

CORONERS.

11° GEO. V., No. XXIV.

No. 24 of 1920.

AN ACT relating to Coroners.

[Assented to 31st December, 1920.]

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

Preliminary.

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

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 The Acts mentioned in the First Schedule are hereby repealed, to the extent therein stated.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

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

“Coroner” includes a deputy coroner, a resident magistrate, and a justice authorised by the Attorney General to act as a 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.

“Resident magistrate” includes a police magistrate.

“The State” means the State of Western Australia, and includes territorial waters.

Appointment of Coroners.

Appointment of coroners.

See Vict. No. 2634, s. 4.

4. 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.

Jurisdiction of coroners to extend to magistrates and justices authorised to act as coroners.

See *ibid.*, s. 5.

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 resident magistrate, or by any justice acting as a coroner with the authority of the Attorney General; 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, resident magistrate, or justice.

Jurisdiction and Powers of Coroners.

Jurisdiction of coroners.

See 50 and 51 Vict., c. 71, s. 3.

Vict. No. 2634, s. 6.

6. (1.) When a coroner is informed that the dead body of a person is lying within the State, and—

- (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 is 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.

W.A., 51 Vict., No. 14, s. 1.

See Vict. No. 2634, s. 6.

(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—

- (a) if he is of opinion that the inquiry should be held; or
- (b) if the Attorney General directs him to hold an inquiry.

Powers of coroners.

Vict. No. 2634, s. 7.

N.Z. 1908,

No. 30, s. 6.

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

- (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.

Inquests and Inquisitions.

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

Power to hold inquests without jury.

Vict. No. 2634, s. 8.

(a) the inquest is on the body of a person whose death has been caused by an explosion or accident—

(i) in or about a mine to which the Mines Regulation Act, 1906, or the Coal Mines Regulation Act, 1902, applies; or

(ii) in or about a factory to which the Factories Act, 1904, 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 on the death of any person, if a request in writing for a jury is made by—

(a) any relative of the deceased person; or

(b) any person knowing the circumstances leading up to the death of the deceased person,

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

10. 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.

View of body not necessary.
Tas. 1913, No. 38,
s. 13.

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.

Proceedings at inquests.
See Vict. No. 2634,
s. 9.
Tas. 1913, No. 38,
s. 14.

(2.) The coroner shall examine on oath touching the death all persons who tender their evidence respecting the facts whom he thinks it expedient to examine.

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

(3.) 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;

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

(c) if he came by his death by wilful murder, murder, or manslaughter, the persons, if any, found to have been guilty of such offence.

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.

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

(5.) Where an inquest is held touching the death of an infant, the coroner or the jury, as the case may be, may inquire, not only into the immediate cause of death, but also into all such circumstances as may throw light upon the treatment and condition of the infant during life, 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.
Tas.* 1913, No. 38,
s. 15.

12. (1.) 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.

(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, and also, if the property destroyed or damaged by fire was wilfully set on fire and an offence thereby committed cognisable upon an indictment filed in the Supreme Court, the persons (if any) found to have been guilty of such offence.

*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.

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

Ordering of coroner to hold inquest, or another inquest.
See 50 and 51 Vict., c. 71, s. 6.
Vict. No. 2334, s. 10.

- (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 times, 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.
Vict. No. 2634,
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) the depositions taken shall, on the trial of any person, be as admissible in evidence as if such depositions had been taken at an inquest held before a coroner and jury.

Proceedings upon an
inquisition charging
a person with
murder.
See 50 and 51 Vict.,
c. 71, s. 5.
Vict. No. 2634, s. 12.

16. (1.) Where a coroner's inquisition charges a person with 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's inquisition charges a person with the offence of—

- (a) manslaughter; or
- (b) having wilfully set on fire any property,

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

Admitting to bail in
cases of
manslaughter and
arson.
Vict. No. 2634, s. 13.

