

Coroners Amendment Bill

Government Bill

Explanatory note

General policy statement

Objective of Bill

The Coroners Amendment Bill (the **Bill**) amends the Coroners Act 2006 (the **principal Act**) to facilitate better access to justice for families and whānau interacting with the coronial system.

The coronial system is currently under considerable pressure. Coroners are struggling to keep pace with the number of cases being accepted into the coronial jurisdiction, which has resulted in an increasing active caseload and an increase in the average time taken to conclude coronial investigations.

The ultimate objective of the Bill is to reduce the distress caused to grieving families and whānau by reducing the length of time they spend waiting to receive coronial findings.

The Bill aims to achieve this by making targeted amendments to the principal Act that are designed to—

- reduce the time it takes for certain types of cases to move through the coronial process; and
- free up coroners' time to work on reducing the number of active coronial cases.

The Bill will also help ensure that public interest in the proper and timely understanding of the causes and circumstances of deaths is well served.

Amendments to principal Act

The Bill will make 4 targeted amendments to the principal Act, as follows:

Establishing new position of coronial associate

The Bill establishes the new position of coronial associate. Coronial associates will take on many of the more straightforward functions, powers, and duties currently performed or exercised by coroners, while still enabling coroners to perform or exercise them.

For example, coronial associates will be able to undertake the more straightforward work currently performed solely by duty coroners¹. Coronial associates will also be able to handle the more simple and straightforward coronial investigations (for instance, deaths that appear to be due to natural causes without any suspicious circumstances for which an inquiry will not be needed; and simpler inquiries).

This will enable some coronial resources, especially resources currently devoted to duty coroner work, to be utilised for more complex cases (particularly those that require an inquiry to be opened, and cases where it is in the public interest for a coroner to make recommendations to prevent similar deaths in future).

Coronial associates will be judicial officers (under the judicial branch of government) with a minimum of 5 years' post-admission experience as a barrister or solicitor. As judicial officers, their salary and allowances will be determined by the Remuneration Authority.

Recording cause of death as unascertained natural causes in certain circumstances

The Bill clarifies that coroners can record a cause of death as unascertained natural causes if the coroner considers that the death is from natural causes and no further investigation is required under the principal Act.

This will enable families and whānau to receive a coroner's findings sooner, particularly when this is undertaken at the duty coroner stage.

Enabling coroners to hold coronial inquiry solely in chambers, where appropriate

The Bill provides coroners with the sole discretion to decide whether a coronial inquiry should also include an inquest.

This will prevent inquests from taking place where, having regard to the statutory criteria in the principal Act, the coroner considers a hearing in chambers is appropriate and an inquest is not needed.

In making this determination, coroners will continue to be required to—

- notify interested parties that the coroner intends to hold a hearing solely in chambers; and
- provide interested parties with a reasonable period of time to make their views known to the coroner; and

¹ Duty coroners are coroners authorised to undertake a range of work and make a range of judicial decisions in the initial period (usually up to 48 hours) after a death is reported to the coroner.

- consider the views of interested parties.

Coroners will also be required to be satisfied that, in taking the steps above, an inquest is not necessary, and the hearing may be held on the papers.

Enabling written findings to be issued stating cause of death only, where appropriate

The Bill will enable coroners to issue written findings stating the cause of death only, and not the circumstances of death, if they consider there is no public interest in making findings as to the broader circumstances.²

This will allow certain cases to be concluded more quickly, ensuring families and whānau receive a coroner's findings sooner and freeing up coroners to spend more time on more complex cases.

Commencement

The changes above are intended to apply to almost all coronial cases currently in the coronial jurisdiction, as well as new cases.

The changes in the Bill will not apply to existing coronial cases where a coroner has already notified parties (under section 77 of the principal Act) that the coroner considers a hearing in chambers is appropriate and an inquest is not needed.³

The Bill will come into force on the day after receiving Royal assent.

Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=157>

Regulatory impact statement

A regulatory impact statement is not required for this Bill.

² The cause of death is how someone died (that is, the immediate and antecedent causes of death) whereas the circumstances are the broader context in which the death took place (for example, the events that led up to the death).

³ Under section 77 of the principal Act, if a party indicates an intention to give evidence, or cross-examine witnesses, in person and makes this known to the coroner, then the coroner must hold an inquest, even if the coroner considers (having regard to statutory criteria in the principal Act) that an inquest is not needed.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the Bill to come into force on the day after the date of Royal assent.

Clause 3 provides that the Bill amends the Coroners Act 2006 (the **principal Act**).

Part 1

Amendments to principal Act

Subpart 1—Substantive amendments to principal Act

Clause 4 amends section 3 to include coronial associates in the purpose provision.

