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CORONERS ACT 1996

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**CORONERS  
REGULATIONS 1997**

WESTERN AUSTRALIA

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# **CORONERS REGULATIONS 1997**

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CORONERS ACT 1996

## **CORONERS REGULATIONS 1997**

Made by His Excellency the Governor in Executive Council.

### **Citation**

1. These regulations may be cited as the *Coroners Regulations 1997*.

### **Commencement**

2. These regulations come into operation on the day on which the *Coroners Act 1996* comes into operation.

### **Pathologist**

3. For the purposes of the Act a pathologist is a doctor with a qualification in pathology recognized by the Royal College of Pathologists of Australasia.

### **State Coroner — oath of office**

4. The oath or affirmation of office for the State Coroner referred to in section 9 of the Act is to be in the form of Form 1 or 2.

### **Restriction on delegation**

5. The State Coroner is not to delegate the power to conduct an inquest to a coroner's clerk.

### **Record of investigation into a death**

6. A record of investigation into a death to be kept under section 26 (1) of the Act is to be in the form of Form 3.

### **Certificate of disposal of body**

7. A certificate permitting burial, cremation or other disposal to be issued under section 29 (1) of the Act is to be in the form of Form 4.

### **Request that post mortem be performed**

8. A request to a coroner under section 36 (1) of the Act to direct that a post mortem be performed on a body is to be made in writing and is to specify the reason why the post mortem is sought.

### **Direction to perform post mortem**

9. Before giving a direction to a pathologist or doctor to perform a post mortem on a body under section 34 (1) of the Act, the coroner is to take into account all of the medical information then available concerning the last illness of the deceased person, if it appears that the illness may be relevant to the death.

### **Exhumation**

10. An order by the State Coroner under section 38 (1) of the Act that a body be exhumed, is to be in the form of Form 5.

### **Request not to exhume**

11. A request under section 38 (3) of the Act to the State Coroner asking that a body not be exhumed is to be made in writing and is to specify reasons why the body should not be exhumed.

### **Restriction of access to area**

12. A notice under section 32 (4) of the Act is to be in the form of Form 6.

### **Agreement of coroner to restricted access to area**

13. Agreement by a coroner under section 32 (2) of the Act to a restriction imposed by a coroner's investigator is to be in the form of Form 7.

### **Powers of entry, inspection and possession**

14. (1) An authorization to a coroner's investigator under section 33 (3) of the Act is to be in the form of Form 8.

(2) A request to a coroner to release any thing under section 33 (5) of the Act is to be in writing and is to specify reasons why the release of the thing is sought.

(3) An undertaking given under section 33 (5) of the Act is to be in the form of Form 9.

### **Request for an inquest into a death**

**15.** A request under section 24 of the Act to a coroner to hold an inquest into a death is to be made in writing and is to specify the reason why the inquest is sought.

### **Powers of coroners at inquests**

**16.** (1) A summons issued under section 46 (1) of the Act requiring a person to attend as a witness or to produce any document or other material is to be in the form of Form 10.

(2) A summons under section 46 (1) of the Act is to be —

- (a) served personally; or
- (b) left at the person's usual or last known place of abode with a person who is, or appears to be, over the age of 16 years.

(3) A warrant of apprehension issued under section 46 (4) of the Act is to be in the form of Form 11.

### **Interested persons may appear at inquest**

**17.** The following persons are interested persons for the purposes of section 44 (3) of the Act —

- (a) a spouse, child, parent or other personal representative of the deceased person;
- (b) any of the deceased person's next of kin under section 37 (5) of the Act;
- (c) a beneficiary under a policy of insurance issued on the life of the deceased person;
- (d) an insurer who issued such a policy of insurance;
- (e) a person whose act or omission, or the act or omission of an agent or servant of that person, may in the opinion of the coroner have caused, or contributed to, the death of the deceased person;
- (f) a person appointed by an organization of employees to which the deceased person belonged at the time of death, if the death of the deceased person may have been caused by an injury received in the course of employment or by an industrial disease;
- (g) the Commissioner of Police appointed under the *Police Act 1892*.

### **Exclusion from an inquest**

**18.** (1) An order made under section 45 (1) of the Act excluding persons from an inquest is to be in the form of Form 12.

(2) Where a coroner makes an order under section 45 (1) of the Act he or she is to notify the State Coroner that the order has been made.

### **Access to records**

**19.** (1) Before the completion of an investigation into a death, a coroner may direct that part or all of the record of the investigation of the death be made available to such persons or class of persons as the coroner directs.

(2) After the completion of an inquest into a death the coroner's record of the investigation of the death is to be open to public access unless the coroner orders otherwise.

### **Oath for witness**

**20.** The oath or affirmation to be administered to witnesses at an inquest is to be in the form of Form 13 or 14.

### **Fees**

**21.** (1) The fees to be paid to a doctor who carries out a service referred to in an item of Schedule 2 is as set out opposite the relevant item in that schedule.

