an inquest by him.

13.(1) So that he may decide whether to dispense with the holding of an inquest, a Coroner may by written notice, direct a person who he reasonably believes has information about the death of a person, to furnish that information to the Coroner at the time and in the manner specified in the notice.

Coroner may direct a person to supply information

(2) The notice referred to in sub-section (1) may be served on the person to whom it is directed either by delivering a copy to that person or by posting a copy to that person at his last or most usual place of abode or of business by pre-paid registered mail.

(3) A person shall not, without reasonable excuse, fail to comply with the direction contained in the notice referred to in sub-section (1).

14. Where a Coroner has furnished to the Attorney General a certificate under section 12(3) but the Attorney-General is not satisfied that the holding of an inquest should be dispensed with in the particular case, the Attorney-General may, by writing under his hand, addressed to that Coroner, direct that an inquest into the death be held and that Coroner shall thereupon hold an inquest accordingly or arrange for another Coroner to hold such an inquest.

Attorney-General may require an inquest held

Division 2—Inquiries into Fires

15. Where property is destroyed or damaged by fire, a Coroner shall hold an inquiry into the fire—

Jurisdiction to hold inquiries into fire

- (a) if he is of the opinion that such an inquiry should be held; or
- (b) if the Attorney-General, by writing under his hand, directs that such an inquiry be held.

PART IV—POST-MORTEM EXAMINATIONS AND
EXHUMATIONS

Post-mortem
examination

16.(1) A Coroner may, by writing under his hand, direct a medical practitioner to make a post-mortem examination of the remains of a person who has died in any case in which the Coroner has jurisdiction to hold an inquest.

(2) If, after a post-mortem examination has been made in pursuance of a direction under sub-section (1), a Coroner is of opinion that it is desirable that a further post-mortem examination of the remains be made, he may, by writing under his hand, direct the same or another medical practitioner to make the further post-mortem examination.

Warrants to
take and
remove remains
to place of
post-mortem
examination

17.(1) Where a Coroner has directed that a post-mortem examination of the remains of a deceased person be made, he may issue a warrant to the member of the Police Force named in the warrant authorizing the member, with such assistance as he requires, to take and remove the remains to a specified place for the post-mortem examination.

(2) The member of the Police Force named in the warrant may, at any time in the day or night, with such assistance as he requires—

- (a) enter into, break open (where necessary) and search, any house, building, premises or place where he has reasonable cause to believe that the remains of the deceased person may be found; and
- (b) take and remove the remains so found to the place where the post-mortem examination is to be made.

Warrant for
exhumation
of remains

18.(1) Where the remains of a deceased person have been buried, a Coroner may, if he has reasonable cause to believe that the person died in any of the circumstances specified in section 10(1) and that a post-mortem examination of the remains should be made, issue a warrant for the exhumation of the remains for post-mortem examination.

(2) Where the remains of a deceased person have been buried and —

- (a) an inquest into the manner and cause of death of that person has not been held or completed; or

(b) the Supreme Court has quashed such an inquest and has directed that a fresh inquest be held, a Coroner may, if he is of opinion that post-mortem examination or a further post-mortem examination should be made of the remains, issue a warrant for the exhumation of the remains for the post-mortem examination or further post-mortem examination.

19.(1) Where---

- (a) the remains of a person who died outside the Territory have been buried in the Territory; and
- (b) a Coroner is informed by a coroner having jurisdiction at the place where the person died—
 - (i) that an inquest is to be, or is being, held there in respect of the death of the person; and
 - (ii) that it is desirable that a post-mortem examination or a further post-mortem examination should be made of the remains of the person,

Warrant for exhumation at the request of Coroner holding an inquest into death of a person who died outside the Territory

the Coroner may issue a warrant for the exhumation of the remains for the post-mortem examination or further post-mortem examination.

(2) The post-mortem examination or further post-mortem examination referred to in sub-section (1) may be carried out at such place within or outside the Territory as the Coroner may direct.