Clause 5 amends section 7 to provide for the chief coroner's functions in relation to coronial associates.

Clause 6 amends section 8 to refer to the appointment of coronial associates in the overview provision of the principal Act.

Clause 7 amends section 9 to insert definitions of approved form and coronial associate into the principal Act.

Clause 8(1) amends section 16 to make clear that a duty coroner may perform or exercise the functions, powers, and duties of the responsible coroner, including (without limitation) deciding not to open an inquiry into a death. *Clause 8(2)* amends section 16 to provide for the authorisation of coronial associates as duty coroners.

Clause 9 amends section 42 to refer to an approved form rather than the prescribed form.

Clause 10(1) and (3) amends section 64 to refer to an approved form rather than the prescribed form. *Clause 10(2)* replaces section 64(2) to enable coroners to record the cause of death as unascertained natural causes when no further investigation is required. *Clause 10(2)* also enables coroners not to include specified information when there is no public interest in doing so.

Clause 11 amends section 67 to refer to an approved form rather than the prescribed form.

Clause 12 replaces section 77 to enable coroners to have the sole discretion to decide whether it is more appropriate for an inquiry to be held by a hearing on the papers rather than by an inquest. Coroners must notify interested parties and consider their views, among other factors and information. After taking those steps, coroners must be satisfied that an inquest is not necessary for the discharge of their role and that the hearing may be held on the papers.

Clause 13 inserts *new section 77A* to enable coronial associates to conduct hearings on the papers.

Clause 14 amends section 91 to enable coronial associates to take evidence at a distance for the purposes of an inquest if authorised to do so by a coroner.

Clause 15 amends section 93 to refer to an approved form rather than the prescribed form.

Clause 16(1) amends section 94 so as not to require a coroner to make findings in relation to the circumstances of the death concerned if the coroner considers there is no public interest in doing so. *Clause 16(2)* amends section 94 to refer to an approved form rather than the prescribed form.

Clause 17 inserts *new sections 104A to 104C*.

New section 104A provides for the appointment of coronial associates.

New section 104B provides for coronial associates to have the functions, powers, and duties of coroners appointed under section 103 except to the extent stated in or under legislation or in a practice note. Coronial associates are not authorised to hold inquests or decide whether inquests should be held under *new sections 77 and 77A* and sections 80 to 91 of the principal Act. There is an exception for a coronial associate who is authorised by a coroner to take evidence at a distance under the amendments to section 91 (*see clause 14*).

New section 104C provides for coroners, relief coroners, and coronial associates to continue in office after retirement or the end of their term to complete investigations.

Clause 18 amends section 106A to require the Attorney-General to publish information concerning the appointment of coronial associates.

Clause 19 amends section 107 to require the Attorney-General to specify in a protocol the types of employment or offices that are compatible with being a coronial associate. *New section 107(4)* enables the coronial associate to hold another judicial office but not to undertake employment or a non-judicial office that is incompatible with the type set out in the protocol.

Clause 20 amends section 107A to require the chief coroner to develop guidelines to assist coronial associates to decide if they should recuse themselves from an inquiry.

Clause 21 amends section 108 to enable the Attorney-General to authorise coronial associates to act part-time.

Clause 22 amends section 110 to provide for salaries and allowances of coronial associates to be set by the Remuneration Authority. Their salary must not be diminished during their appointment.

Clause 23 amends section 112 to enable a coronial associate to resign at any time.

Clause 24 inserts *new section 113A* to provide for complaints about a coronial associate to be made to and dealt with by the chief coroner, who may, in turn, refer the matter to the Attorney-General.

Clause 25 inserts *new section 114A* to provide for the removal of a coronial associate for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

Clause 26 replaces section 132, which gives the chief coroner the power to issue practice notes. *New section 132(2)* provides for matters to which coroners and coro-

nial associates must have regard, further to their duty under section 6 of the principal Act. *New section 132(3)* provides for a practice note to set out any conditions or limitations on the performance or exercise of the coroner's functions, powers, and duties by coronial associates. The practice note may also provide for the transfer of deaths between coroners and coronial associates.

Clause 27 amends section 133A to enable coronial associates to be appointed as responsible coroners or replacement coroners.

Clause 28 amends section 134, which is an offence provision for failure to supply information or another document required by a notice made under section 120 for purposes of an inquiry. The amendments to section 134 remove the reference to the coroner from the heading and remove the description of section 120.

Clause 29 amends section 135, which is an offence provision for making false or misleading statements or omissions in certain documents. The amendment removes the reference to the coroner and removes the description of section 120.

Clause 30 amends section 137, which applies to a pathologist's report on the results of a post-mortem (section 31(6)) and a report from a doctor who attended a person before their death (section 40). Failure or refusal to give the required report is an offence. The amendment removes the references to the coroner as well as the descriptions of sections 31 and 40.