17. (1.) Where a coroner's inquisition charges a person with—

- (a) manslaughter; or
- (b) having wilfully set on fire any property,

the coroner may accept bail with good and sufficient sureties for the appearance of the person so charged at the sitting of the Supreme Court in its criminal jurisdiction or Court of General Session of the Peace, 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.

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

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

- (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.

19. (1.) Where a coroner's inquisition charges a person with—

Depositions and recognisances.
 Vict. No. 2634, s. 15.

- (a) wilful murder or murder; or
- (b) manslaughter; or
- (c) wilfully setting on fire any property,

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 Court of General Sessions of the Peace, 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.

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.

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

(2.) It shall be competent for the Attorney General or other officer authorised 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. 33, 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 rights 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.

Ibid., s. 19.

23. (1.) An inquest concerning the 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.

Ibid., s. 20.

24. 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.

Inquests on deaths from accidents in mines.

See 1906, No. 36, s. 35.

25. With respect to every inquest on the body of any person whose 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, 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, 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, 1906.

(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 fifty pounds.

(4.) In this section, the terms "mine," "miner," "inspector," "owner," and "manager" have the meanings attached to them by the Mines Regulation Act, 1906.

26. With respect to every inquest on the body of any person whose death may have been caused by an explosion or accident in or about a mine to which the Coal Mines Regulation Act, 1902, applies, the following provisions shall have effect:—

Inquests on deaths from accidents in coal mines.
1 and 2 Edw. VII., No. 25, s. 49.

(1.) When the death has apparently been caused by an explosion or accident of which 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 take evidence to identify the body, 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, 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 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 fifty pounds.

(7.) In this section the terms "inspector," "owner," and "manager" have the meanings attached to them by the Coal Mines Regulation Act, 1902.

Inquests on deaths
from accidents in
factories, etc.

27. With respect to every inquest on the body of any person whose death may have been caused by an accident in or about a factory or a "building" within the meaning of that term in the Inspection of Machinery Act, 1904, 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 take evidence to identify the body, and may order the interment thereof.
- (3) An inspector, or a representative of the Industrial Union of Workers of which the deceased was a member, may examine witnesses and elicit evidence relative to the cause of death, and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of the Factories Act, 1904, or the Inspection of Machinery Act, 1904.
- (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 building, 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 Act, 1904, and the Inspection of Machinery Act, 1904, to afford to

an inspector. Any occupier of a factory or of a building 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 fifty pounds.

- (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 building as aforesaid.

Coroners' Juries.

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.

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

(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.

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 authorised and required to impose upon every person so making default a fine of not more than five pounds.

Penalty for non-
appearance by
juror.
Vict. No. 2634,
s. 21 (3)

(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.

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

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

(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.

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

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

(a) is a natural born or naturalised subject of His 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.

Disqualification in
case of mining
fatalities.

See 1906, No. 36,
s. 35.

1 and 2 Edw. VII.,
No. 25, s. 49.

32. With respect to every inquest on the body of any person whose death has been caused by an explosion or accident in or about a mine to which the Mines Regulation Act, 1906, or the Coal Mines Regulation Act, 1902, applies, and the inquest is held by a coroner with a jury, the following provisions shall have effect:—

(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.

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.

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

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

Exemptions.

- (a) All persons who under the provisions of the Jury Act, 1898, 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.

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.

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

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.

Payment of jurors

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 was, at or immediately before his death, attended by a medical practitioner, the coroner shall summon such practitioner as a witness:

Medical witnesses.
See 50 and 51 Vict., c. 71, s. 21.
Vict. No. 2634, s. 26.
Tas., 1913, No. 38, s. 39.

Provided that where the deceased 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 was not at or immediately before his death attended by a medical practitioner, the coroner may summon any medical practitioner as a witness at the inquest.

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

(4.) 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.

50 and 51 Vict., c. 71, s. 21 (3).

Vict. No. 2634, s. 28.

39. 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 authorise some other medical practitioner to be summoned as a witness at such inquest.

Coroner may order a *post mortem* examination.