20. A warrant for the exhumation of the remains of a deceased person---

- (a) shall authorize the member of the Police Force to whom it is directed to exhume, with such assistance as he requires, the remains of the deceased person; and
- (b) shall direct him to take and remove the remains to a specified place for the post-mortem examination.

Form of warrant for exhumation

21. Where---

- (a) the remains of a person who has died outside the Territory are lying within the Territory; and
- (b) a Coroner is informed by a coroner having jurisdiction at the place where the person died that an inquest is to be held at that place in respect of the death of the person,

Direction for removal of remains for purposes of inquest outside the Territory

the Coroner may, by writing under his hand, direct a specified member of the Police Force to remove, with such assistance as he requires, the remains to the place at which the inquest is to be held.

Report by
medical
practitioner

22. Where a medical practitioner makes, in pursuance of a direction under section 16, a post-mortem examination of the remains of a deceased person, he shall, as soon as practicable after the examination is completed, furnish a written report on the examination to the Coroner who gave the direction.

Copy of post-
mortem report
may be
supplied to
relatives

23.(1) Where a report has been made to a Coroner under section 22, the Coroner may, upon the written application of a relative, furnish a copy of the report to that relative.

(2) Liability shall not attach to the Coroner or any other person by reason of the publication of a report referred to in sub-section (1).

(3) In this section "relative" means the spouse, parents, siblings, or children of the deceased or any person who stood *in loco parentis* to the deceased, or to whom the deceased stood *in loco parentis*.

Re-interment
of remains

24. Where the remains of a deceased person have been exhumed, a Coroner shall, as soon as he is satisfied that the remains should be re-interred, by writing under his hand, direct a specified member of the Police Force to re-inter, with such assistance as he requires, the remains.

Coroner may
authorize
burial of
remains on
which inquest
has been held

25.(1) Where an inquest has been held into the death of a person and a Coroner is satisfied that the remains of that person should be buried, the Coroner shall, by writing under his hand, authorize the burial of those remains.

(2) Subject to section 24, a person shall not bury human remains on which an inquest has been held except with the authority of a Coroner given in accordance with sub-section (1).

PART V—INQUESTS AND INQUIRIES GENERALLY

Time and
place of
holding
of inquest
or inquiry

26.(1) A Coroner shall fix a time and place at which an inquest or inquiry is to be held.

(2) A Coroner may adjourn an inquest or inquiry from time to time and from place to place.

(3) The Coroner's Court shall, as far as practicable be held at a court house or another government building.

27. An inquest or inquiry shall be held by a Coroner without a jury. Coroner's Jury

28. It is not necessary for a Coroner to view the remains of a deceased person, the scene of a fire or any other place or thing in connexion with an inquest or inquiry, but he may do so at his discretion. View by Coroner

29. At an inquest or inquiry, the Coroner shall make full inquiry into the manner and cause of the death of the deceased person or the cause and origin of the fire and shall examine on oath all persons— Witnesses to be examined on oath

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

30.(1) A Coroner may issue a summons requiring the attendance, at a time and place specified in the summons, of a person who, in the opinion of the Coroner, is able to give evidence relevant to an inquest or inquiry. Summoning of witnesses

(2) A summons under this section may require the person to whom it is directed to bring and produce such documents as are specified in the summons, being documents which, in the opinion of the Coroner, are relevant to the inquest or inquiry.

(3) A summons under this section may be served by delivering a copy to the person to whom it is directed or, if the person cannot be found, by leaving it for him at his last or most usual place of abode or of business with some other person, apparently an inmate of or employed at that place, and apparently not less than 16 years of age.

(4) **Service** of a summons under this section may be proved on the oath of, or by an affidavit of, the person by whom it was served.

