



CORONIAL SERVICES
OF NEW ZEALAND
Purongo O te Ao Kakarauri

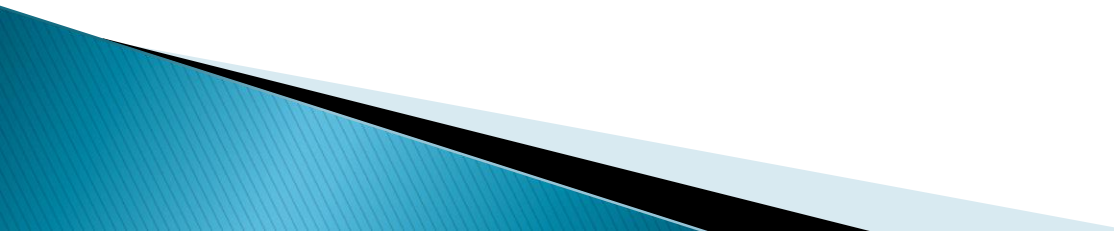


Presentation to ANZSASI Conference

Judge Deborah Marshall – Chief Coroner

Auckland, June 2015

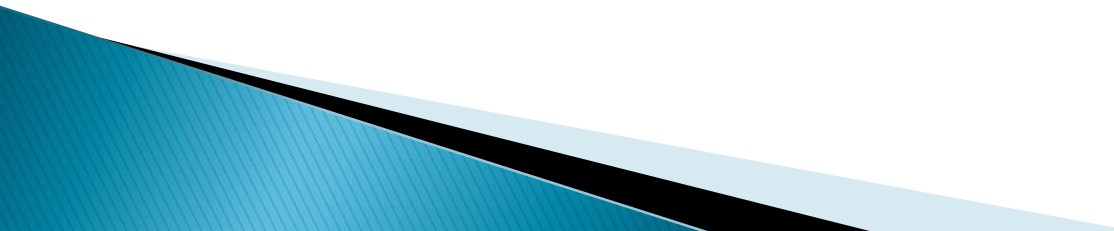
Covering:

- ▶ 1) The role of the coroner
 - ▶ 2) Recommendations and comments of the coroners
 - ▶ 3) Application to New Zealand citizens overseas
 - ▶ 4) Requirements coroners have of police officers and the DVI process
 - ▶ 5) Other investigations
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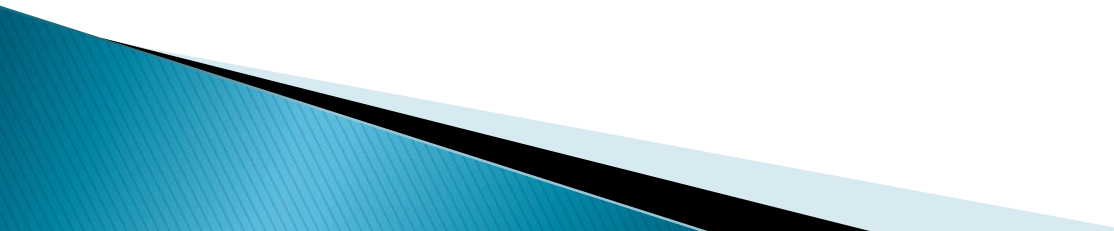
1) Role of the Coroner

- Coroners role:
 - Establish the cause and circumstances of certain types of death.
 - Make recommendations to try to avoid future deaths in similar circumstances.
- Status/ qualification of Coroners:
 - Independent judicial officers – legally trained.
 - 16 full-time Coroners in New Zealand.

