Approved for reprint 2 December 1980.

CORONERS ACT 1920-1979.

ARRANGEMENT.

Section.

Preliminary.

Appointment of Coroners and nomination of Coroners' Clerks.

Inquests and Inquisitions.

Coroners' Juries.

97816/9/80

Witnesses.

Supplemental.

Forms.

Regulations.

Approved for reprint 2 December 1980.

WESTERN AUSTRALIA.

CORONERS.

11° Geo. V., No. XXIV.

No. 24 of 1920.

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 10 of 1921, assented to 8th November, 1921;
No. 9 of 1954 assented to 6th September, 1954;
No. 15 of 1960, assented to 6th October, 1960;
No. 58 of 1974[1], assented to 3rd December, 1974;
No. 98 of 1979[2], assented to 17th December, 1979;

and by regulations published in the *Government Gazette* on 15th October, 1937, and 15th May, 1963; and reprinted pursuant to the provisions of the Amendments Incorporation Act 1938.]

AN ACT relating to Coroners.

[*Assented to 31st December, 1920.*]

BE it enacted—

Preliminary.

1. This Act may be cited as the *Coroners Act 1920-1979,* and shall come into operation on the first day of January, one thousand nine hundred and twenty-one.

Short title, and commencement. Amended by No. 98 of 1979, s. 1.

2. The Acts mentioned in the First Schedule are hereby repealed, to the extent therein stated.

Repeal.

[1] Came into operation on 29th August, 1975; see *Gazette* 29/8/75, p. 3085.
[2] Came into operation on 20th June, 1980; see *Gazette* 20/6/80, p. 1789.

97816/9/80

Interpretation. Amended by No. 10 of 1921, s. 2; No. 9 of 1954, s. 2; No. 58 of 1974, s. 10; No. 98 of 1979, s. 3.

3. In this Act, unless the contrary intention appears—

"clerk" in relation to a coroner, means a person nominated as a coroner's clerk pursuant to subsection (2) of section four of this Act;

"coroner" includes a deputy coroner, a stipendiary magistrate, and a justice authorized under section five to act as coroner;

"medical practitioner" means a legally qualified medical practitioner registered under the Medical Act 1894;

"Registration Acts" means the Acts in force for the time being relating to the registration of deaths;

"the State" means the State of Western Australia, and includes territorial waters.

In the case of a vacancy in the office of the Attorney General, this Act shall have effect as if the words "Minister for Justice" were inserted in place of the words "Attorney General" wherever those words appear.

Heading amended by No. 98 of 1979, s. 4.

Appointment of Coroners and nomination of Coroners' Clerks.

Appointment of coroners. Amended by No. 98 of 1979, s. 5. See Vict. No. 2634, s. 4.

4. (1) The Governor may—

(a) appoint such and so many persons as he thinks fit to be coroners and deputy coroners;

(b) remove any such coroner or deputy coroner;

(c) make regulations respecting the duties and remuneration of coroners and deputy coroners.

(2) On the recommendation of the Public Service Board of the State, the Attorney General may, by notice published in the *Government Gazette*,[1] nominate as a coroner's clerk any officer of the Public Service of the State specified in the notice by office or other description.

[1] See *G.G.* 20/6/80, p. 1803.

5. The jurisdiction and powers in this Act expressed to be given to coroners may be exercised to the same extent and subject to the same conditions by a deputy coroner, or a stipendiary magistrate, or by any justice acting as a coroner with the authority of the Attorney General or at the request and with the authority of the stipendiary magistrate; and for the purposes of this section all the provisions of this Act relating to coroners shall extend and apply with respect to any such deputy coroner, stipendiary magistrate, or justice.

Jurisdiction of coroners to extend to magistrates and justices authorized to act as coroners. Amended by No. 10 of 1921, s. 3. See *Ibid.*, s. 5.

Jurisdiction and Powers of Coroners.

6. (1) Subject to this Act, where a coroner or his clerk is informed that a person has died within the State, and—

Jurisdiction of coroners. Amended by No. 98 of 1979, s. 6. See 50 and 51 Vict., c. 71, s. 3. Vict. No. 2634, s. 6.

(a) there is reasonable cause to suspect that such person has died either a violent or unnatural death, or has died a sudden death of which the cause in unknown; or

(b) such person has died in prison, or while detained in any hospital for the insane, or in such place or under such circumstances as to require an inquest under any Act,

the coroner shall have jurisdiction to inquire into the manner and cause of the death of such person.

(1a) Subject to this Act, where—

(a) a coroner or his clerk is informed that a person has died outside the State;

(b) the coroner has reasonable cause to believe that—

(i) the person ordinarily resided within the State;

(ii) the death or the cause thereof occurred within the State; or

(iii) the body of that person is within the State; and

(c) there is reasonable cause to suspect that the person has died in such a manner as is referred to in paragraph (a) of subsection (1) of this section, the person has died in such place or in such circumstances as to require an inquiry under any Act or the Attorney General has directed an inquiry into the death of the person,

the coroner has jurisdiction to inquire into and may, and where the Attorney General has so directed shall, inquire into the manner and cause of death of that person.

(1b) Subject to this Act where—

(a) a person is missing and the Attorney General has reasonable cause to suspect that the person has died;

(b) the Attorney General has—

(i) reasonable cause to believe the person ordinarily resided within the State; or

(ii) reasonable cause to suspect that the death or the cause thereof occurred within the State;

(c) the Attorney General has reasonable cause to suspect that the person has died in such a manner as is referred to in paragraph (a) of subsection (1) of this section; and

(d) the Attorney General directs an inquiry into the suspected death of the person,

the coroner has jurisdiction to inquire into and shall inquire into the circumstances of the suspected death of that person, and if the coroner finds that death of that person has been established beyond all reasonable doubt, into the manner and cause of his death.

(1c) Except where the jurisdiction of the coroner depends on the coroner having reasonable cause to believe that the body of a person is within the State, the jurisdiction of a coroner under this section is not

affected by reason that the body of the person is, or the coroner has reasonable cause to believe that it is—

(a) not within the State;

(b) missing;

(c) destroyed; or

(d) in a place from which it cannot be recovered.

(2) Every coroner shall have jurisdiction to inquire into the cause and origin of any fire, whereby the life of man or beast has been lost or endangered, or whereby any building, ship, motor vehicle, merchandise, stack of corn or hay, growing crop, trees, saplings, bushes, shrubs, plants, grass, stubble, or scrub has been destroyed or damaged—

W.A., 51 Vict., No. 14, s. 1. See Vict., No. 2634, s. 6.

(a) if he is of opinion that the inquiry should be held; or

(b) if the Attorney General directs him to hold an inquiry.

7. Every coroner shall have in respect of all inquests—

Powers of coroners. Vict. No. 2634, s. 7. N.Z. 1908, No. 30, s. 6.

(a) all the powers, authority, and jurisdiction which belong to the office of a coroner in England, except so far as the same are varied by, or are inconsistent with this Act; and

(b) the same power of punishing for wilful misbehaviour or wilful interruption of the proceedings of the court, or wilful prevarication in giving evidence, as justices have by any law now or hereafter in force in the case of like offences committed in a court of petty sessions.

8. No coroner, being a medical practitioner, shall be competent or compellable to hold an inquest upon the body of any person whom he attended professionally at or immediately before such person's death, or during his last illness.

Coroner being a medical practitioner not to hold inquest in certain cases. Tas. 1913, No. 3, s. 10.

Power to hold inquests without jury. Amended by No. 98 of 1979, s. 7. Vict. No. 2634, s. 8.