31.(1) Where—

- (a) a summons under section 30 has been served on the person to whom it is directed;
- (b) tender has been made to the person of a sum sufficient to enable the person to attend at the place specified in the summons; and
- (c) the person fails to attend at the time and place specified in the summons,

a Coroner may issue a warrant for the arrest of the person. Arrest of witness

(2) A warrant under this section may be directed to all members of the Police Force and any member of the Police Force may execute the warrant as if it had been directed specifically to him by name.

(3) The member of the Police Force who executes a warrant under this section shall, as soon as possible after the arrest of the person named in the warrant, take the person before the Coroner who issued the warrant or, if that is impracticable, another Coroner.

(4) Where a person who has been so arrested is brought before a Coroner, the Coroner—

- (a) may direct that the person remain in such custody as the Coroner specifies; or
- (b) may release the person upon the person entering into a recognizance, with or without sureties, in such sum as the Coroner determines, that the person will attend at a time and place specified in the recognizance.

(5) If a person who has been released under sub-section (4)(b) fails to attend at the time and place specified in the recognizance, a Coroner may—

- (a) issue a warrant for the arrest of the person; and
- (b) declare the recognizance of the person and the recognizance of his sureties, if any, to be forfeited, and thereupon the declaration has effect as if it were an order duly made under section 39 of the Justices Ordinance, and may be enforced accordingly.

Appearance and representation at inquest or inquiry

32. A Coroner may grant leave to a person—

- (a) who has been summonsed to attend at an inquest or inquiry; or
- (b) who, in the opinion of the Coroner, has a sufficient interest in the subject matter of the inquest or inquiry,

to appear in person at the inquest or inquiry or to be represented by a person entitled to practise as a barrister or solicitor in the Territory and, either personally or by that person, to examine witnesses on matters relevant to the inquest or inquiry.

Rules of procedure and evidence

33. Subject to this Ordinance a Coroner is not bound to observe the rules of procedure and evidence applicable to proceedings before a court of law.

34. A person who attends to give evidence at an inquest or inquiry, whether or not in obedience to a summons, shall not, without reasonable excuse—

Refusal of witness to be examined, &c.

- (a) refuse or fail to be sworn or to make an affirmation;
- (b) refuse to be examined on oath;
- (c) having taken the oath or made the affirmation, refuse or fail to answer any question relevant to the inquest or inquiry; or
- (d) having been required to produce any document specified in a summons, refuse or fail to produce the document.

Penalty: 200 dollars or imprisonment for 6 months.

35. A Coroner may, if he thinks fit, order all witnesses, other than a person to whom leave has been granted under section 32 and a witness who is under examination, to go and remain outside and beyond the hearing of the Court until required to give evidence.

Power to order witnesses out of Court

36.(1) A person who—

Contempt of Coroner

- (a) insults a Coroner during the holding of an inquest or inquiry;
- (b) wilfully interrupts the proceedings of an inquest or inquiry;
- (c) obstructs or assaults a person in attendance at an inquest or inquiry; or
- (d) wilfully neglects or refuses to comply with an order made by a Coroner under section 35,

commits an offence and may, by order of the Coroner, be excluded from the Court and the Coroner may, whether the person is so excluded or not, summarily convict the person of an offence under this section and impose a penalty not exceeding 100 dollars, and in default of immediate payment the Coroner may order the person to be imprisoned for a period not exceeding one month.

(2) Such a person may, by order of the Coroner, be taken into custody by a member of the Police Force.

(3) A summons or other process need not be issued and evidence need not be taken before a person is convicted under sub-section (1).

37.(1) At the conclusion of an inquest, the Coroner shall record his findings in relation to—

Coroner's findings and subsequent procedure

- (a) the identity of the deceased person;

- (b) when and where the deceased person came to his death; and
- (c) the manner and cause of the death of the deceased person.

(2) At the conclusion of an inquiry, the Coroner shall record his findings as to the cause and origin of the fire.