Clause 31 amends section 138, which is an offence provision for making false or misleading statements or omissions for the purposes of section 64(3). The amendment removes the description of section 64(3).

Clause 32 amends section 139A, which is an offence provision for publishing information in contravention of section 74. The amendment removes the description of the coroner's powers in section 74.

Clause 33 inserts *new section 140A* to authorise the Secretary (who is the chief executive of the Ministry of Justice) to approve and issue forms with the agreement of the chief coroner.

Subpart 2—Transitional amendments to principal Act

Clause 34 inserts *new section 11A* to provide for transitional, savings, and related matters.

Clause 35 repeals section 12A following the insertion of *new section 11A*.

Clause 36 amends section 143A further to the restructuring of Schedule 1 of the principal Act into 2 Parts.

Clause 37(1) and (2) provides for the restructuring of Schedule 1 of the principal Act to accommodate further transitional, savings, and related provisions.

Clause 37(3) inserts *new Part 2* into Schedule 1 of the principal Act. *New Part 2 of Schedule 1* contains a transitional provision that enables section 77 of the principal Act to continue to apply if a coroner has given notice under that section before the commencement date. If an interested party or a witness requests an inquest in

response to the notice, the inquest must be held under section 77(3) rather than a hearing on the papers.

Part 2

Consequential amendments to other legislation

Clause 38 provides for consequential amendments set out in *Schedule 2* of the Bill.

Hon Aupito William Sio

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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”. 15	
(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,”. 20	
(5)	In section 7(2)(e), 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”. 25	

7 Section 9 amended (Interpretation)

In section 9, insert in its appropriate alphabetical order:

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

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

8 Section 16 amended (Responsible coroner)

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(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:

10

(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”.

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

15

(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

20

(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—

25

(a) the death is from natural causes; and

(b) no further investigation is required.

(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.

30

(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 on papers and chambers findings)

Replace section 77 with:

35

- 77 Hearings on papers and chambers findings**
- 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 5
 - (b) allows a reasonable period for interested parties to make their views known to the coroner on whether an inquest should be held; and
 - (c) considers those views, among other factors and information; and
 - (d) after taking the steps in **paragraphs (a) to (c)**, is satisfied that— 10
 - (i) an inquest is not necessary for the coroner to discharge their role under this Act; and
 - (ii) the hearing may be held on the papers.
- 13 New section 77A inserted (Coronial associate may conduct hearings on papers)**
- After section 77, insert: 15
- 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.
 - (2) The coronial associate must— 20
 - (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.
 - (3) If no interested party expresses the view that an inquest should be held, the coronial associate may conduct the hearing on the papers. 25
 - (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
 - (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. 35
- 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”.

- (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 must be— 5
- (a) put into writing; and
 - (b) read over to or by the witness; and
 - (c) signed by the witness and the coroner, coronial associate, or Justice.
- (6) The coroner, coronial associate, or Justice must send the evidence to the coroner holding the inquest concerned. 10
- (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)

In section 93(2), replace “the prescribed form” with “an approved form”. 15

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

- (1) After section 94(1), insert:
- (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. 20
- (2) In section 94(2), replace “the prescribed form” with “an approved form”.

17 New sections 104A to 104C inserted

After section 104, insert:

104A Coronial associates

- (1) The Governor-General may, by warrant, appoint fit and proper people to be coronial associates. 25
- (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. 30
- (4) The appointment must be made on the advice of the Attorney-General, given after consultation with the Minister.
- (5) A coronial associate 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 of or over the age of 70 years may be appointed or reappointed as a coronial associate for 1 term that— 35

- (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,— 5
 - (a) a coronial associate has the functions, powers, and duties of a coroner appointed under section 103; and
 - (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. 15
- (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. 20

104C Coroners, relief coroners, and coronial associates may continue in office to complete investigations 20