9. (1) It shall not be necessary for any coroner when holding an inquest to have the same taken and made by jurors, unless—

(a) the inquest is concerning the death or suspected death of a person whose death or suspected death has been caused or is suspected to have been caused by an explosion or accident—

(i) in or about a mine to which the Mines Regulation Act 1946 or the Coal Mines Regulation Act 1946 applies; or

(ii) in or about a factory to which the Factories and Shops Act 1963 and its amendments applies; or

(b) the coroner considers it desirable to have a jury; or

(c) in any special case the Attorney General so directs.

(2) Where an inquest is concerning the death or suspected death of any person, if a request in writing for a jury is made by—

(a) any relative of the deceased person, or the person whose death is suspected; or

(b) any person knowing the circumstances leading up to the death or suspected death of that person,

the coroner, if he holds the inquest without jurors, shall set forth in writing his reason for so doing, and transmit the same forthwith to the Attorney General.

View of body not necessary. Amended by No. 98 of 1979, s. 8. Tas. 1913, No. 38, s. 13.

10. On an inquest concerning the death of a person, unless a view is ordered by the Supreme Court or a judge under section fourteen, it shall not be necessary for the coroner or the jury on any inquest of death to view the body of the deceased, unless the coroner or the jury deems it advisable to do so.

Proceedings at inquests.
Amended by No. 9 of 1954, s. 3; No. 15 of 1960, s. 2; No. 98 of 1979, s. 9.
See Vict. No. 2634, s. 9.
Tas. 1913, No. 38, s. 14.

11. (1) Where an inquest concerning the death of any person is held by a coroner without a jury the coroner and where such inquest is held by a coroner with a jury the coroner and jury, shall, if the coroner or the jury deems it advisable, view the body at any stage of the inquest.

(2) Subject to the provisions of subsection (2a) of this section, the coroner shall examine on oath touching the death or suspected death all persons who tender their evidence respecting the facts whom he thinks it expedient to examine.

(2a) On an inquest evidence may be given by affidavit, but the coroner, if he thinks just cause exists for doing so, may summon the person making an affidavit to attend before him as a witness for further examination or cross-examination.

(2b) An affidavit made for the purposes of the provisions of this section may be subscribed and sworn before a person authorized in that behalf by the law of the place, in this State or elsewhere, at which the affidavit is taken or a member of the Police Force of the State.

(2c) Notwithstanding any other provisions of this Act, there is no obligation to summon as a witness a person whose affidavit is made and received under the provisions of this section.

See 50 and 51 Vict., c. 71, s. 4.

(3) On an inquest concerning the death of a person, after viewing the body, if a view is had, and hearing the evidence, the coroner shall give his decision or finding, or the jury their verdict (as the case may be) and certify it by an inquisition in writing setting forth, so far as such particulars have been proved—

(a) who the deceased was; and

(b) how, when and where the deceased came by his death.

(c) [*Repealed by No. 15 of 1960, s. 2.*]

(3a) On an inquest concerning the suspected death of a person—

(a) where the death of the person is established beyond reasonable doubt, the coroner shall give his decision or finding, or the jury their verdict (as the case may be) and certify it in like manner to that required by subsection (3) of this section on an inquest concerning the death of a person; and

(b) where the death of a person is not established beyond reasonable doubt, the coroner shall give his decision or finding, or the jury their verdict (as the case may be) accordingly and certify it by an inquisition in writing.

Ibid., ss. (4).

(4) The coroner or the jury, as the case may be, shall also inquire of, and so far as practicable find, the particulars for the time being required by the Registration Acts to be registered concerning the death that has occurred or that has been established beyond reasonable doubt, as the case may be.

Tas. 1913, No. 38, s. 14.

(5) Where an inquest is held touching the death or suspected death of an infant, the coroner or the jury, as the case may be, may inquire, not only into the immediate cause of death or the circumstances of the suspected death, but also into all such circumstances as may throw light upon the treatment and condition of the infant before death or before the time when death is suspected to have occurred and into such other matters as, in the opinion of the coroner, require investigation in the interests of public justice.

Proceedings at inquest on fire. Amended by No. 15 of 1960, s. 3. Tas., 1913, No. 38, s. 15.

12. (1) Subject to the provisions of subsection (1b) of this section, where an inquest concerning a fire is held, the coroner shall examine on oath touching the cause and origin of the fire all persons who tender their evidence respecting the facts whom he thinks it expedient to examine.

(1b) The provisions of subsections (2a), (2b) and (2c) of section eleven of this Act, apply to the inquest.

(2) After hearing the evidence the coroner shall give his decision or finding, or the jury their verdict, as the case may be, and certify it by an inquisition in writing setting forth, so far as such particulars have been proved, the cause and origin of the fire.

Committal for trial. Added by No. 15 of 1960, s. 4. Amended by No. 58 of 1974, s. 11; No. 98 of 1979, s. 10.

12A. (1) If in the opinion of the coroner the evidence taken at an inquest on a death or suspected death or a fire is sufficient to put a person upon his trial—

(a) in the case of a death that has occurred or that has been established beyond reasonable doubt, as the case may be, for wilful murder, murder or manslaughter; or

(b) in the case of a fire, for arson or any other indictable offence in which the question whether the person caused the fire will be in issue,

he shall order that person to be committed to take his trial for the offence before some court of competent jurisdiction.

(2) The inquisition in writing referred to in subsection (3) of section eleven of this Act shall set forth the name of the person if any so committed for trial.

Finding of death caused by dangerous driving. Added by No. 58 of 1974, s. 12. Amended by No. 98 of 1979, s. 11.

12B. If in the opinion of the coroner the evidence taken at an inquest on a death or suspected death is sufficient to put a person upon his trial for an offence against section fifty-nine of the Road Traffic Act 1974, he shall, in the inquisition in writing referred to in subsection (3) of section eleven of this Act,—

(a) state that opinion; and

(b) set forth the name of that person.

Evidence to be put into writing. See 50 and 51 Vict., c. 71, s. 4 (2).

13. (1) Every coroner upon any inquest by or before him taken shall put into writing, or cause to be put in writing, the evidence given before him, or so much as is material.

(2) The depositions so taken shall be read over to and signed by the witnesses respectively who have been examined, and the coroner shall subscribe the same.

Inquest not to proceed where committal proceedings instituted. Added by No. 15 of 1960, s. 5. Amended by No. 58 of 1974, s. 13; No. 98 of 1979, s. 12.

13A. (1) If after the commencement of an inquest on a fire or a death or suspected death the coroner is informed before he has given his decision or finding or the jury have given their verdict that some person has been charged with an offence in which the question whether the accused person caused the fire or death is in issue, the coroner—

(a) shall adjourn the inquest unless the Attorney General otherwise directs until after the conclusion of the proceedings in respect of the offence;

(b) may, if he thinks fit, discharge the jury where the inquest is being held with a jury; and

(c) shall inform the Attorney General in writing of the inquest and its adjournment and the cause thereof;

(d) if after the conclusion of the proceedings in respect of the offence he considers that there is sufficient cause to resume the inquest, shall by notice to such persons as he deems proper fix a day for the resumption and continue the inquest and, subject to the provisions of subsection (3) of this section, give a decision or finding;

(e) if after the conclusion of the proceedings in respect of the offence he considers that there is not sufficient cause to resume the inquest, shall not resume it and shall report to the Attorney General that the inquest has been discontinued.

(2) If before the commencement of an inquest on a fire or a death or suspected death the coroner is informed that some person has been charged with an offence in which the question whether the accused person caused the fire or death is in issue, the coroner shall not unless the Attorney General otherwise directs commence to hold an inquest on the fire or death of suspected death until the proceedings in respect of the offence have been concluded.

(3) If in the course of the proceedings in respect of the offence a person has been charged on indictment or dealt with summarily for an indictable offence, then upon the resumed inquest the inquisition shall not contain any finding that is inconsistent with the determination of a matter by the result of the proceedings in respect of the offence.

