

# **NORTHERN TERRITORY OF AUSTRALIA**

## **CORONERS REGULATIONS**

As in force at 1 April 1994

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 April 1994

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## CORONERS REGULATIONS

### Regulations under the *Coroners Act*

#### **1 Citation**

These Regulations may be cited as the *Coroners Regulations*.

#### **2 Commencement**

These Regulations shall come into operation on the commencement of the *Coroners Act 1993*.

#### **3 Reference to forms**

In these Regulations, a reference to a form by number is a reference to the form so numbered in Schedule 2.

#### **4 Reporting of death**

- (1) A person may report a death to a coroner or a member of the Police Force by telephone or by facsimile.
- (2) Where a person reports a death, he or she shall, not later than 24 hours after reporting the death, furnish information to the person he or she reported the death to in accordance with Form 1.

#### **5 Information to the coroner**

For the purposes of section 13 of the Act:

- (a) a person who reports a death shall give to the coroner investigating the death any information that may help the investigation; and
- (b) a member of the Police Force who has information relevant to an investigation into a death shall report it to the coroner investigating the death,

not later than 28 days after the death was reported.

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## **6 Matters in relation to conduct of autopsy**

- (1) In considering which medical practitioner to direct to perform an autopsy, a coroner shall have regard to the following matters:
  - (a) an autopsy should be performed as soon as practicable after a death;
  - (b) a medical practitioner who performs an autopsy must conduct the autopsy on premises that are adequately equipped for the purposes of conducting an autopsy;
  - (c) a medical practitioner who performs an autopsy must have access to a laboratory with facilities for conducting pathological tests.
- (2) The medical practitioner who is directed to perform the autopsy shall:
  - (a) wherever possible, be a qualified forensic pathologist; or
  - (b) where a person referred to in paragraph (a) is not available, be a qualified pathologist who is, in the opinion of the coroner, suitably experienced to perform an autopsy.

## **7 Duties of medical practitioner**

- (1) A medical practitioner who is directed to perform an autopsy by a coroner shall perform the autopsy as soon as practicable after being so directed.
- (2) A medical practitioner who performs an autopsy shall, as far as is practicable, make arrangements for the preservation, for such period as the coroner considers necessary, of material he or she deals with in the course of the conduct of the autopsy which is, in his or her opinion, relevant to the cause of the death of the deceased person.
- (3) On completion of an autopsy, the medical practitioner who conducted the autopsy shall, as soon as practicable, notify the coroner in writing:
  - (a) of his or her preliminary findings as to the cause of the death;
  - (b) that the cause of the death is undetermined; or
  - (c) that the cause of the death is still under investigation,whichever is the case.

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- (4) The medical practitioner who performs an autopsy shall, not later than 28 days after completing the autopsy, provide the coroner with a written report of his or her findings in respect of the autopsy but he or she shall not, unless authorised by the coroner, provide a copy of the report to any other person.

## **8 Persons who may attend autopsy**

- (1) Where a coroner directs that an autopsy shall be performed on a body, he or she may, on being requested to do so, permit a person who demonstrates to the coroner a sufficient interest in the conduct of an autopsy to attend the autopsy.
- (2) Where a person referred to in subregulation (1) attends an autopsy, that person shall behave in such a manner so as not to interfere in any way in the performance of the autopsy.

## **9 Persons to attend inquest into death in custody**

Where a coroner holds an inquest into the death of a person held in custody, the inquest shall not be commenced in the absence of the senior next of kin of the deceased person, or other representative of the family of the deceased person nominated by the senior next of kin, unless the coroner is satisfied that the senior next of kin or the nominated representative does not wish to attend the inquest, that wish being advised to the coroner by the senior next of kin or the nominated representative, as the case may be, or by his or her legal representative, appearing before the coroner.

## **10 Reporting disasters**

- (1) A member of the Police Force who has information relevant to an investigation into a disaster shall report it to the coroner investigating the disaster not later than 28 days after the disaster occurred.
- (2) Where a disaster occurs that is a fire, a police officer who has information relevant to an investigation into the fire shall make a report about the fire to a coroner in accordance with Form 2.

## **11 Person to assist coroner**

The person appointed to assist the coroner for the purposes of section 41(2) of the Act shall:

- (a) be a legal practitioner; and
- (b) if practicable, be experienced in coronial matters.