(3) If the Coroner is of opinion that the evidence given at an inquest or inquiry is sufficient to put any person upon his trial for an indictable offence, the Coroner shall—

- (a) if the person is present in Court before him, proceed in the manner as a Justice proceeds under Part V of the *Justices Ordinance* when the Justice is of the opinion that the evidence is sufficient to put a defendant upon his trial for an indictable offence; or
- (b) if that person is not present in Court before him, issue a warrant for the arrest of the person.

(4) A warrant so issued shall be directed to all members of the Police Force and any member of the Police Force may execute the warrant as if it had been directed specifically to him by name.

(5) The member of the Police Force who executes a warrant so issued shall, as soon as practicable after the arrest of the person named in the warrant, bring that person before the Coroner who issued the warrant.

(6) When the person who has been arrested is brought before the Coroner, the Coroner shall proceed in the same manner as a Justice proceeds under Part V of the *Justices Ordinance* when the Justice is of the opinion that the evidence is sufficient to put a defendant upon his trial for an indictable offence.

(7) The provisions of Part V of the *Justices Ordinance* apply to and in relation to a person in respect of whom the Coroner has formed an opinion that the person should be put upon his trial for an indictable offence as if that person were committed for trial in accordance with the provisions of that Part.

(8) For the purposes of sub-sections (3), (6) and (7), the Coroner has the powers, authority and jurisdiction of a Magistrate for the Territory under the *Justices Ordinance*.

38.(1) Subject to this section, if after the commencement of an inquest or an inquiry, the Commissioner of the Police Force, by writing under his hand, informs the Coroner that a person has been charged before a Court of Summary Jurisdiction with an indictable offence in which the question—

Adjournment
of inquest
or inquiry if
person charged
in respect of
death or fire

- (a) whether the person charged caused the death of the deceased person; or
- (b) whether the person charged caused the fire, as the case may be, is in issue, the Coroner shall not proceed further with the inquest or inquiry until—
- (c) if the person is committed for trial for the offence before the Supreme Court—after the date on which the guilt or innocence of that person is finally determined or, if the Attorney-General or the person appointed by the Attorney-General under section 51(7) of the *Northern Territory Supreme Court Act 1961-1973* declines to proceed further in the prosecution, the date on which the Attorney-General or that person appointed by him so declined; or
- (d) if the person is not so committed—after the date on which the person is discharged.

(2) The Coroner may, if he thinks fit, continue the inquest or inquiry after whichever date mentioned in paragraph (c) or (d) of sub-section (1) occurs in the particular case, but he shall not make a finding which is inconsistent with the judgment or verdict, if any, of a Court of Summary Jurisdiction or the Supreme Court.

(3) If the Coroner is of the opinion that the inquest or inquiry should not be so continued, he shall dispense with further holding of the inquest or inquiry.

PART VI—MISCELLANEOUS

39. Where the Supreme Court, on an application made by or under the authority of the Attorney-General, is satisfied—

Power of
Supreme Court
to order
inquest or
inquiry

- (a) that a Coroner has refused or neglected to hold an inquest or an inquiry; and
- (b) that it is in the interests of justice that such an inquest or inquiry be held,

the Supreme Court may order a Coroner to arrange for the holding of such an inquest or inquiry and that Coroner shall thereupon hold or arrange for another Coroner to hold such an inquest or inquiry accordingly.

40. Where—

- (a) an inquest or inquiry has been held; and
- (b) the Supreme Court, on an application made by or under the authority of the Attorney-General, is satisfied that, by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, discovery of new facts or

Power of
Supreme Court
to quash inquest
or inquiry and
order another
inquest or inquiry
to be held

evidence or otherwise it is in the interests of justice that the inquest or inquiry be quashed and that another inquest or inquiry be held,

the Supreme Court may order that the inquest or inquiry be quashed and may order a Coroner to arrange for the holding of another inquest or inquiry, and that Coroner shall thereupon hold or arrange for another Coroner to hold such an inquest or inquiry accordingly.