1) Role of the Coroner

- What deaths do Coroners deal with?
 - 80% of deaths are of natural causes and signed off by doctor.
 - 20% of all deaths come to Coroners...
 - Without known cause, suicide, unnatural, accidental, violent deaths.
 - In respect of which no doctor has given a death certificate.
 - During medical, surgical, dental operation or treatment, child birth.
 - Deaths in official custody or care.
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1) Role of the Coroner

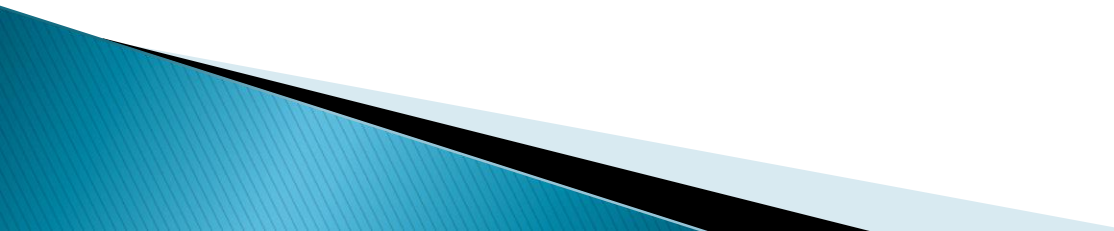
- Process of dealing with sudden death:
 - Establish whether or not the death can be certified by a doctor.
 - If not, is a post mortem necessary? What kind?
 - Family may in some circumstances object to post mortem.
 - Once cause of death established, is a formal inquiry necessary?
 - Coroners' Inquiries:
 - May make initial investigations – GP and specialist reports – then close without formal inquiry.
 - Some will proceed to formal inquiry – obtain further evidence, expert opinions.
 - If straight forward may be concluded on the papers.
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1) Role of the Coroner

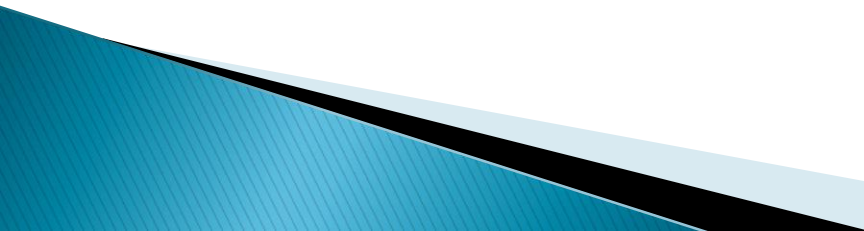
Inquests

- Sitting of the Coroner's Court – a public forum.
- Witnesses attend and are questioned.
- Inquisitorial, not adversarial.

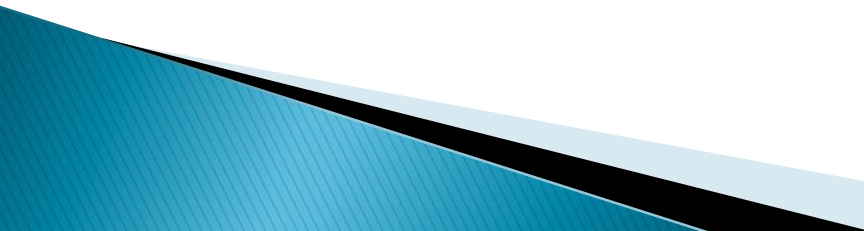
Concluding Inquiries

- Issue certificate of finding as to cause and circumstances of death.
 - Make recommendations or comments where appropriate.
 - Findings are public documents.
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2) Coroners' recommendations and comments

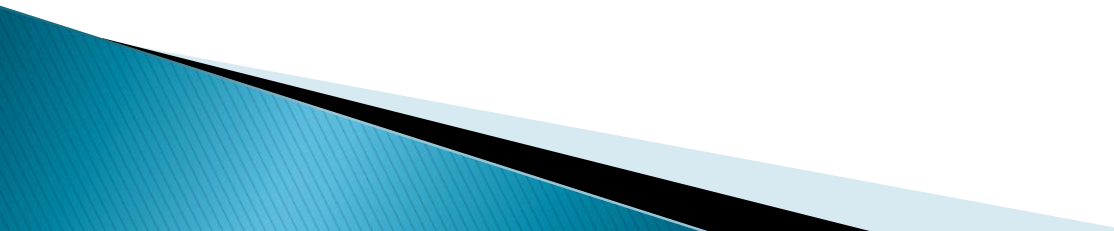
- Coroners' findings will often provide considerable detail on systemic issues, and outline any changes and improvements made following an event.
 - Recommendations may be made providing recommended policies and procedures that if implemented may provide positive outcomes.
 - These will often be based on expert opinion evidence provided to the Coroner.
 - Chief Coroner required to maintain a public register of summaries of recommendations and/or comments – published on the NZLII website.
 - Effort going into registering and tracking responses.
 - Currently no provision in our Act which makes it mandatory for agencies or organisations to respond to Coroner's recommendations.
 - Some overseas jurisdictions require mandatory responses to recommendations.
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3) Application to NZ Citizens overseas