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**12            Order to exclude persons from inquest**

Where a coroner makes an order pursuant to section 42 of the Act that all or any persons shall go and remain outside and beyond the hearing of an inquest, the coroner shall, if requested to do so by a person who is affected by the order, give to the person as soon as practicable after receiving the request his or her written reasons for making the order.

**13            Access to coroner's record and file**

- (1) During the conduct of an investigation or inquest by the coroner under the Act, the coroner may direct that a person or class of persons may inspect or copy the record and file of the investigation or inquest, and only that person or such persons may do so.
- (2) Where a coroner orders pursuant to section 43 of the Act that a report of an inquest, of part of the proceedings or of evidence given at an inquest shall not be published, the coroner shall also order that the record and file of the inquest shall not be open to inspection by, or otherwise available to, any person other than a party to the proceedings or a member of the family of a person whose death was a subject of the inquest.
- (3) At the completion of an investigation, the coroner may order that the record and file of the investigation is not to be open to inspection by, or otherwise available to, any person other than a party to the proceedings or a member of the family of a deceased person whose death was investigated.

**14            Failure to comply**

- (1) A failure to comply with the Regulations does not render a document, a step taken or a proceeding commenced for the purposes of the Act or these Regulations a nullity.
- (2) A coroner may dispense with compliance with a requirement of these Regulations whether before or after the occasion for compliance arises.
- (3) Where there has been a failure to comply with these Regulations in relation to a document, a step taken or a proceeding commenced for the purposes of the Act or these Regulations, a coroner may, in such manner and upon such terms as he or she thinks fit:
  - (a) dispense with compliance with the requirement;
  - (b) make an appropriate amendment; or
  - (c) make an appropriate order.

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**15      Table of forms**

Forms 3 to 12 inclusive are to be used for the purposes of the Act by reference to and in accordance with the Table in Schedule 1.

**16      General penalty**

A person who contravenes or fails to comply with a provision of these Regulations commits an offence against these Regulations.

Penalty:      \$2,000.

## Schedule 1 Table of Forms

regulation 15

Section of Act	Description of Form	Number of Form
11	Record in relation to an investigation	3
17	Certificate permitting the disposal of a body	4
19(2)	Written authorisation of a member of the Police Force to enter a specified place, &c.	5
19(4)	Undertaking to comply with conditions of release	6
20	Direction to medical practitioner to perform an autopsy	7
24(1)	Order to exhume body	8
32(1)	Notice of restriction of access to the place where a disaster has occurred	9
33(2)	Written authorisation of a member of the Police Force to enter a specified place, &c.	5
33(4)	Undertaking to comply with conditions of release	6
41(1)	Summons to attend as a witness or to produce a document or materials	10
41(4)	Warrant to arrest a person who does not appear	11
42	Exclusion Order	12



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## Schedule 2

### FORM 1

regulation 4

#### NORTHERN TERRITORY OF AUSTRALIA

section 12

#### *Coroners Act*

#### INITIAL NOTIFICATION OF DEATH FOR CORONER

##### Details of Deceased

Name:

Address:

Sex: M/F\*

Age:

D.O.B:

Occupation:

D.O.D:

Apparent cause of death (Tick where applicable):

Suicide

Poisons/Drugs

Road/MVA

Other

Natural Causes

Gas Poisoning

Industrial Accident

Violence

Electrocution

Mining Accident

Did Doctor attend? Yes/No\*

Can Doctor certify cause of death? Yes/No\*

Did deceased suffer previous injury or illness? Yes/No\*

If yes – particulars:

Circumstances of death:

Any suspicious circumstances? Yes/No\*

Any person to be charged in relation to death? Yes/No\*

If yes – particulars:

Person who reported death

Name:

Address:

Where body found:

The body is at:

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Member Reporting (print)	Reg No.	Rank	Station	Date	Divisional Officer Signature
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Reporting member shall:

1. Notify death in first instance to Coroner's Constable and Divisional Officer by telephone/telex/radio etc.
2. Complete form in triplicate before completion of tour of duty: Side A – Death, Side B – Fires.
3. Ensure original and duplicate forms are delivered to Coroner:
  - (a) within Darwin/Alice Springs by 0900 hours the day immediately following death or fire.
  - (b) in country areas forward original immediately to coroner at centre nearest to where death or fire occurred.
4. Forward triplicate copy immediately to Divisional Officer.
5. Ensure deceased identified as soon as possible.
6. Remember that this is only an initial report. Complete a full report and comply with other relevant provisions contained in General Order "Coroners and Inquests" – Code C9.