Circumstances in which Deputy Coroner may not hold inquest

41. A Deputy Coroner, being a medical practitioner, is not competent or compellable to hold an inquest into the death of a person whom he attended professionally at or proximately before the death of the person or during the last illness of the person.

Act on a Sunday

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

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

(3) Subject to this section, a Coroner may issue a summons, warrant or order or do any other act on a Sunday.

Witnesses' expenses

43. A Coroner may allow to a person who attends to give evidence at an inquest or inquiry, whether or not in obedience to a summons, expenses at the same rate, and, subject to the same conditions, as those payable under the *Justices Ordinance* to witnesses before the Court of Summary Jurisdiction.

Fees to medical practitioners

44. A medical practitioner who conducts a post-mortem examination in accordance with an order of a Coroner shall be paid such fees as are prescribed.

Amounts payable to assistants

45. A person who, for the purposes of this Ordinance, assists—

- (a) in the exhumation of remains;
- (b) in the conduct of a post-mortem examination; or
- (c) in the re-interring of remains,

shall be paid the prescribed amount.

Notice of remains or death

46.(1) Where remains are found or there occurs a case of sudden death or death attended with suspicious circumstances, a person, not being a member of the Police Force, who knows that the remains have been found or of any such death shall, as soon as practicable, unless that person has reasonable cause to believe that a Coroner or member of the Police Force has

already been notified, notify the Coroner or a member of the Police Force accordingly.

Penalty: 40 dollars.

(2) A member of the Police Force who is notified under sub-section (1), or otherwise becomes aware of remains having been found, or of any such death shall, as soon as practicable, give such information in relation to the remains or the death as he can obtain to a Coroner.

47.(1) Subject to sub-section (2), a summons, warrant, order or other document shall be in accordance with the appropriate form in the Schedule. Forms

(2) Strict compliance with a form in the Schedule is not necessary and substantial compliance is sufficient.

48.(1) A person shall not—

- (a) contravene or fail to comply with a provision of this Ordinance that is applicable to him;
- (b) without reasonable excuse, fail to comply with an order or direction made by a Coroner; or
- (c) obstruct or hinder a member of the Police Force or other person acting in pursuance of a warrant issued or an order or direction made by a Coroner.

General
offence

Penalty: 200 dollars or imprisonment for 6 months.

(2) A person who, having reason to believe that a medical practitioner has been or may be directed to make a post-mortem examination of the remains of a deceased person, removes the remains with intent to prevent or hinder the making of the post-mortem examination is guilty of an indictable offence and is liable, on conviction, to imprisonment for a term not exceeding 5 years.

49. A person, not being a member of the Police Force acting in the performance of his duties as a member of the Police Force, shall not, except in accordance with this Ordinance, exhume remains. Illegal
exhumation

Penalty: 200 dollars.

50. A person shall not remove remains from the Territory without the written authority of a Coroner. Removal of
remains from
Territory

Penalty: 200 dollars.

51. Proceedings under this Ordinance do not take away or interfere with the right of a person to sue for and recover compensation or damages for or in respect of any damage or injury occasioned by the reckless or negligent use of fire. Right of action
in respect of
damage by fire

Notification for
purpose
of registering
death
of a person

52. Notwithstanding the *Registration of Births, Deaths and Marriages Ordinance*, a notification in writing by a Coroner to the District Registrar of Births, Deaths and Marriages for the District in which a death occurred of the Coroner's findings showing the identity of the deceased person and the date and place of his death, and stating whether an inquest is to be held or continued, is sufficient notification for the purposes of section 31 of that Ordinance.

Regulations

53. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters that by this Ordinance are required or permitted to be prescribed or are necessary or convenient to be prescribed, for giving effect to this Ordinance.