(4) Where a coroner resumes an inquest which has been adjourned in accordance with the provisions of this section and in which the jury has been discharged, the coroner shall proceed anew in all respects as if no inquest had been previously commenced, and the provisions of this Act apply accordingly as if the inquest were commenced for the first time.

(5) If having regard to the proceedings in respect of the offence, the coroner decides not to resume an inquest on a death or suspected death of a person, he shall in the case of a death that has occurred or that has been established beyond reasonable doubt send or cause to be sent by an agent authorized in writing in compliance with the Registration Acts to the Registrar, whose duty it is by law to register the death, particulars stating the result of those proceedings and the particulars necessary for the registration of the death so far as they have been ascertained at the inquest and the Registrar shall thereupon register the death in accordance with the Registration of Births, Deaths and Marriages Act 1961.

(6) For the purposes of this section,

(a) the expression "proceedings in respect of the offence" means proceedings before examining justices and before any court to which the accused person is committed for trial, or before which an appeal from the conviction of that person is heard; and

(b) the proceedings in respect of the offence shall be deemed to be concluded when no appeal, or, as the case may be, no further appeal can be made, without an extension of time being granted.

Ordering of coroner to hold inquest, or another inquest. See 50 and 51 Vict., c. 71, s. 6. Vict. No. 2634, s. 10.

14. (1) Where the Supreme Court or a judge, upon application made by or under the authority of the Attorney General, is satisfied either—

(a) that a coroner refuses or neglects to hold an inquest which ought to be held; or

(b) where an inquest has been held by a coroner that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, or otherwise it is necessary or desirable, in the interests of justice, that another inquest should be held;

the court or judge—

(i) may order an inquest to be held;

(ii) may, if the court or judge thinks fit, order the said coroner to pay such costs of and incidental to the application as may seem just; and

(iii) where an inquest has already been held, may quash the inquisition on that inquest.

(2) The court or judge may order that such inquest shall be held either by the said coroner or by any other coroner; and the coroner ordered to hold the inquest shall for that purpose have the same powers and jurisdiction as, and be deemed to be, the said coroner.

(3) Upon any such inquest, if the case is one of death, it shall not be necessary, unless the court or judge otherwise orders, to view the body; but save as aforesaid the inquest shall be held in like manner in all respects as any other inquest under the Act.

(4) Such application may be made by motion or summons in the matter of the inquest.

(5) The judges of the Supreme Court may make any rules and orders which they consider necessary for carrying the purposes of this section into effect, and for regulating the time, form, and mode of procedure, and generally the practice to be observed in the matters to which this section relates.

Effect of decision where no jury. Amended by No. 9 of 1954, s. 4; No. 15 of 1960, s. 6. Vict. No. 2634, s. 11.

15. Where an inquest is held by a coroner without a jury—

(a) the proceedings thereat shall in all respects be taken as nearly as practicable as if the same were taken or made by jurors;

(b) the decision of such coroner shall for all purposes have the like force and effect as the verdict or finding of a jury thereat;

(c) any references in any Act to a verdict or finding of a coroner's jury shall be deemed to apply also to the decision of a coroner without a jury;

(d) such coroner shall have the like powers in reference to such decision by himself as on the verdict or finding by a jury at a coroner's inquest; and

(e) if the coroner orders a person to be committed to take his trial for any of the indictable offences referred to in section sixteen of this Act, then if, upon the trial of that person, it is proved that any person whose deposition has been taken in accordance with this Act, at the inquest, is dead, or out of the State or is so ill as not to be able to travel, and if the deposition purports

to be signed by the Coroner by or before whom it purports to have been taken, the deposition may be read as evidence on the trial without further proof of it, unless it is proved that it was not in fact signed by the Coroner by whom it purports to be signed.

Proceedings upon an inquisition charging a person with murder. Amended by No. 9 of 1954, s. 5; No. 15 of 1960, s. 7; No. 58 of 1974, s. 14. See 50 and 51 Vict., c. 71, s. 5, Vict. No. 2634, s. 12.

16. (1) Where a coroner orders a person to be committed to take his trial for the offence of wilful murder or murder, the coroner shall issue his warrant for the apprehension and commitment of such person, if a warrant has not been previously issued.

(2) Where a coroner orders a person to be committed to take his trial for the offence of—

(a) manslaughter; or

(b) having wilfully set on fire any property,

(c) [*Deleted by No. 58 of 1974, s. 14*]

the coroner may issue his warrant for the apprehension and commitment of such person.

Admitting to bail in cases of manslaughter and arson. Amended by No. 9 of 1954, s. 6; No. 15 of 1960, s. 8; No. 58 of 1974, s. 15. Vict. No. 2634, s. 13.

17. (1) Where a coroner orders a person to be committed to take his trial for—

(a) manslaughter; or

(b) having wilfully set on fire any property;

(c) [*Deleted by No. 58 of 1974, s. 15*]

the coroner may accept bail with good and sufficient sureties for the appearance of the person so committed at the sitting of the Supreme Court in its criminal jurisdiction or the District Court of Western Australia, at which the trial is to be.

(2) Thereupon such person, if in custody of any member of the police force, or bailiff, or other officer of the coroner's court, or in any prison under a warrant of commitment issued by such coroner, shall be discharged therefrom.

(3) If at any time before the trial such coroner is of opinion that the accused person ought to be admitted to bail, he shall certify on the back of the warrant of commitment his consent to such accused person being bailed, stating also the amount of bail which ought to be required.

(4) Any justice attending or being at the prison where such accused person is in custody may, on production of such certificate, admit such accused person to bail in manner herein mentioned.

Recognisance to be taken. Vict. No. 2634, s. 14, Second Schedule.

18. In every case in which a coroner admits any person to bail he shall—

(a) cause recognisances to be taken in the form in the Second Schedule to this Act;

(b) give a notice thereof to every person so bound; and

(c) transmit such recognisances as soon as possible to the Attorney General.

Depositions and recognisances. Amended by No. 9 of 1954, s. 7; No. 15 of 1960, s. 9; No. 58 of 1974, s. 16. Vict. No. 2634, s. 15.

19. (1) Where a coroner orders a person to be committed to take his trial for—

(a) wilful murder or murder; or

(b) manslaughter; or

(c) wilfully setting on fire any property,

(d) [*Deleted by No. 58 of 1974, s. 16.*].

the coroner shall have authority to bind by recognisance all such persons as know or declare anything material touching the said offence to appear at the sitting of the Supreme Court in its criminal jurisdiction or the District Court of Western Australia, at which the trial is to be, then and there to give evidence against the party charged.

(2) Such coroner shall certify and subscribe all such recognisances and transmit the same to the Attorney General.

Finding to be proceeded upon as on commitment by justices. Vict. No. 2634, s. 16.

20. (1) Every finding at a coroner's inquest, and the warrant of commitment and recognisances of bail thereupon issued or taken shall, for the purposes of the prosecution or discharge of the person committed or held to bail, and the enforcement of all such recognisances, be regarded as equivalent to an ordinary commitment or holding to bail by justices.

(2) It shall be competent for the Attorney General or other officer authorized for the time being to prosecute crimes and misdemeanours in any court of criminal jurisdiction, to dispose of or proceed in the case in all respects as if the charge had been primarily investigated before justices, and they had committed the accused or held him to bail to take his trial.

Verdict of *felo de se* abolished. Tas., 1913, No. 38, s. 25. Vict. No. 2634, s. 17.

21. (1) The verdict of *felo de se* is hereby abolished.

(2) It shall not be lawful for a coroner, or any other person whomsoever, to forbid the rites of Christian burial at the interment of any person who has committed suicide, or died by his own act.

Coroner not to find forfeiture. Vict. No. 2634, s. 18.

22. It shall not be lawful for any coroner or coroner's jury to find any forfeiture of any chattel which may have moved to or caused the death of the deceased.

Inquest may be held on Sundays. Amended by No. 98 of 1979, s. 13. *Ibid.*, s. 19.