\* Delete if not applicable.

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FORM 2

regulation 10(2)

NORTHERN TERRITORY OF AUSTRALIA

section 31

*Coroners Act*

INITIAL NOTIFICATION OF FIRE FOR CORONER

Location of Fire:

Date:

Time:

Type of Fire:

Fire Brigade Notified by:

Time Brigade Attended:

Fire Officers Reported By:

Suspected Cause:

How Extinguished:

Description of Property Destroyed or Damaged:

Insured: Yes/No Name of Insurance Company:

Value of Property:

If person Injured/Deceased\*

Name:

D.O.B:

Address:

Nature of Injury:

\*Note – If deceased complete Side "A" as well

Give Brief Summary of Circumstances:

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Member Reporting (print)	Reg No.	Rank	Station	Date	Divisional Officer Signature
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Reporting member shall:

1. Notify Coroner's Constable and Divisional Officer of fire in first instance by telephone/telex/radio etc.
2. Complete form in triplicate before completion of tour of duty:  
Side A – Death, Side B – Fires.

- 
3. Ensure original and duplicate forms are delivered to Coroner:
    - (a) within Darwin/Alice Springs by 0900 hours the day immediately following death or fire.
    - (b) in country areas forward original immediately to coroner at centre nearest to where death or fire occurred.
  4. Forward triplicate copy immediately to Divisional Officer.
  5. Ensure deceased identified as soon as possible.
  6. Remember that this is only an initial report. Complete a full report and comply with other relevant provisions contained in General Order "Coroners and Inquests" – Code C9.

\* Delete if not applicable

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FORM 3

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 11

*Coroners Act*

RECORD OF INVESTIGATION INTO DEATH OR DISASTER

I, \_\_\_\_\_, Coroner, having investigated:

1.    \*The death of  
      \*A disaster which occurred at
2.    \*Without holding an inquest.  
      \*With an inquest held at \_\_\_\_\_  
      on \_\_\_\_\_ 19 \_\_\_\_.
3.    \*Find that:  
      \*The identity of the deceased was \_\_\_\_\_  
      and that death occurred in \_\_\_\_ / \_\_\_\_ / \_\_\_\_ at \_\_\_\_\_  
      from (*state cause of death*) in the following circumstances:  
  
      \*The cause and origin of the disaster was and the circumstances in  
      which the fire occurred were:  
  
      \_\_\_\_\_  
  
      \_\_\_\_\_  
  
      \_\_\_\_\_
4.    And I further find that \_\_\_\_\_  
      contributed to:  
      \*the cause of death/the disaster.
5.    *Comments:*  
      \_\_\_\_\_  
  
      \_\_\_\_\_  
  
      \_\_\_\_\_

Coroner

\* Delete if not applicable

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FORM 4

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 17

*Coroners Act*

CORONER'S CERTIFICATE

Case No:

Rel No:

IJIS ID:

Full name of deceased:

Usual residence of deceased person:

I, the undersigned, hereby certify that the death of \_\_\_\_\_ was duly  
reported to a coroner on \_\_\_\_\_ .

In the medical report of \_\_\_\_\_ it was stated that the  
cause of death was:

I have authorised burial, and I am satisfied that no circumstance exists that  
can render necessary any further examination of the remains, any analysis of  
any part of the body or the making of any toxicological examination and that  
there is no reason why the body should not be cremated or taken out of the  
Northern Territory for burial or cremation.

Dated \_\_\_\_\_ 19 .

Coroner

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FORM 5

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

sections 19(2)  
and 33(2)

*Coroners Act*

CORONER'S AUTHORITY TO A MEMBER OF THE POLICE FORCE

Case No.

I, \_\_\_\_\_, coroner, reasonably believing it necessary for investigating:

\*the death of

\*a disaster

AUTHORISE \_\_\_\_\_

, a member of the Police Force:

\*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

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FORM 6

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

sections 19(4)  
and 33(4)

*Coroners Act*

UNDERTAKING TO COMPLY WITH CONDITIONS OF RELEASE

Description of things

Kept pursuant to section 19 or 33

I, \_\_\_\_\_, coroner, having taken possession of the things specified above pursuant to section 19 or 33 of the *Coroners Act 1993*, for the purpose of an investigation into

\*A disaster which occurred at

\*The death of

Authorise the release of

To

Of

On conditions that

I, \_\_\_\_\_, enter this undertaking and acknowledge receipt of a copy thereof setting out my obligations concerning the conditions of release of the things 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 satisfied myself before releasing the things specified in this undertaking that 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 Northern Territory before me.