SCHEDULE

Section 7(5)

FORM 1

OATH OF OFFICE

I, _____ do swear that I will well and truly serve Her Majesty, Queen Elizabeth the Second, Her Heirs and Successors in the office of Deputy Coroner for the Northern Territory of Australia and I will do right to all manner of people according to law without fear or favour, affection or ill-will. SO HELP ME GOD:

AFFIRMATION

I, _____ do solemnly and sincerely promise and declare that I will well and truly serve Her Majesty, Queen Elizabeth the Second, Her Heirs and Successors, in the office of Deputy Coroner for the Northern Territory of Australia and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.

Section 12(3)

FORM 2

CORONER'S CERTIFICATE WHERE INQUEST IS DEEMED UNNECESSARY

NORTHERN TERRITORY OF AUSTRALIA

To the Attorney-General

I, the undersigned, a Coroner (or Deputy Coroner) for the Territory, having made inquiries concerning the manner and cause of death of _____ of

_____ that occurred on the _____ day of

_____ 19_____, certify that I have dispensed with the holding of an inquest into that death as I have formed the opinion that the manner and cause of death were sufficiently disclosed (or that an inquest is unnecessary), on the following grounds:

(here set out the grounds)

Given under my hand this _____

day of _____

19____

Coroner (or Deputy Coroner)

FORM 3

Section 13

NOTICE REQUIRING PERSON TO SUPPLY INFORMATION
NORTHERN TERRITORY OF AUSTRALIA

To

You are required to supply me with such information as you may possess concerning the time, place and cause of death of _____ of _____ in that Territory, in the following manner:

(here indicate the time and manner in which the information is to be supplied)

Given under my hand this _____ day of _____ 19 .

Coroner
(or Deputy Coroner)

FORM 4

Section 17

WARRANT TO TAKE AND REMOVE HUMAN REMAINS
FOR POST-MORTEM EXAMINATION
NORTHERN TERRITORY OF AUSTRALIA

To _____ a member of the Police Force of the Northern Territory of Australia and to all others whom it may concern. Whereas under the *Coroners Ordinance 1*, a Coroner (or Deputy Coroner) for that Territory am required to hold an inquest into the death of _____ whose remains are at present lying at _____

And whereas I have directed that a post-mortem examination of the remains be made.

I therefore, charge and command you that you forthwith with such assistance as may be necessary take and remove the remains of _____

to _____ so that a post-mortem examination can there be made upon them according to law and for so doing this is your warrant.

Given under my hand this _____ day of _____ 19 .

Coroner
(or Deputy Coroner)

FORM 5

Section 18(1)

WARRANT TO EXHUME HUMAN REMAINS FOR THE PURPOSE
OF AN INQUEST
NORTHERN TERRITORY OF AUSTRALIA

To

a member of the Police Force of the Northern Territory of Australia and to all others whom it may concern.

Whereas complaint has been made to me, a Coroner (or Deputy Coroner) for that Territory, that on the _____ day of _____

the remains of _____ were buried in the _____

and that the abovenamed _____

was killed (*or otherwise, as the case may be*) and whereas no notice has been given to any Coroner for that Territory whereby an inquisition might have been taken on the remains of the abovenamed _____ before interment as by law is required:

I therefore, charge and command you to forthwith cause the remains of the abovenamed _____ to be exhumed and safely taken and removed to _____ so that a

post-mortem examination can there be made upon them according to law.

Given under my hand this _____ day of _____ 19 .