See 50 and 51 Vict., c. 71, s. 21.

Vict. No. 2634, s. 27.

40. (1.) The coroner may, either in such summons as aforesaid or by an order in writing at any time before the termination of the inquest, direct any medical practitioner to make a *post mortem* examination of the body of the deceased, with or without an analysis of the contents of the stomach or intestines:

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, by order in writing direct any medical practitioner to make a *post mortem* examination of such body 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.
See Vict. No. 2634, s. 29.
Tas., 1913, No. 38, ss. 43, 46.

Provided that—

- (i) no remuneration shall be paid for the performance of any *post mortem* examination made without the previous direction of the coroner; and
- (ii) when the death has happened in a public hospital or a prison no medical officer appointed with salary to attend such public hospital or prison shall be entitled to such remuneration.

(2.) A coroner may, on the request of any person who has attended as a witness at an inquest, grant a certificate to such person of the amount of compensation including travelling allowance which the coroner may deem reasonable for his attendance, but not to exceed the rate allowed by the Supreme Court for the attendance of witnesses before such court in criminal cases.

42. 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 twenty pounds:

Penalty on witness neglecting to attend.

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.

Supplemental.

43. The following enactments are hereby made with respect to procedure at coroners' inquests—

Procedure.
See 50 and 51 Vict. c. 71, s. 18.

- (1) 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.
- (2.) 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 con-

tained in the Second Schedule, and the statements therein may be made in concise and ordinary language:

- (3) The coroner, after the termination of an inquest on any death, shall, within eight days after the finding thereat, himself or by an agent authorised 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 of the finding or verdict at the inquest, specifying the time and place of holding the inquest:
- (4) If a coroner holds or is about to hold an inquest upon any body, 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:
- (5) 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, 1907-19, 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:
- (6) 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.
- (7.) A person charged by an inquisition with the offence of—
 - (a) wilful murder or murder; or
 - (b) manslaughter; or
 - (c) having wilfully set on fire any property

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 of fourpence for each folio of seventy-two words.

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 it charges a person with wilful murder or murder, or manslaughter, or with having wilfully set fire to any property, sufficiently designates that person and the offence charged, 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.

Inquisition to be amended and not quashed for defects. See 50 and 51 Vict., c. 71, s. 20. 27 Vict., No. 1 s. 3.

(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.

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.

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

Notice.
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 ten pounds.

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 sessions.

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

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.

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 twenty pounds.

Obstruction of coroner.
Ibid., s. 33.

Forms.

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.

Schedule of forms.
Ibid., s. 34.

Regulations.

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.

Regulations.
Ibid., s. 35.

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.

THE SECOND SCHEDULE.

The 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, resident or police magistrate, or a justice authorised 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 His Majesty's behalf touching the 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 _____, 192 .

Member of Police Force.

OATH TO BE ADMINISTERED TO JURY.

"You shall diligently inquire and true presentment make on behalf of our Sovereign Lord the King, when, where, how, and in what manner A.B. [or a person unknown, *as the case may be*] came to his 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."

RECOGNISANCE OF JURORS AT AN ADJOURNED INQUEST.

"You acknowledge yourself severally to owe to our Sovereign Lord the King the sum of _____ pounds, to be levied on your goods and chattels, lands and tenements, for His 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 Lord the King touching the 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 Lord the King touching the death of [name of deceased] [or otherwise as the case may be] severally acknowledge to owe to our said Sovereign Lord the King the sum of pounds each of good and lawful money to be levied for the use of His 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 of the said [deceased] [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.

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 King.”

PROCLAMATION AT ADJOURNED MEETING.

“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 empannelled and sworn upon this inquest to inquire touching the death of A.B. [or otherwise, as the case may be] severally answer to your names and save your recognisances.”

The 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, resident or police magistrate, or a justice authorised 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 , 192 , 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 His Majesty's behalf touching the death of , who now lies dead in the said State [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 farther 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 , 192 .

The Coroners Act, 1920.