Coroner

\* Delete if not applicable



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FORM 7

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 20

*Coroners Act*

DIRECTION TO PERFORM AUTOPSY

Case No:

Rel No:

IJIS ID:

I, \_\_\_\_\_, a coroner for the Northern Territory, hereby order you, \_\_\_\_\_, a medical practitioner, to perform an autopsy upon the body of \_\_\_\_\_ which is now lying at the Mortuary, \_\_\_\_\_ in \_\_\_\_\_.

Dated \_\_\_\_\_ 19 \_\_\_\_ at \_\_\_\_\_ in the Northern Territory.

Coroner

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FORM 8

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 24(1)

*Coroners Act*

ORDER TO TAKE AND REMOVE HUMAN REMAINS FOR AUTOPSY

To \_\_\_\_\_ a member of the Police Force of the Northern Territory of Australia and to all others whom it may concern.

Whereas under the *Coroners Act* I, a coroner (or deputy coroner) for the Territory am required to hold an inquest into the death of \_\_\_\_\_ whose remains are at present lying at \_\_\_\_\_

And whereas I have directed that an autopsy of the remains be made.

I therefore, charge and command you that you forthwith with such assistance as may be necessary take and remove the remains of \_\_\_\_\_

to \_\_\_\_\_

so that an autopsy can there be made upon the remains according to law and for so doing this is your warrant.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

Coroner  
(or Deputy Coroner)

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FORM 9

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 32(1)

*Coroners Act*

NOTICE RESTRICTING ACCESS TO DISASTER AREA

"RESTRICTED AREA  
NO ENTRY WITHOUT  
CORONER'S AUTHORITY  
PENALTY: \$5,000 FINE OR  
6 MONTHS IMPRISONMENT"

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FORM 10

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 41(1)

*Coroners Act*

SUMMONS TO ATTEND AS A WITNESS OR TO PRODUCE MATERIALS

To                      of                      :

You are required to appear before me, the undersigned, a coroner (or deputy coroner) for the Northern Territory of Australia, at                      in the Territory on the                      day of                      at                      o'clock in the                      , then and there to testify what you know concerning the death of                      (or a certain disaster that occurred on or about the                      day of                      19                      , at                      in the Territory) and also to bring the following books, documents and other things, or such of them as are in your possession or control:

Dated at                      this                      day of                      19                      .

Coroner  
(or Deputy Coroner)

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FORM 11

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 41(4)

*Coroners Act*

WARRANT FOR THE ARREST OF A PERSON WHO DOES NOT APPEAR

To the members of the Police Force of the Northern Territory of Australia:

Whereas                      of

in that Territory, having been duly summoned to appear before me and my inquest at                      on the                      day of                      19                      , at                      in the Territory, to give evidence (or produce materials) concerning the death of                      (or a certain disaster that occurred on or about the                      day of                      19                      , at                      in the Territory) has failed to appear at the said time and place and give evidence (or produce materials):

These are therefore to command you forthwith to apprehend the abovenamed and bring him before me to be dealt with according to law.

Given under my hand this                      day of                      19                      .

Coroner  
(or Deputy Coroner)

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FORM 12

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

section 42

*Coroners Act*

ORDER EXCLUDING PEOPLE FROM AN INQUEST

Ref. No.

This inquest is being held into

The death of

Which happened on

Day

Month

Year

The disaster at      Postcode

Which happened on

Day

Month

Year

Information about the order

Who does it apply to?

The Coroner has ordered that the following people:

must not enter the room where the inquest is being held.

How long does it apply?

This order applies:

From

Time

Day

Month

Year

To

Time

Day

Month

Year

For the whole of the inquest.

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 the order

Made by

State Coroner

coroner

Where

When

Time

Day

Month

Year

Signature

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## ENDNOTES

### 1

#### KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2

#### LIST OF LEGISLATION

***Coroners Regulations (SL No. 5, 1994)***

Notified	31 March 1994
Commenced	3 April 1994 (r 2, s 2 <i>Coroners Act 1993</i> (Act No. 30, 1993) and Gaz S24, 31 March 1994)