Coroner
(or Deputy Coroner)

Coroners

FORM 6

Section 18(2)

WARRANT TO EXHUME HUMAN REMAINS FOR THE
PURPOSES OF AN INQUEST
NORTHERN TERRITORY OF AUSTRALIA

To _____ a member of the
Police Force of the Northern Territory of Australia and to all others whom it
may concern.
Whereas complaint has been made to me a Coroner (*or* Deputy Coroner) for
that Territory, that on the _____ day of _____
the remains of _____ were buried in
the _____ and that the abovenamed
_____ was killed (*or otherwise, as the case may
be*) and whereas an inquest into the manner and cause of death of the abovenamed
_____ has been directed and whereas I am
of opinion that a post-mortem examination (*or* further post-mortem examination)
should be made.
I therefore, charge and command you to forthwith cause the remains of the above-
named _____ to be
exhumed and safely taken and removed to
so that a post-mortem examination (*or* further post-mortem examination) can there
be made upon them according to law.
Given under my hand this _____ day of _____ 19 ____ .
Coroner
(*or* Deputy Coroner)

FORM 7

Section 24

DIRECTION TO RE-INTER EXHUMED REMAINS
NORTHERN TERRITORY OF AUSTRALIA

To _____ a member of the Police
Force of the Northern Territory of Australia and to all others whom it may
concern.
Whereas the remains of _____ were exhumed on
the _____ day of _____ 19 ____ in accordance with
a warrant issued by me, a Coroner (*or* Deputy Coroner) for that Territory.
And whereas an inquest has been held upon the remains of _____
now lying at _____
I therefore direct you forthwith, with such assistance as you may require, to re-inter
the remains of _____
Given under my hand this _____ day of _____ 19 ____ .
Coroner
(*or* Deputy Coroner)

FORM 8

Section 25

AUTHORITY TO BURY
NORTHERN TERRITORY OF AUSTRALIA

To the members of the Police Force of the Northern Territory of Australia, and
to all others whom it may concern.
Whereas an inquiry has been held upon the
remains of _____ now lying at _____
I certify that you may lawfully permit the remains of the abovenamed
_____ to be buried.
And for so doing this is your authority.
Given under my hand this _____ day of _____ 19 ____ .
Coroner
(*or* Deputy Coroner)

FORM 9

Section 31

SUMMONS TO A WITNESS
NORTHERN TERRITORY OF AUSTRALIA

To _____ of _____ :

You are required to appear before me, the undersigned, a Coroner (or Deputy Coroner) for the Northern Territory of Australia, at _____ in that Territory on the _____ day of _____ at _____ o'clock in the _____ noon, then and there to testify what you know concerning the death of _____ (or a certain fire that occurred on or about the _____ day of _____ 19____, at _____ in that Territory) (and also to bring the following books, documents and other things, or such of them as are in your possession or control:).

Dated at _____ this _____ day of _____ 19____.

Coroner
(or Deputy Coroner)

FORM 10

Section 31

WARRANT FOR THE ARREST OF A WITNESS
NORTHERN TERRITORY OF AUSTRALIA

To the members of the Police Force of the Northern Territory of Australia:
Whereas _____ of _____ in that Territory, having been duly summoned to appear before me and my inquest (or inquiry) at _____ noon on the _____ day of _____ 19____, at _____ in that Territory, to give evidence concerning the death of _____ (or a certain fire that occurred on or about the _____ day of _____ 19____, at _____ in the Territory) has failed to appear at the said time and place and give evidence: These are therefore to command you forthwith to apprehend the abovesaid _____ and bring him before me to be dealt with according to law.

Given under my hand this _____ day of _____ 19____.

Coroner
(or Deputy Coroner)

FORM 11

Section 30

RECOGNIZANCE IN CASE OF A WITNESS WHO IS ARRESTED
FOR FAILURE TO ATTEND INQUEST OR INQUIRY
NORTHERN TERRITORY OF AUSTRALIA

On the _____ day of _____ 19____, A.B. of _____, personally came before me, _____ a Coroner (or Deputy Coroner) for the Northern Territory of Australia, and acknowledged himself to owe to the Crown the sum of _____, to be made and levied on his goods and chattels, lands and tenements, respectively, to the use of the Crown, if he A.B. fails in the condition endorsed.