SUMMONS TO MEDICAL WITNESSES.

Coroner's Inquest at _____ *on the Body 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 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 the contents of the stomach or intestines, as the case may be], and report thereon at the said inquest.

Dated this _____ day of _____, 19____. _____ Coroner.

To _____

OATH TO BE ADMINISTERED TO WITNESS.

“The evidence you shall give at this inquest on behalf of our Sovereign Lord the King touching the 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.”

The Coroners Act, 1920.

DEPOSITION OF WITNESS.

WESTERN AUSTRALIA, }
TO WIT.

The examination of _____ of _____, taken and acknowledged on behalf of Our Sovereign Lord the King at an inquest held at _____ on the _____ day of _____, 192____, touching the death of _____ [or a certain fire at _____] before _____

This deponent upon oath saith as follows:—

The 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 Lord the King the sum of _____ pounds, to be levied on his goods and lands by way of recognisance to His 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 body of A.B., there to give evidence of anything he knows touching the 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 Court of General Sessions of the Peace add:—

He shall appear personally at the criminal sittings of the Supreme Court [or Court of General Sessions of the Peace] 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 His 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.

The Coroners Act, 1920.

ORDER FOR POST-MORTEM, UNDER SUBSECTION (2) OF SECTION 39.

By virtue of this my order as a coroner for the State of Western Australia, and pursuant to Subsection (2) of Section 39 of "The Coroners Act, 1920," you are required to attend at _____, at _____ o'clock in the _____ noon, and there—for the purpose of ascertaining the cause of death—to make, or assist in making, a post-mortem examination of the dead body of _____ there lying, with [or without] an analysis of the contents of the stomach and intestines [as the case may be], and thereupon to report in writing the result of that examination to me.

Dated this _____ day of _____, 192 .

Coroner.

To

Medical Practitioner.

The 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, resident or police magistrate, or a justice authorised by the Attorney General to act as a coroner], that on the _____ day of _____, 192 , 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 _____, 192 .

Coroner.

[L.S.]

The 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 _____, 192 .

Coroner.

The 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 47 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, resident or police magistrate, or a justice authorised 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 _____, 192 .

Coroner.

The 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, resident or police magistrate, or a justice authorised by the Attorney General to act as a coroner] this _____ day of _____, 192 , touching the death of A.B., one C.D., late of _____, in the said State, _____, stands charged with wilful murder of the said A.B. [or otherwise, as the case may be]: These are therefore, by virtue of my office, in His 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 _____, 192 .

Coroner.

The Coroners Act, 1920.

FORMAL PARTS OF INQUISITION.

TAKEN WITHOUT A JURY.

WESTERN AUSTRALIA, }
TO WIT. }

An inquisition taken at _____, within the State of Western Australia, this _____ day of _____, 192 [and by adjournment on the _____ day of _____, 192 , or as the case may require], by me, _____, a coroner for the said State [or deputy coroner, resident or police magistrate, or a justice authorised by the Attorney General to act as a coroner] by law authorised to inquire

Here set out the following paragraph (1) if the inquiry is as to a death, or paragraph (2) if as to a fire:—

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

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

Then proceed as follows:—

Upon inquiry I find:

Here set out—

- (a) The circumstances of the death or fire; and
- (b) The findings.

In witness whereof I, the said coroner [or as the case may be], have to this
inquisition set my hand, at , in the said State, this day
of , 192 .

Coroner.

The 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 , 192 [and by adjourn-
ment on the day of , or as the case may require],
before me, , a coroner for the said State [or deputy coroner,
resident or police 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 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 view 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 fire; and
- (b) The findings.

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

.....Coroner.
Foreman.

SPECIMEN FINDINGS.

Murder.

That one C.D. [or a certain person unknown to me (or the jurors, as the
case may be)], did wilfully murder the said A.B.

Manslaughter.

That one C.D. did unlawfully kill the said A.B.

Misadventure.

That one C.D., by misfortune and against his will, did kill the said A.B.