- (1) A coroner, a relief coroner, or a coronial associate 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. 25
- (2) A coroner, a relief coroner, or a coronial associate must not continue in office under **subsection (1)** for longer than 3 months without the consent of the Minister.
- (3) The fact that a coroner, a relief coroner, or a coronial associate continues in office does not affect the power to appoint another person to the office. 30
- (4) A coroner, a relief coroner, or a coronial associate who continues in office is entitled to be paid the appropriate rate for the days or half-days worked in completing the investigation.
- (5) The **appropriate rate** is the rate of the remuneration and allowances to which the coroner, the relief coroner, or the coronial associate would have been entitled for those days or half-days if the coroner, the relief coroner, or the coronial associate 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”.
 - (2) In section 106A(b), after “coroner”, insert “or a coronial associate”.
 - (3) In section 106A, insert as subsection (2): 5
 - (2) The processes under **subsection (1)** may be different for coroners and coronial associates.
- 19 Section 107 amended (Concurrent office or employment)**
- (1) In section 107(1)(a) and (b), after “coroner”, insert “or a coronial associate”.
 - (2) In section 107(2), after “other coroners”, insert “and coronial associates”. 10
 - (3) After section 107(3), insert:
 - (4) A coronial associate 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. 15
- 20 Section 107A amended (Recusal)**
- In section 107A, after “coroners”, insert “and coronial associates”.
- 21 Section 108 amended (Coroners act full-time unless authorised to act part-time)**
- (1) In the heading to section 108, after “Coroners”, insert “**and coronial associates**”. 20
 - (2) After section 108(1), insert:
 - (1A) A coronial associate acts as a coronial associate full-time unless they are authorised by the Attorney-General to act part-time.
 - (3) Replace section 108(2) and (3) with: 25
 - (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):
 - (b) a coronial associate. 30
 - (3) To avoid doubt, an authorisation under **subsection (2)** may—
 - (a) take effect as from the appointment of the coroner or the coronial associate or at any other time; and
 - (b) be given more than once in respect of the same coroner or coronial associate. 35
 - (4) In section 108(4), after “authorise a coroner”, insert “or a coronial associate”.

- (5) In section 108(4)(a), replace “the coroner” with “the coroner or the coronial associate”.
- (6) In section 108(6), replace “A coroner” with “A coroner or a coronial associate”.
- (7) Replace section 108(7) with: 5
- (7) The basis on which a coroner or a coronial associate 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).
- 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 associates” 10
- (2) Replace section 110(2) with:
- (2) The salary of a coroner or a coronial associate must not be diminished during the continuance of their appointment. 15
- (3) In section 110(3), after “a coroner”, insert “or a coronial associate”.
- 23 Section 112 amended (Resignation)**
- After section 112(2), insert:
- (3) A coronial associate may at any time resign the office by written notice to the Attorney-General. 20
- 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. 25
- (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** 30
- 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.
- 26 Section 132 replaced (Chief coroner may issue practice notes)**
- Replace section 132 with: 35

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 written practice notes (not inconsistent with this Act).	
(2) Practice notes under this section may specify matters—	5
(a) to which coroners and coronial associates must have regard when—	
(i) making recommendations or comments (<i>see</i> section 57A):	
(ii) calling for investigations or examinations, or commissioning reports (<i>see</i> section 118(2)):	
(iii) determining the format of their written findings:	10
(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 (<i>see</i> section 83(2)):	15
(ii) holding joint inquests (<i>see</i> section 84(3)):	
(iii) managing the disclosure of evidence to witnesses appearing at a hearing:	
(iv) determining whether to hold a pre-hearing:	20
(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:	25
(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 not limit subsection (1).	30
(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 about the terms and effect of that practice note (or of that amendment, revocation, or replacement of a practice note).	35
(6) The chief coroner must regularly review any practice notes issued under this section.	

- 27 Section 133A amended (Appointment of responsible or replacement coroner)**
- 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. 5
- 28 Section 134 amended (Failure to supply information or documents or other things as required by coroner’s notice under section 120)**
- (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)”. 10
- 29 Section 135 amended (False or misleading statements and omissions in certain documents)**
- (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)”. 15
- 30 Section 137 amended (Failure or refusal to give report required)**
- (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))** 20
- 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)”. 25
- 33 New section 140A inserted (Secretary may approve forms)**
- After section 140, insert:
- 140A Secretary may approve forms**
- (1) The Secretary may approve and issue forms for the purposes of this Act. 30
- (2) The Secretary must have the agreement of the chief coroner before approving and issuing forms.

Subpart 2—Transitional amendments to principal Act

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. 5

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) 10

(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”. 15

37 Schedule 1 amended

(1) Replace the Schedule 1 heading with:

Schedule 1
Transitional, savings, and related provisions

ss 11A, 143A 20

(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,— 25

- (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 30

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		5
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	10
	Section 77 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)—	15
	(i) before, on, or after the commencement date; but	
	(ii) within the notification period stated in the notice.	

Schedule 2

Consequential amendments to other legislation

s 38

Part 1

Amendments to Acts

5

Burial and Cremation Act 1964 (1964 No 75)

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

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

10

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

Remuneration Authority Act 1977 (1977 No 110)

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

15

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

Part 2

Amendments to secondary legislation

Coroners (Forms) Regulations 2008 (SR 2008/416)

20

Revoke regulations 4 to 8.

In the Schedule, revoke forms 1 to 5.