CONDITION ENDORSED

The condition of the within-written recognizance is if the abovenamed A.B. appears at the inquest into the death of _____ of _____ (or inquiry into a certain fire that occurred on or about the _____ day of _____ 19____ at _____ in that Territory) to be held at _____ in that Territory, and surrenders himself to the Court to be there examined as a witness before the Court in the inquest (or inquiry) and not depart the Court without leave, the recognizance shall be void, otherwise it shall remain in full force.

FORM 12

WARRANT FOR THE ARREST OF A WITNESS FOR BREACH OF
RECOGNIZANCE

NORTHERN TERRITORY OF AUSTRALIA

To the members of the Police Force of the Northern Territory of Australia:

Whereas _____ of _____ in that
Territory, having on the _____ day of _____ 19____ ,
entered into a recognizance to appear before me and my inquest (or inquiry) at
_____ noon on the _____ day of

19____ , at _____ in that Territory, to give evidence con-
cerning the death of _____ (or a certain fire that
occurred on or about the _____ day of _____ 19____ ,
at _____ in that Territory) has failed to appear
at the time and place and give evidence:

These are therefore to command you forthwith to apprehend the abovenamed
_____ and bring him before me to be dealt
with according to law.

Given under my hand this _____ day of _____ 19____ .

Coroner
(or Deputy Coroner)

FORM 13

WARRANT FOR COMMITMENT FOR NON-PAYMENT OF FINE

NORTHERN TERRITORY OF AUSTRALIA

To the members of the Police Force of the Northern Territory of Australia and
to the Keeper of the gaol at _____ :

Whereas _____ of _____ was
on the _____ day of _____ 19____ , ordered to
pay the sum of _____ dollars for
(here state the offence for which the fine was imposed):

And whereas the abovenamed _____ has failed to
pay that sum:

You are therefore commanded forthwith to apprehend the abovenamed
_____ and convey him to that gaol and there
deliver him to the Keeper of that gaol together with this warrant:

And I do hereby command you the Keeper of that gaol to receive the abovenamed
_____ into your custody in that gaol and there
to imprison him for the period of _____ unless that sum
shall be sooner paid and, for so doing, this shall be your sufficient warrant.

Given under my hand this _____ day of _____ 19____ .

Coroner
(or Deputy Coroner)

Section 37

FORM 14

WARRANT FOR THE ARREST OF A PERSON COMMITTED FOR TRIAL
NORTHERN TERRITORY OF AUSTRALIA

To the members of the Police Force of the Northern Territory of Australia:
Whereas I have this day held an inquest on the remains of

lying at _____ in that Territory (or an inquiry into the cause
and origin of a certain fire that occurred on or about the _____ day of
19 ____, at _____ in that Territory)

and whereas I am of opinion that the evidence given at that inquest (or inquiry)
is sufficient to put _____ of _____ in that
Territory upon his trial for murder (or as the case may be) and whereas the above-
named _____ was not present at the inquest (or inquiry):

These are therefore to command you forthwith to apprehend the abovenamed
and bring him before me to be dealt with
according to law.

Given under my hand this _____ day of _____ 19 __.

Coroner
(or Deputy Coroner)

Section 50

FORM 15

AUTHORITY TO REMOVE HUMAN
REMAINS FROM TERRITORY

To:

I hereby authorize you to remove the remains of

now lying at _____ to

a place outside the Territory and in the State of _____

Given under my hand this _____ day of _____ 19 __.

Coroner
(or Deputy Coroner)

Section 37

FORM 16

FORM OF INQUISITION
NORTHERN TERRITORY OF AUSTRALIA

An inquisition taken at _____ in the Northern
Territory of Australia on the _____ day of _____ 19 __,

before me _____ a Coroner (or Deputy Coroner) for

that Territory, as to when, how and by what means A.B. came to his death (or
as to the cause and origin of a certain fire which occurred on or about the

day of _____ 19 __ at

in that Territory).

I find _____ (here set out the finding.)

Given under my hand this _____ day of _____ 19 __.

Coroner
(or Deputy Coroner)