(2) A doctor is not entitled to a fee set out in Schedule 2 if the doctor is in receipt of a salary from the State or is entitled to any other payment in respect of the service set out opposite the fee, unless the State Coroner agrees otherwise.

**SCHEDULE 1 — FORMS**

**Form 1**

[Reg. 4]

***Coroners Act 1996***  
(Section 9)

**OATH FOR STATE CORONER**

I . . . . . (person's name) . . . . . do  
solemnly, sincerely and truly swear that I will well and truly serve our  
Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors,  
according to law, in the office of State Coroner, and I will do right to all  
manner of people after the laws and usages of this State, without fear or  
favour, affection or ill will.

So help me God!



**Form 2**

[Reg. 4]

***Coroners Act 1996***  
(Section 9)

**AFFIRMATION FOR STATE CORONER**

I . . . . . (person's name) . . . . . do solemnly,  
sincerely and truly declare and affirm that I will well and truly serve our  
Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors,  
according to law, in the office of State Coroner, and I will do right to all  
manner of people after the laws and usages of this State, without fear or  
favour, affection or ill will.

**Form 3**

[Reg. 6]

**Coroners Act 1996**  
(Section 26 (1))**RECORD OF INVESTIGATION INTO DEATH**

Ref. No.

I, ....., Coroner, having investigated:

1. The death of .....

2. \*Without holding an inquest.

\*With an inquest held at .....  
on ..... 19 ....

3. \*Find that —

\*The identity of the deceased person was ..... and that death  
occurred on     /     /     at .....  
from (*state cause of death*) in the following circumstances:.....  
.....  
.....  
.....  
.....

Comments:

Coroner.

\* Delete those not required.

**Form 4**

[Reg. 7]

***Coroners Act 1996***  
(Section 29 (1))

**CERTIFICATE PERMITTING BURIAL, CREMATION OR  
OTHER DISPOSAL**

I, .....Coroner, PERMIT

\*Burial.

\*Cremation.

\*Other disposal, namely .....  
of the body of .....

Dated at ..... the ..... day of ..... 19 .....

Coroner.

\* Delete those not required.

**Form 5**

[Reg. 10]

**Coroners Act 1996**  
(Section 38 (1))**ORDER FOR EXHUMATION OF BODY**

Ref. No.

To:

Postcode:

Information about the deceased person

Name of	
------------	--

Information about the death

When Where	Time	Day	Month	Year
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Information about the burial of the body

When Where	Day	Month	Year	Postcode
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Information about the making of this order

The body must be exhumed and taken to..... and held until I order that it may be buried again.

Information about the order

Made by When Signature	Day	Month	State Coroner Year
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**Form 6**

[Reg. 12]

***Coroners Act 1996***  
(Section 32 (4))

**NOTICE RESTRICTING ACCESS TO AREA**

RESTRICTED AREA  
NO ENTRY WITHOUT CORONER'S AUTHORITY  
PENALTY: \$2 000 FINE

**Form 7**

[Reg. 13]

***Coroners Act 1996***  
(Section 32 (2))

**RESTRICTION OF ACCESS**

Investigation into the death of .....

Description of area to which access has been restricted by Coroner's investigator —

.....  
.....

Reasons for seeking restriction of access —

.....  
.....  
.....  
.....  
.....

Is access being restricted at the present time: Yes ☐ No ☐

If Yes, specify the time and date when the restriction first imposed .....

Period for which restriction is sought .....

Restriction agreed with ☐  
Restriction not agreed with ☐

.....  
Signature of Coroner  
Date:    /    /    .

**Form 8**

[Reg. 14 (1)]

**Coroners Act 1996**  
(Section 33 (3))

**AUTHORIZATION OF CORONER'S INVESTIGATOR**

I, ..... Coroner, reasonably believing  
it necessary for investigating —

the death of .....

AUTHORIZE ....., a coroner's investigator —

- \* to enter (*specify place*) .....
- \* to inspect (*specify place*) .....  
and anything in it.
- \* to take a copy of (*specify documents or classes of documents*) .....
- \* to take possession of (*specify things or classes of things*) at or between  
the hours of ..... and ..... during the period  
commencing the ..... day of ..... 19 ..... and concluding on the  
..... day of ..... 19 ..... (*such period not to exceed one month  
after the date of this authority*).

Dated at ..... the ..... day of ..... 19 ..

Coroner.

\* Delete those not applicable.

**Form 9**

[Reg. 14 (3)]

***Coroners Act 1996***  
(Section 33 (5))

**UNDERTAKING TO COMPLY WITH CONDITIONS OF RELEASE**

I, . . . . . Coroner, having taken possession of the certain things, or classes of things, pursuant to section 33 of the *Coroners Act 1996* for the purpose of an investigation into the death of . . . . .