- The Act generally applies only to deaths in New Zealand.
 - “New Zealand” includes territorial seas and the Ross Dependency.
 - Applies to overseas deaths if they are on or from a New Zealand registered aircraft, ship, or NZDF aircraft or ship.
 - Also applies to bodies in New Zealand even if the death did not occur here, though practical difficulties arise in making enquiries in another country– repatriation.
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4) Requirements coroners have of police officers and the DVI process

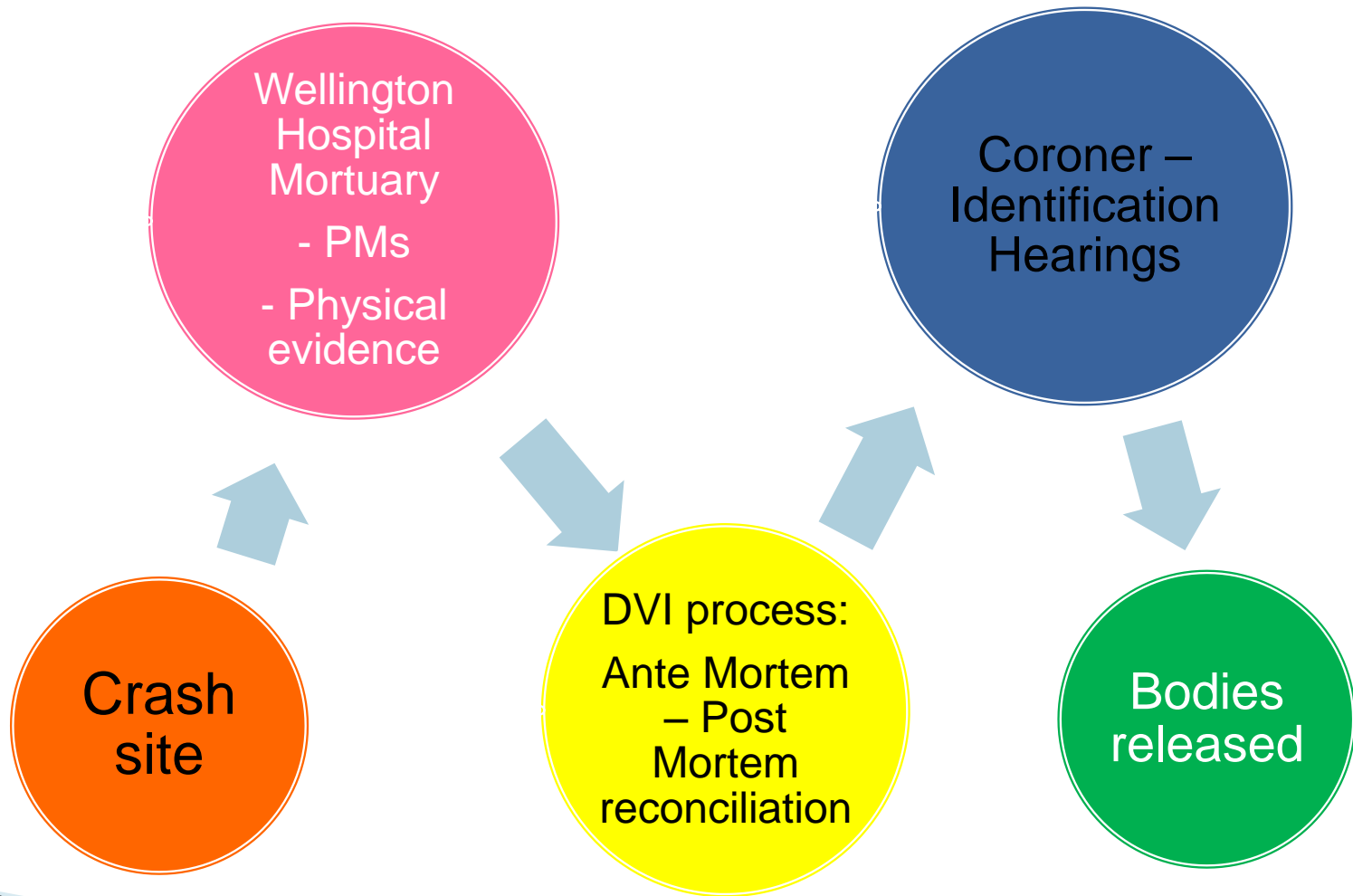
Mass Fatality incidents:

- Police are responsible for dealing with major events with mass fatalities (as part of the National Disaster Victim Identification Plan).
 - NZ's resources can handle a single incident creating up to 400 deaths – any more would require international assistance.
 - Coroner take on senior role in the identification process – both at the scene and mortuary – as soon as possible.
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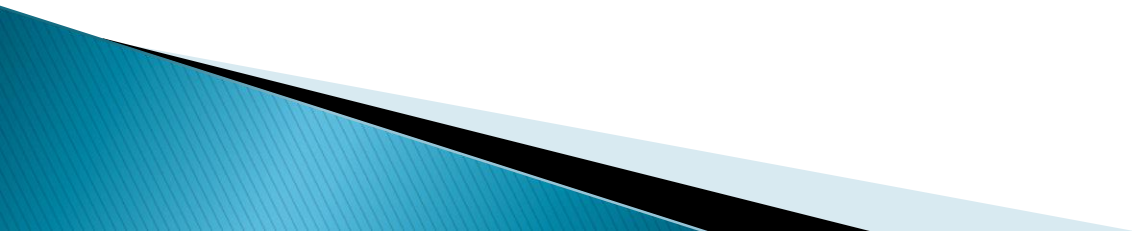
4) Requirements coroners have of police officers and the DVI process

- Section 57(2)(b) requires that a Coroner conducts an inquiry into a death 'to establish, so far as is possible, the person's identity.'
 - In DVI situation, Police assist Coroner in recovering and identifying bodies.
- In a DVI situation, the Coroner:
 - Has absolute say in the control of the bodies;
 - Decides, in consultation with the pathologist, which bodies require full PM, and in other cases will also advise on the appropriate method of identifying victims and the procedures to adopt.

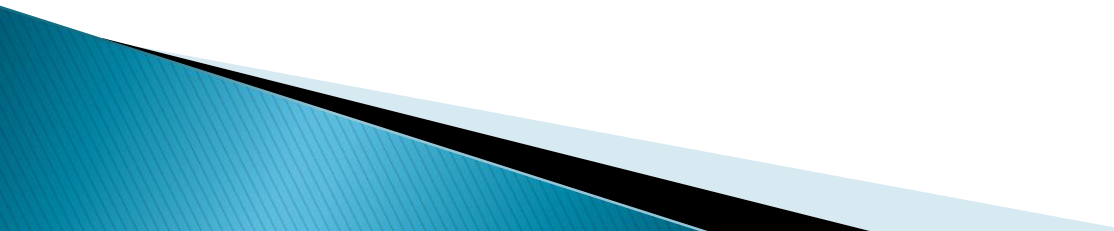
Example: Carterton Balloon Crash



6)Other investigations

- Coroners' inquiries must wait until the criminal process is resolved.
 - Coroners also take advantage of other specialist investigations – for example TAIC, CAA or HDC investigation.
 - Benefits of this are that it avoids duplication and gives the coroner more specialist evidence.
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Other investigations cont..

- ▶ Generally there will be a discussion about who goes first
 - ▶ Information may be shared to avoid duplication of investigations
 - ▶ Investigator may be called as a witness at any inquest
 - ▶ May be called as an expert witness
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Questions?