23. (1) An inquest concerning the death or suspected death of any person may be commenced or held on a Sunday, if in the opinion of the coroner such course is necessary or desirable.

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

Person interested may attend and examine witnesses. Repealed and re-enacted by No. 98 of 1979, s. 14. *Ibid.*, s. 20.

24. (1) At any inquest, any person who, in the opinion of the coroner, has a sufficient interest in the subject or result of the inquest—

(a) may attend personally or by counsel; and

(b) may examine and cross-examine witnesses;

provided that such examination and cross-examination—

(c) is relevant to the subject of the inquest; and

(d) is conducted according to the law and practice of coroners' inquests,

and the coroner shall disallow any question which, in his opinion, is not relevant or is otherwise not a proper question.

(2) Where the death of the deceased, or in the case of the suspected death of a person it is suspected that his death, may have been caused by an injury received in the course of his employment or by an industrial disease, any person appointed by a trade union to which the deceased at the time of his death, or the person whose death is suspected at the time of his suspected death, belonged shall be deemed to be a person who, in the opinion of the coroner, has a sufficient interest in the subject or result of the inquest for the purposes of this section, if the coroner is satisfied there is consent thereto—

(a) by the spouse of the deceased or the person whose death is suspected; or

(b) where there is no such spouse but there is a child, or there are children, of the deceased or the person whose death is suspected—

(i) by that child or the eldest of those children, as the case requires; or

(ii) where that child or the eldest of those children, as the case requires, is a minor, by the guardian thereof.

but, where the coroner is satisfied that there is no person of a kind referred to in paragraph (a) or (b) of this subsection available and able to give that consent, the coroner may dispense with it, on an application being made in that regard to the coroner by the person appointed by the trade union.

Inquests on deaths from accidents in mines. Amended by No. 113 of 1965, s. 8; No. 98 of 1979, s. 15. *See* 1906, No. 36, s. 35.

25. With respect to every inquest concerning the death or suspected death of any person, where the death of the deceased, or in the case of the suspected death of a person it is suspected that his death, may have been caused by an accident in or about a mine, the following provisions shall apply—

(1) A representative of the person killed or the person it is suspected was killed, and a representative of a miners' association in the district, or of any industrial union of workers, or a representative of the majority of the workmen employed in the mine, and a representative of the owner may examine the locality of the accident, and be present at the inquest, and may examine any witness as to the cause of the accident, subject nevertheless to the order of the coroner.

(2) The inspector shall, when practicable, and the workmen's inspector may, be present and may examine witnesses and elicit evidence relative to the cause of death or to the circumstances of the suspected death and, if death is established beyond reasonable doubt, the cause thereof, and to the issue whether the accident was attributable to negligence, or to any omission to comply with the provisions of the Mines Regulation Act 1946.

(3) The coroner may view the scene of the accident, and, when the inquest is held by a coroner with a jury, if a majority of the jury so desire, the coroner shall arrange for the jury to view the scene of the accident; and the owner and manager of the mine shall afford the coroner, and the jury (if any), the facilities that an owner or manager is required by the said Act to afford to an inspector of mines.

Any owner or manager who fails to comply with the provisions of this subsection shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(4) In this section, the terms "mine," "miner," "inspector," "owner," and "manager" have the meanings attached to them by the Mines Regulation Act 1946.

Inquests on deaths from accidents in coal mines.
Amended by No. 113 of 1965, s. 8; No. 98 of 1979, s. 16.
1 and 2 Edw. VII., No. 25, s. 49.

26. With respect to every inquest concerning the death or suspected death of any person, where the death of the deceased, or in the case of the suspected death of a person it is suspected that his death, may have been caused by an explosion or accident in or about a mine to which the Coal Mines Regulation Act 1946, applies, the following provisions shall have effect:—

(1) When the death of the deceased, or in the case of the suspected death of a person it is suspected that his death, has apparently been caused by an explosion or accident of which the notice is required by the said Act to be given to the inspector of the district, and such notice has not been given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the Minister is present to watch the proceedings.

(2) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.

(3) The coroner, before the adjournment, may, in the case of death, take evidence to identify the body, if any, and may order the interment thereof.

(4) The inspector of the district shall, when practicable, be present at the inquest, and may examine witnesses and elicit evidence relative to the cause of death or to the circumstances of the suspected death and, if death has been established beyond reasonable doubt, the cause thereof, and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of the said Act.

(5) Any relative of any person whose death, or in the case of the suspected death of a person it is suspected his death, may have been caused by the explosion or accident with respect to which the inquest is being held, and the owner or manager of the mine in which the explosion

or accident occurred, and any person appointed by the order in writing of the majority of the workmen employed in the mine, shall be at liberty to attend and examine any witness, either in person or by a legal practitioner, subject nevertheless, to the order of the coroner.

(6) The coroner may view the scene of the accident, and, when the inquest is held by a coroner with a jury, if a majority of the jury so desire, the coroner shall arrange for the jury to view the scene of the accident, and the owner and manager of the mine shall afford the coroner, and the jury (if any) the facilities that an owner or manager is required by the said Act to afford to an inspector.

Any owner or manager who fails to comply with the provisions of this subsection shall be guilty of an offence, and liable to a penalty not exceeding one hundred dollars.

(7) In this section the terms "inspector," "owner," and "manager" have the meanings attached to them by the Coal Mines Regulation Act 1946.

Inquests on deaths from accidents in factories, etc. Amended by No. 113 of 1965, s. 8; No. 98 of 1979, s. 17.

27. With respect to every inquest concerning the death or suspected death of any person, where the death, or in the case of the suspected death of a person it is suspected that his death, may have been caused by, an accident in or about a "place" within the meaning of that term in the Machinery Safety Act 1974, the following provisions shall apply:—

(1) If an inspector is not present the coroner shall adjourn the inquest, and send to an inspector a notice in writing of the time and place of holding the adjourned inquest.

(2) The coroner, before the adjournment, may, in the case of death, take evidence to identify the body, if any, and may order the interment thereof.

(3) An inspector, or a representative of the Industrial Union of Workers of which the deceased, or the person it is suspected was killed, was a member, may examine witnesses and elicit evidence relative to the cause of death, or to the circumstances of the suspected death and, if death has been established beyond reasonable doubt, and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of the Factories and Shops Act 1963 or the Machinery Safety Act 1974.

(4) The coroner may view the scene of the accident, and, when the inquest is held by a coroner with a jury, if a majority of the jury so desire, the coroner shall arrange for the jury to view the scene of the accident, and the occupier of the factory or place, as the case may be, shall afford the coroner and the jury (if any) the facilities that an occupier or owner is required by the Factories and Shops Act 1963 and the Machinery Safety Act 1974, to afford to an inspector. Any occupier of a factory or of a place as aforesaid who fails to comply with the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(5) In this section "inspector" means an inspector of factories or an inspector of machinery appointed under the said Acts respectively; and "occupier" includes any agent, manager, or other person acting or apparently acting in the management or control of a factory or place as aforesaid.

Coroners' Juries.

Coroner's instructions when jury required. Tas., 1913, No. 38, s. 30.

28. (1) When an inquest is to be taken and made by jurors, the coroner may instruct a member of the police force to summon persons to attend and serve as jurors on the inquest.

(2) Such instructions may be given by—

(a) a precept issued under the hand of the coroner; or

(b) a telegram dispatched by the coroner, and directed to the member of the police force.

(3) The method of summoning any person so to serve may be either—

(a) a verbal command on production to him of such precept or telegram as aforesaid; or

(b) service upon him of a juror's summons.

(4) When a person has been summoned by a verbal command, the summoning officer shall, in the presence of the person summoned, indorse a memorandum thereof, in writing, on the precept or telegram.

(5) Service of a juror's summons shall be effected either by delivering it to, or by leaving it at the abode of, the person to whom it is addressed.

