

CORONERS.

9° Elizabeth II., No. XV.

No. 15 of 1960.

AN ACT to amend the Coroners Act, 1920-1954.

[Assented to 6th October, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Coroners Act Amendment Act, 1960.* Short title and citation.

(2) In this Act the Coroners Act, 1920-1954, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Coroners Act, 1920-1960.

s. 11
amended.

2. Section eleven of the principal Act is amended—

(a) by substituting for the word “The” being the first word in line one of subsection (2), the passage, “Subject to the provisions of subsection (2a) of this section, the”;

(b) by adding after subsection (2) the following subsections:—

(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 authorised by law to take affidavits 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. ;

(c) by adding after the passage, “was;” in paragraph (a) of subsection (3), the word, “and”;

(d) by substituting for the passage, “; and” in line eight of subsection (3) a full stop; and

(e) by repealing paragraph (c) of subsection (3).

3. Section twelve of the principal Act is ^{S. 12} amended—

- (a) by substituting for the word, "Where" being the first word in line one of subsection (1), the passage, "Subject to the provisions of subsection (1b) of this section, where";
- (b) by adding the following subsection:—
 - (1b) The provisions of subsections (2a), (2b) and (2c) of section eleven of this Act, apply to the inquest. ; and
- (c) by deleting the passage commencing, "and" in line five of subsection (2) down to and including the word, "offence" being the last word in the subsection.

4. The principal Act is amended by adding after ^{S. 12A} section twelve the following section:— ^{added.}

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

- (a) in the case of a death, for wilful murder, murder, manslaughter, or reckless or dangerous driving; 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.

S. 13A
added.

5. The principal Act is amended by adding after section thirteen the following section:—

Inquest
not to
proceed
where
committal
proceedings
instituted.

13A. (1) If after the commencement of an inquest on a fire or a 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 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 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, 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 on the indictment.

(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, he shall send or cause to be sent by an agent authorised 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, 1894.

(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.

S. 15
amended.

6. Paragraph (e) of section fifteen of the principal Act is amended by substituting for the passage commencing with the word, “if” in line one down to and including the word, “charged” in line five, the passage, “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”.

S. 16
amended.

7. Section sixteen of the principal Act is amended—

- (a) by substituting for the words, “coroner’s inquisition charges a person with” in lines one and two of subsection (1), the words, “coroner orders a person to be committed to take his trial for”; and
- (b) by substituting for the words, “coroner’s inquisition charges a person with” in line one of subsection (2), the words, “coroner orders a person to be committed to take his trial for”.

8. Subsection (1) of section seventeen of the principal Act is amended— S. 17
amended.

- (a) by substituting for the words, “coroner’s inquisition charges a person with” in lines one and two, the words, “coroner orders a person to be committed to take his trial for”; and
- (b) by substituting for the word, “charged” in line seven, the word, “committed”.

9. Subsection (1) of section nineteen of the principal Act is amended by substituting for the words, “coroner’s inquisition charges a person with” in lines one and two, the words “coroner orders a person to be committed to take his trial for”. S. 19
amended.

10. Section forty-two of the principal Act is amended— S. 42
amended.

- (a) by adding after the section number, “42” the subsection designation, “(1)”; and
- (b) by adding a subsection as follows:—

(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.

11. Section forty-three of the principal Act is amended— S. 43
amended.

- (a) by substituting for the words, “charged by an inquisition with” in line one of subsection (7), the words, “ordered by the coroner at an inquest to be committed to take his trial for”;

(b) by substituting for the words, “of four-pence” in line eleven of subsection (7), the passage, “prescribed from time to time by regulations made under the Justices Act, 1902, for copy depositions taken in a court of petty sessions”; and

(c) by adding the following subsections:—

(8) (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.

(9) 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.

S. 44
amended.

12. Subsection (1) of section forty-four of the principal Act is amended—

(a) by substituting for the words, “it charges a person with” in lines three and four, the words, “a coroner orders a person to be committed to take his trial for”; and

(b) by substituting for the word, “charged” in line six, the words, “for which the person is so committed”.

13. The Second Schedule to the principal Act is amended—

Second
Schedule
amended.

- (a) by substituting for the words, “charged with” in line twelve of the form, “Warrant of Apprehension and Commitment” the words, “committed to take his trial for”; and
 - (b) by deleting the form, “Specimen Findings”.
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