Authorize the release of: . . . . .(*description of thing/s*) . . . . .

To . . . . .(*name of person to whom thing/s are to be released*) . . . . .

Of . . . . .(*address of that person*) . . . . .

On condition that. . . . .(*any conditions*) . . . . .

I, . . . . .(*name of person to whom thing/s are to be released*) . . . . . enter this undertaking and acknowledge receipt of a copy thereof setting out my obligations concerning the conditions of release of the thing/s specified in this undertaking and I acknowledge that if I fail to comply with these conditions that I am liable to a penalty.

Signature of person entering undertaking.

I am satisfied that, before releasing the thing/s specified in this undertaking, . . . . .(*name of person to whom thing/s are to be released*) . . . . . understood the nature and extent of his/her obligations under the conditions of this undertaking and the consequences of his/her failure to comply with them.

Undertaking entered on     /     /     at  
in the State of Western Australia before me

Coroner.



**Form 10**

[Reg. 16 (1)]

**Coroners Act 1996**  
(Section 46 (1))**SUMMONS TO GIVE EVIDENCE OR BRING DOCUMENTS**

To:

Postcode

An inquest is to be held into —

The death of Which happened on	Day	Month	Year
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What you must do

	You must go to the inquest and
	<input type="checkbox"/> Give evidence <input type="checkbox"/> Bring the following documents and materials

Information about the inquest

Where you must go To be held at	The Coroner's Court of Western Australia			
When	Time	Day	Month	Year

Information about this summons

Issued at By Signature	Date    /    / State Coroner Coroner Coroner's Clerk
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If further information is required, telephone:.....

**Form 11**

[Reg. 16 (3)]

***Coroners Act 1996***  
(Section 46 (4))

**WARRANT OF APPREHENSION WHERE WITNESS FAILS  
TO APPEAR**

In the Coroner's Court of Western Australia

at .....

INQUEST INTO THE DEATH OF: .....

To all members of the Police Force of the State of Western Australia.

The witness who has failed to appear is .....

of .....

THE WITNESS has neglected to appear at the time and place appointed in and by a Summons to attend as witness or to produce documents or other materials and it is proved to me, the undersigned Coroner, upon oath, that the said Summons was served on the witness.

I AUTHORIZE you to enter and search at any time with all force as may be necessary any dwelling-house, building, premises, ship, aircraft or any place where the witness is suspected to be present AND I ORDER that you apprehend the witness and bring the witness before the said Coroner's Court to answer the said Summons and to be further dealt with according to law.

Dated at ..... the ..... day of ..... 19 ..

Coroner.

I DIRECT that the witness when apprehended may be released on his/her signing and undertaking conditioned for his/her appearance before the Coroner's Court at ..... on the ..... day of ..... 19 ..

Coroner.

**Form 12**

[Reg. 18 (1)]

**Coroners Act 1996**  
(Section 45 (1))**ORDER EXCLUDING PEOPLE FROM AN INQUEST**

This inquest is being held into —

The death of Which happened on	Day	Month	Year
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## Information about this order

Who does it apply to?	The Coroner has ordered that the following people:
How long does it apply?	<p>must not enter the room where the inquest is being held.</p> <p>This order applies —</p> <p><input type="checkbox"/> From    Time    Day    Month    Year</p> <p><input type="checkbox"/> To    Time    Day    Month    Year</p> <p><input type="checkbox"/> For the whole of the inquest.</p>
What if I have been summoned?	You must wait outside the room until you are called in to give evidence or deliver documents or other materials.

## Information about the making of this order

Made by	<input type="checkbox"/> State Coroner <input type="checkbox"/> Coroner
Where When Signature	Time    Day    Month    Year

**Form 13**

[Reg. 20]

***Coroners Act 1996***

**OATH FOR WITNESS**

Do you solemnly, sincerely and truly swear that the evidence that you give at this inquest touching the death (or suspected death) of ..... shall be the truth, the whole truth, and nothing but the truth?

So help you God!

**Form 14**

[Reg. 20]

***Coroners Act 1996***

**AFFIRMATION FOR WITNESS**

Do you solemnly, sincerely and truly declare and affirm that the evidence that you give at this inquest touching the death (or suspected death) of . . . . . shall be the truth, the whole truth and nothing but the truth?

**SCHEDULE 2 — FEES**

Item	Service	Fee
1.	Post mortem by a pathologist . . . . .	\$390
2.	Post mortem by a doctor who is not a pathologist . . . . .	\$265
3.	Attendance by doctor, between the hours of 8.30 am and 6 pm, to state whether life is extinct . . . . .	\$56
4.	Attendance by doctor, outside the hours referred to in item 3, to state whether life is extinct . . . . .	\$72

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