Penalty for non-appearance by juror. Amended by No. 113 of 1965, s. 8. Vict. No. 2634, s. 21 (3).

29. (1) If any person having been duly summoned to serve as a juror upon any inquest shall not, after being openly called three times, appear and serve as a juror, or show that he is exempt from service, the coroner is hereby authorized and required to impose upon every person so making default a fine of not more than ten dollars.

(2) If after such fine has been imposed it appears to the coroner by affidavit or statutory declaration—

(a) that such person was exempt from service, the coroner shall make an order remitting the fine; or

(b) that such person was unable to attend, the coroner may, in his discretion, make an order remitting the fine:

Provided that the coroner may, in either of such cases, require that evidence of the fact be given before him orally on oath, and is hereby empowered to administer such oath.

30. (1) The number of jurors at any inquest shall be three.

Constitution of coroner's jury. 62 Vict., No. 10, s. 4.

(2) If, during an inquest, a juror—

(a) dies; or

(b) in the opinion of the coroner becomes from illness or infirmity incapable of continuing to act as a juror,

such inquest may be continued and completed by the remaining two jurors.

31. Subject as hereinafter provided, every man of the full age of twenty-one years who—

Qualification of jurors. Vict. No. 2634, s. 25.

(a) is a natural born or naturalised subject of Her Majesty; and

(b) is not subject to any legal incapacity,

shall be qualified as a juror, and, unless exempted by law, may be summoned or commanded to attend as such.

32. With respect to every inquest concerning the death or suspected death of any person, where the death of the deceased, or in the case of the suspected death of a person it is suspected that his death, may have been caused by an explosion or accident in or about a mine to which the Mines Regulation Act 1946 or the Coal Mines Regulation Act 1946 applies, and the inquest is held by a coroner with a jury, the following provisions shall have effect:—

Disqualification in case of mining fatalities. Amended by No. 58 of 1979, s. 18. See 1906, No. 36, s. 35. 1 and 2 Edw. VII., No. 25, s. 49.

(a) No person having a personal interest in, or employed in the management of, the mine in which the explosion or accident occurred, shall be qualified to serve on the jury; and

(b) It shall be the duty of the summoning officer not to summon any person disqualified under this section; and

(c) It shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury; and

(d) Whenever it is practicable the summoning officer shall summon as jurors persons accustomed to the working of mines; and

(e) Whenever it is practicable at least two of the jurors shall be working miners.

Disqualification where death occurs in prison. 1903, No. 14, s. 51.

33. In no case shall any officer of a prison, or any prisoner confined in a prison, be a juror on an inquest on the body of a prisoner who has died in a prison.

Exemptions.

34. The following persons shall not be liable to be summoned or to serve as jurors at any coroner's inquest—

(a) All persons who under the provisions of the Juries Act 1957, are exempted from serving as jurors;

(b) All persons who are exempt from serving as jurors by virtue of any law of the Commonwealth in force and applicable to this State.

Discharge of jury on failure to find verdict. Tas., 1913, No. 38, s. 37.

35. In case the jury do not agree and return a verdict after deliberating for six hours, the coroner may discharge the jury, and thereupon may proceed anew to hold an inquest as if no inquest had been commenced; but none of the jurors so discharged shall be qualified to serve upon such new inquest.

Payment of jurors.

36. Every juror attending on an inquest and serving on a jury shall be entitled to receive for his service the attendance fee and mileage payable to jurors at the criminal sittings of the Supreme Court,

Witnesses.

37. A coroner may issue a summons according to the form in the Second Schedule to any person whose evidence he may deem necessary to attend the inquest at a time or place named in the summons, and then and there to give evidence and be examined; and the coroner, either in the summons or by an order in writing, may require any person to produce at the inquest whatever in his custody, possession, or control the coroner thinks ought to be produced.

Coroner may summon any person as a witness.
Second Schedule.
Tas., 1913, No. 38, s. 45.

38. (1) Where it appears to the coroner that the deceased person, or the person it is suspected has died, was, at or immediately before his death, or at or immediately before the time when death is suspected to have occurred, attended by a medical practitioner, the coroner may summon such practitioner as a witness:

Medical witnesses.
Amended by No. 98 of 1979, s. 19.
See 50 and 51 Vict., c. 71, s. 21.
Vict. No. 2634, s. 26.
Tas. 1913, No. 38, s. 39.

Provided that where that person was so attended by more than one medical practitioner, the coroner may cause all or any of them to be so summoned.

(2) Where it appears to the coroner that the deceased person, or the person it is suspected has died, was not at or immediately before his death, or at or immediately before the time when death is suspected to have occurred, attended by a medical practitioner, the coroner may summon any medical practitioner as a witness at the inquest.

(3) Where, if death has occurred, the body of the deceased person was, at or immediately after death, viewed or examined by any medical practitioner, the coroner may issue a summons for his attendance.

(4) If death has occurred, any medical witness may be asked to give evidence as to how in his opinion the deceased came to his death.

Additional evidence where cause of death not satisfactorily explained. Amended by No. 98 of 1979, s. 20. 50 and 51 Vict., c. 71, s. 21 (3). Vict. No. 2634, s. 28.

39. If death has occurred, whenever it appears to the coroner, or to a majority of the jury, at any inquest, that the cause of death has not been satisfactorily explained by the medical practitioner or practitioners examined in the first instance at such inquest, the coroner shall forthwith authorize some other medical practitioner to be summoned as a witness at such inquest.

Coroner may order a *post mortem* examination. Amended by No. 98 of 1979, s. 21. See 50 and 51 Vict., c 71, s. 21. Vict. No. 2634, s. 27.

40. (1) In respect of any inquest into the death of a person, the coroner or his clerk may, either in such summons as aforesaid or at any time, direct any medical practitioner to make a *post mortem* examination of the body of the deceased, with or without an analysis of any part of the body or contents thereof:

Provided that if it appears to the coroner that the death of the deceased was probably caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, such practitioner or other person shall not be allowed to perform or assist at any such *post mortem* examination or analysis, although he shall in every such case be allowed to be present thereat.

Tas., 1913, No. 38, s. 40 (2).

(2) If a coroner thinks it advisable to have a *post mortem* examination made of—

(a) a body of any person who has died a sudden death of which the cause is unknown; or

(b) a body respecting which a doubt exists whether it is that of a still-born child—

to assist him in deciding whether or not an inquest ought to be held, he may at any time, and without holding an inquest, direct any medical practitioner to make a *post mortem* examination of such body, with or without an analysis of any part of that body or contents thereof, and to report thereon to the coroner.

41. (1) The fees to be paid to any medical practitioner for attending at any inquest, and for the making of any *post mortem* examination, shall be fixed by scale to be prescribed by the Attorney General from time to time.

Remuneration to witnesses. Amended by No. 10 of 1921, s. 4; No. 98 of 1979, s. 22. See Vict. No. 2634, s. 29. Tas., 1913, No. 38, ss. 43, 46.

Provided that no remuneration shall be paid for the performance of any *post mortem* examination made without the previous direction of the coroner.

(2) [*Repealed by No. 98 of 1979, s. 22.*]

42. (1) When any person who has been summoned to attend any inquest fails or neglects to obey the summons and to appear and give evidence at the inquest, the coroner may impose on such person a fine of not more than forty dollars:

Penalty on witness neglecting to attend. Amended by No. 15 of 1960, s. 10; No. 113 of 1965, s. 8; No. 98 of 1979, s. 23.

Provided that the Attorney General may remit or reduce any such fine if it is proved to his satisfaction that there was good and sufficient excuse for such failure or neglect.

(2) In addition to any fine that may be imposed on the person under the provisions of subsection (1) of this section, the coroner may issue a warrant to apprehend and bring the person before him, at a time and place mentioned in the warrant, to give evidence and be examined on the matter that is the subject of the inquest.

(3) Subject to subsection (4) of this section, on the appearance of a person before the coroner either voluntarily or in obedience to a summons, or upon being brought before them by virtue of a warrant, such person refuses to be examined upon oath concerning the matter, or refuses to take an oath, or having taken an oath refuses to answer such questions concerning the matter as are then put to him, without offering any just excuse for such refusal, the coroner may by warrant commit the person so refusing to gaol, there to remain and be imprisoned for any time not exceeding seven days, unless in the meantime he consents to be examined and to answer concerning the matter.

(4) Without derogating from section eleven of the Evidence Act 1906 at or in relation to an inquest, a person shall not be obliged to answer a question put to him if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

Supplemental.

Procedure. Amended by No. 9 of 1954, s. 8; No. 15 of 1960, s. 11; No. 58 of 1974, s. 17; No. 98 of 1979, s. 24. See 50 and 51 Vict., c. 71, s. 18.

43. (1) The following enactments are hereby made with respect to procedure at coroner's inquests—

(a) The inquisition shall in every case be under the hand of the coroner, and if the inquest was held with a jury the inquisition shall also be under the hands of the jurors. An inquisition need not be under seal.

(b) An inquisition need not be on parchment, and may be written or printed, or partly written and partly printed, and may be according to the form contained in the Second Schedule, and the statements therein may be made in concise and ordinary language:

(c) The coroner, after the termination of an inquest on any death or suspected death, shall, within eight days after the finding thereat, himself or by an agent authorized in writing, in compliance with the Registration Acts, inform the registrar of deaths, whose duty it is by law to register the death, of the particulars required by the Registration Acts to be registered concerning the death or such thereof as could be ascertained, and also the finding or verdict at the inquest, specifying the time and place of holding the inquest:

(d) If a coroner holds or is about to hold an inquest upon anybody, but not otherwise, he may if he thinks fit order the body to

be buried before verdict and before registration of the death, and shall give a certificate of his order in writing under his hand to the undertaker or other person having charge of the funeral:

(e) A coroner holding an inquest upon the body of any infant who has died whilst in the care or charge of a person registered in respect of a nursing home under the provisions of the State Children Act 1907-1919,[1] shall report to the Attorney General the cause of death, and shall in such report make such remarks with respect to the matter as to him seem fit:

(f) Every coroner shall forthwith after an inquisition found by or before him transmit the same and every recognisance taken before him, with the depositions of witnesses and the statements (if any) of any accused person, to the Attorney General to be enrolled and recorded.

(g) A person ordered by the coroner at an inquest to be committed to take his trial for the offence of—

(a) wilful murder or murder; or

(b) manslaughter; or

(c) having wilfully set on fire any property,

(d) [*Deleted by No. 58 of 1974, s. 17*]

shall be entitled to have from the person having for the time being the custody of the inquisition, or of the depositions of the witnesses at the inquest, a copy thereof free of charge, and any other person shall be entitled to have a copy thereof on payment for the same at the rate prescribed from time to time by regulations made under the

[1] Title changed to Child Welfare Act by Act No. 22 of 1927 and was repealed by Child Welfare Act 1947.

Justices Act 1902 for copy depositions taken in a court of petty sessions for each folio of seventy-two words.

(h) Where in the opinion of the coroner the evidence taken at an inquest is sufficient to put a person upon his trial for an offence against section fifty-nine of the Road Traffic Act 1974 the coroner shall transmit a copy of the inquisition to the Minister of the Crown to whom the administration of that section is for the time being committed.

(i) (a) The coroner shall not express any opinion on any matter outside the scope of the inquest except in a rider which, in the opinion of the coroner is designed to and may, if given effect to, prevent the recurrence of similar occurrences.

(b) A rider is not part of the decision or finding of a coroner but it may be recorded if the coroner thinks fit.

(j) A coroner shall not frame his decision or finding in such a way as to appear to determine any question of civil liability or as to suggest that any person is found guilty of an indictable or simple offence as defined in section four of the Justices Act 1902.

(2) Where a coroner who has commenced an inquest dies or retires before completing it or is unable by reason of absence on leave, illness, or other cause to complete the inquest or to complete it within a reasonable time, as the case may be, the Attorney General may direct any other coroner who is a stipendiary magistrate to continue and complete the inquest as if he were the person who commenced it and to take into account evidence given previously at or in relation to the inquest, and if the Attorney General so directs that other coroner shall comply with the direction.

Inquisition to be amended and not quashed for defects.
Amended by No. 9 of 1954, s. 9; No. 15 of 1960, s. 12; No. 58 of 1974, s. 18.
See 50 and 51 Vict., c. 71, s. 20; 27 Vict., No. 1, s. 3.

44. (1) If in the opinion of the court having cognisance of the case an inquisition finds sufficiently the matters required to be found thereby, and where a coroner orders a person to be committed to take his trial for wilful murder or murder, or manslaughter, or with having wilfully set fire to any property sufficiently designates that person and the offence for which the person is so committed, the inquisition shall not be quashed for any defects, and the court may order the proper officer of the court to amend any defect in the inquisition and any variance occurring between the inquisition and the evidence offered in proof thereof, if the court is of opinion that such defect or variance is not material to the merits of the case, and that the defendant or person traversing the inquisition cannot be prejudiced by the amendment in his defence or traverse on the merits.

(2) The court may order the amendment on such terms as to postponing the trial to be heard before the same or another jury as to the court may seem reasonable, and after the amendment the trial shall proceed in like manner, and the inquisition, verdict and judgment shall be of the same effect, and the record shall be drawn up in the same form, in all respects as if the inquisition had originally been in the form in which it stands when so amended.

(3) For the purpose of any such amendment, the court may respite any of the recognisances taken before the coroner, and the persons bound by such recognisances shall be bound without entering into any fresh recognisances to appear and prosecute, give evidence, or be tried at the time and place to which the trial is postponed, as if they were originally bound by their recognisances to appear and prosecute, give evidence, or be tried at that time and place.

Warrant for disinterment.
19 Vict., No. 10, s. 2. 2 Edw. VII., No. 42, s. 8.

45. It shall be lawful for a coroner in the case of any death, sudden or violent, or apparently not natural, to order the disinterment of the body by warrant under his hand in or to the effect of the form in the Second Schedule to this Act.

Notice. Amended by No. 113 of 1965, s. 8. 19 Vict., No. 10, s. 4.

46. Whenever any dead body shall be found, or any case of sudden, violent, or apparently not natural death shall occur, then any person knowing or becoming acquainted with such death, or knowing of any dead body being found, shall forthwith give notice thereof to the nearest coroner, justice, or member of the police force, and in default thereof shall on conviction of such neglect or omission be liable to a penalty of not exceeding twenty dollars.

Power of coroner on default of payment of fine. Tas., 1913, No. 38, s. 48.

47. (1) On default in payment of any fine imposed under this Act, the coroner may make out and sign a certificate stating—

(a) the name, residence, and occupation of the person so making default;

(b) the amount of the fine imposed; and

(c) the cause of the fine—

and transmit the said certificate to the clerk of petty sessions acting at the nearest place of holding petty sessions.

Ibid., s. 49.

(2) In every case in which a certificate has been transmitted to a clerk of petty sessions in pursuance of this section, the payment of the fine shall be enforced as if such fine had been part of the fines imposed by justices in petty sessions at such place of holding petty session.

How prisoners may be brought before coroners. Vict. No. 2634, s. 31. Form 14.

48. (1) Where any prisoner is detained in a prison or police gaol for any cause, or in the custody of the sheriff or any of his officers for any cause, and an inquest is pending at which it is deemed necessary that such prisoner should give evidence, or should be present, the coroner before whom such inquest is to be held may issue an order in or to the effect of the form in the Second Schedule to this Act.

(2) Every prisoner brought up under any such order shall be deemed to be in the legal custody of the prison officer, member of the police force, or other officer having the temporary custody of such prisoner, and acting under such order, who shall in due course return the prisoner into the custody from which the prisoner has been so brought up.

Right of action not affected by this Act. Vict. No. 2634, s. 32.

49. No proceedings taken under the authority of this Act shall take away or interfere with, or be deemed to take away or interfere with, the right of any person to sue for and recover compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire.

Obstruction of coroner. Amended by No. 113 of 1965, s. 8. *Ibid.*, s. 33.

50. Any person who obstructs any coroner or any person acting under the authority of such coroner in the performance of any duty required by this Act shall be liable to a penalty of not exceeding forty dollars.

Forms.

Schedule of forms. *Ibid.*, s. 34.

51. The forms contained in the Second Schedule to this Act may be altered by regulations, but unless and until so altered shall be deemed sufficient and may be used in all proceedings, by and before coroners.

Regulations.

Regulations. *Ibid.*, s. 35.

52. The Governor may make regulations—

(a) for the conduct of and procedure relating to inquests;

(b) for altering any of the forms set out in the Second Schedule to this Act, and prescribing other and additional forms; and

(c) generally as to any matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Section 2.

THE FIRST SCHEDULE.

Date and Number.	Title.	Extent of Repeal
19 Vict., No. 10	An Ordinance to facilitate inquiries in the nature of Coroners' Inquests	The whole.
27 Vict., No. 1	An Ordinance to amend the law respecting inquiries in the nature of Coroners' Inquests	The whole.
51 Vict., No. 14	The Fire Inquiry Act, 1887	The whole.
58 Vict., No. 36	The Medical Act, 1894	Part IV.
1 and 2 Edwd. VII., No. 25	The Coal Mines Regulation Act, 1902	Section 49.
6 Edwd. VII., No. 36	The Mines Regulation Act, 1906	Section 35.

Second Schedule.
Amended by *G.G.* 15/10/37, p. 1683; *G.G.* 15/5/63, pp. 1293-5; Act No. 15 of 1960, s. 13; Act No. 113 of 1965, s. 8; No. 98 of 1979, s. 25.

THE SECOND SCHEDULE.

Form 1.

Coroners Act 1920.

JUROR'S SUMMONS

Western Australia,
To Wit.

To

By virtue of a precept under the hand of , a coroner for the State of Western Australia [*or* deputy coroner, stipendiary magistrate, *or* justice authorized by the Attorney General to act as a coroner], you are hereby summoned personally to be and appear before him as a juryman on the day of , at of the clock in the noon, at , in the said State, then and there to inquire on Her Majesty's behalf touching the death or suspected death of [*or* concerning the cause and origin of a certain fire whereby [*describe the property*] was destroyed or damaged], and further to do and execute such other matters and things as shall be then and there given you in charge, and not to depart without leave.

Dated this day of , 19 .

Member of Police Force.

Form 2.

OATH TO BE ADMINISTERED TO JURY

"You shall diligently inquire and true presentment make on behalf of our Sovereign Lady the Queen, when, where, how, and in what manner A.B. [*or* a person unknown, *as the case may be*] came to his death or suspected death [*or* what was the cause and origin of the fire by which [*describe the property*] was destroyed or damaged] and of such other matters relating to the same as shall be lawfully required of you according to the evidence. So help you God."

Form 3.

RECOGNISANCE OF JURORS AT AN ADJOURNED INQUEST

"You acknowledge yourself severally to owe to our Sovereign Lady the Queen the sum of dollars, to be levied on your goods and chattels, lands and tenements, for Her Majesty's use, upon condition that if you and each of you do personally appear here again [*or* at an adjourned place], on next, being the day of , at o'clock in the noon, then and there to make further inquiry on behalf of Our said Lady the Queen touching the death or suspected death of A.B. [*or otherwise as the case may be*] then this recognisance to be void or else to remain in full force. Are you content."

Record of Recognisance

Be it remembered [*names of jurors in full*] of in the State of Western Australia, who were duly sworn and charged to inquire on behalf of our Sovereign Lady the Queen touching the death or suspected death of [*name of deceased or person whose death is suspected*] [*or otherwise as the case may be*] severally acknowledge to owe to our said Sovereign Lady the Queen the sum of dollars each of good and lawful money to be levied for the use of Her Majesty on the several goods and chattels, lands, and tenements of any of them who shall make default in the following condition.

The condition of this recognisance is such that if each of the above-bounden persons shall appear personally at [*naming place*] on [*naming day*] at [*hour*] o'clock in the noon, then and there to make further inquiry touching the death or suspected death of the said [*deceased or person whose death is suspected*] [*or* the cause and origin of a fire whereby, etc., *or otherwise, as the case may be*] then this recognisance to be void, or else to remain in full force as against any of the said persons who shall not so appear.

Taken and acknowledged this at [*place*] before me

Coroner.

Form 4.

PROCLAMATION OF ADJOURNMENT.

"All manner of persons who have anything more to do at this court before the coroner may depart home at this time and give their attendance here again [*or* at the adjourned place] on next being the day of , at o'clock. God save the Queen."

Form 5.

PROCLAMATION AT ADJOURNED MEETINGS.

"All manner of persons who have anything more to do at this court before the coroner on this inquest now to be taken and adjourned over to this time and place draw near and give your attendance. And you gentlemen of the jury who have been empanelled and sworn upon this inquest to inquire touching the death or suspected death of A.B. [*or otherwise, as the case may be*] severally answer to your names and save your recognisances."

Form 6.

Coroners Act 1920.

SUMMONS TO WITNESS.

Western Australia,
To Wit.

By virtue of this my order as a coroner for the State of Western Australia [*or* deputy coroner, stipendiary magistrate, *or* a justice authorized by the Attorney General to act as a coroner], you are hereby summoned and commanded personally to be and appear before me and my inquest on next, the day of , 19 , at of the clock in the noon, at [*state place where inquest is to be held*] in the said State, then and there to give evidence and be examined on Her Majesty's behalf touching the death or suspected death of [*or* concerning the cause and origin of a certain fire whereby (*describe the property*) was destroyed or damaged], and then and there have and produce [*state what is required to be produced*], and further to do and execute all such matters and things as shall be then and there demanded of you, and not to depart without leave.

Dated this day of , 19 .

Form 7.

Coroners Act 1920.

SUMMONS TO MEDICAL WITNESSES.

Coroner's Inquest at
on the death or suspected death of

By virtue of this my order as a coroner for the State of Western Australia, you are required to appear before me and my inquest at in the said State, on the day of , 19 , at of the clock in the noon, to give evidence touching the cause of death or suspected death of [*and then add, when the witness is required to make or assist at a post-mortem examination*], and make, or assist in making, a post-mortem examination of the body, with [*or* without] an analysis of any part of the body or contents thereof, [*as the case may be*], and report thereon at the said inquest.

Dated this day of , 19 .

To Coroner.

Form 8.

OATH TO BE ADMINISTERED TO WITNESS.

"The evidence you shall give at this inquest on behalf of our Sovereign Lady the Queen touching the death or suspected death of A.B. [*or otherwise, as the case may be*] shall be the truth, the whole truth, and nothing but the truth. So help you God."

Form 9.

Coroners Act 1920.

DEPOSITION OF WITNESS.

Western Australia,
To Wit.

The examination of , of , taken and acknowledged on behalf of Our Sovereign Lady the Queen at an inquest held at on the day of , 19 , touching the death or suspected death of [*or* a certain fire at] before

This deponent upon oath saith as follows:—

Form 10.

Coroners Act 1920.

RECOGNISANCE OF WITNESSES.

Western Australia,
To Wit.

Be it remembered that on the day of one thousand nine hundred and , each of the following persons, namely, J.K., of , and R.S. of [*insert the names of all bound over*], personally came before me, a coroner for the State of Western Australia, and acknowledged to owe to Our Sovereign Lady the Queen the sum of dollars, to be levied on his goods and lands by way of recognisance to Her Majesty's use if default is made on his part in the conditions following:—

In case of recognisance to appear and give evidence before the coroner add:—

He shall appear personally at the court of the said coroner to be held on the day of next, at , in the said State, for holding an inquest on the death or suspected death of A.B., there to give evidence of anything he knows touching the death or suspected death of A.B., and shall not depart the said court without leave.

In case of recognisance to prosecute and give evidence at the Supreme Court or District Court of Western Australia add:—

He shall appear personally at the criminal sittings of the Supreme Court [*or* District Court of Western Australia] to be holden at , in the said State, there to prosecute and give evidence to the jury that try K.L. (now in custody for the wilful murder of A.B.), upon any indictment that may be filed against the said K.L. by Her Majesty's Attorney General or other officer duly appointed for that purpose; and shall not depart the court without leave.

[*In every case add at the end:—*]

Then if the above conditions are fulfilled, this recognisance shall be void, but otherwise shall remain in full force.

Form 11. [*Deleted by No. 98 of 1979, S.25.*]

Form 12.

Coroners Act 1920.

WARRANT TO EXHUME A BODY FOR THE PURPOSE OF AN INQUEST.

To the Trustees of the Cemetery.

Western Australia, }
To Wit. }

Whereas complaint has been made to me, a coroner for the State of Western Australia [*or* deputy coroner, stipendiary magistrate, *or* a justice authorized by the Attorney General to act as a coroner], that on the day of , 19 , the body of one A.B. was buried in the cemetery, and that the said A.B. died not of a natural but violent death [*or otherwise, as the case may be*]: And whereas no notice thereof has been given to any coroner whereby an inquest might have been had on view of the body of the said before interment as by law required: These are therefore to command you that you forthwith cause the body of the said to be taken up and safely conveyed to in the said State, that I with my inquest may have a view thereof, and proceed therein according to law.

Given under my hand and seal this day of , 19 .

Coroner.
[L.S.]

Form 13.

Coroners Act 1920.

CORONER'S CERTIFICATE FOR BURIAL.

I [*insert name in full*], a coroner for the State of Western Australia, hereby order the burial of the body shown to me [*or* identified to my satisfaction], as the body of A.B. [*or, as the case may be*].

Witness my hand, this day of , 19 .
Coroner.

Form 14.

Coroners Act 1920.

ORDER FOR BRINGING UP PRISONER.

To the Superintendent of the prison at [*or as the case may be*], and to all members of the Police Force in Western Australia.

It is hereby ordered under Section 48 of the Coroners Act 1920, that A.B. [*name of prisoner*], a prisoner now in your custody at be brought up before , a coroner for the State of Western Australia [*or* deputy coroner, stipendiary magistrate, *or* a justice authorized by the Attorney General, to act as a coroner], and the said [*name of prisoner*] is to remain in the custody of the officer, local gaoler, or member of the police force acting under this order until the said [*name of prisoner*] is in due course returned to the custody of the superintendent of the prison at [*or as the case may be*].

Dated the day of , 19 .

Coroner.

Form 15.

Coroners Act 1920.

WARRANT OF APPREHENSION AND COMMITMENT.

To and all members of the Police Force in the State of Western Australia, and also to the Superintendent of the prison at , in the said State.

Western Australia, To Wit.

Whereas at an inquisition taken before me, a coroner for the said State [*or* deputy coroner, stipendiary magistrate, *or* a justice authorized by the Attorney General to act as a coroner] this day of , 19, touching the death or suspected death of A.B., one C.D., late of , in the said State, , stands committed to take his trial for wilful murder of the said A.B. [*or otherwise, as the case may be*]: These are therefore, by virtue of my office, in Her Majesty's name, to charge and command you and every one of you, without delay to apprehend and forthwith convey the body of the said C.D. to the prison at , and safely to deliver the same to the superintendent of the said prison. And these are likewise, by virtue of my office, to will and require you, the superintendent of the said prison, to receive the body of the said C.D. into your custody and him safely to keep in the said prison until he shall be thence discharged by due course of law, and for your so doing this shall be your warrant.

Given under my hand, this day of , 19 .

Coroner.

Form 16.

Western Australia.

Coroners Act 1920.

INQUISITION.

(Taken without a Jury.)

Western Australia,
To Wit.

An Inquisition taken at , within the State of Western Australia, this day of 19 (and by adjournment on the day of 19), * , by me , a Coroner for the said State (*or* Deputy Coroner, Stipendiary Magistrate, *or* a Justice authorized by the Attorney General *or* by the Stipendiary Magistrate to act as a Coroner) by law authorized to inquire—

* Or as the case may require.

When, where and after what manner (*or* a person to me unknown) came by death (*or in the case of suspected death*).

Into the circumstances of suspected death of and, if death has been established beyond reasonable doubt, when, where and after what manner (or a person to me unknown) came by death.

Upon inquiry I find:

(a) .....

.....

.....

.....

.....

.....

Here set out: (a) the circumstances of the death or suspected death and findings: and (b) Rider (if any).

(Section 43 (1) (1) (a) of the Coroners Act 1920, provides that the Coroner shall not express any opinion on any matter outside the scope of the inquest, except in a rider which, in his opinion, is designed to, and may, if given effect to, prevent the recurrence of similar occurrences. A rider is not part of the decision or finding, but it may be recorded, if the Coroner thinks fit.)

(b) .....

.....

.....

In witness whereof I, the said Coroner ( ), have to this inquisition set my hand, at , in the said State, this day of 19 .

Coroner.

Form 17.

Coroners Act 1920.

FORMAL PARTS OF INQUISITION.

TAKEN WITH A JURY.

Western Australia, }
To Wit. }

An inquisition taken at , within the State of Western Australia, this day of , 19 [and by adjournment on the day of , *or as the case may require*] before me, , a coroner of the said State [*or* deputy coroner, stipendiary magistrate, *or* a justice authorised by the Attorney General to act as a coroner], upon the oaths [*or* and affirmations] of [*here insert the names of the jurors*], and who, being duly sworn and charged to inquire.

Here set out the following paragraph (1) if the inquiry is as to a death or is as to a suspected death and death has been established beyond reasonable doubt, or paragraph (2) if as to a fire:—

(1) When, where, how, and after what manner C.D. [*or* a person to the jurors unknown], [*insert if such is the case*, whose dead body has been viewed by], came by death:

(2) Into the cause and origin of a certain fire, whereby certain property, to wit , of C.D., situated at was destroyed [*or* damaged].

Then proceed as follows:—And the said jurors whose names are hereunto subscribed upon their oaths do say:—

Here set out—

(a) The circumstances of the death or suspected death or fire; and

(b) The findings.

In witness whereof as well the said coroner as the jurors have to this inquisition set their hands, at , in the said State, this day of , one thousand nine hundred and

.....Coroner.

.....Foreman.

.....

.....

Form 18.

Western Australia.

Coroners Act 1920.

APPOINTMENT OF JUSTICE OF THE PEACE TO ACT AS A CORONER.

Under the powers conferred on me by section 5 (as amended) of the Coroners Act No. 24 of 1920, I hereby appoint of , Justice of the Peace, to act as a Coroner for the purpose of holding an inquiry into the manner and cause of death or the circumstances of the suspected death of of deceased (or in the case of suspected death—who, it is suspected, has died).

Dated this day of , 19 .

.....
Stipendiary Magistrate.

NOTE:—The original of this form is to be attached to the inquisition papers, or to the file on which the Acting Coroner records his decision not to hold an inquest, and the appointment should be dated as at the date when the authority was actually issued.

By Authority: WILLIAM C. BROWN, Government Printer