

## INSTRUCTION No. 78

### Coroners and Inquests

1. Coroners and deputy coroners are appointed by the Governor by instrument in writing to be coroner at such place specified in the instrument, or in and for the State of New South Wales. Where a coroner or deputy coroner is appointed for a specific place, he may exercise his jurisdiction throughout the State of New South Wales, except within the Metropolitan Police district and the Police districts of Liverpool, Newcastle, Parramatta, and Ryde or any other Police district which may be gazetted. In such districts, only a stipendiary magistrate may act as a coroner, although he may delegate his jurisdiction, powers and duties—

Coroners' jurisdiction.

- (a) to issue burial and cremation orders;
- (b) to dispense with the holding of an inquest where death results from natural causes; or
- (c) in respect of any prescribed matters relative to his jurisdiction, powers and duties as a coroner;

to an officer of the court at which he acts as coroner and may in like manner revoke wholly or in part any such delegation. The Police districts referred to herein in respect of coronial jurisdiction relate to those districts defined under section 6 of the Justices Act, 1902, and they bear no relationship to Police Administrative Districts for Departmental purposes.

2. Stipendiary magistrates have the jurisdiction, powers and duties of coroners throughout the State of New South Wales.

3. All members of the Force should make themselves thoroughly conversant with the provisions of the Coroners Act, 1960.

3A. Sections 11 and 12 of the Coroners Act, 1960, require that a coroner hold or dispense with an inquiry or inquest when informed of certain deaths or fires "by a member of the Police Force".

"Member of Police Force"—Coroners Act.

A City Coroner has held that "a member of the Police Force" is to be interpreted as "a member of the New South Wales Police Force".

Arrangements have been made with the Commonwealth Police Force for deaths or fires occurring in places where members of that Force exercise control to be reported to the Officer in Charge of the nearest New South Wales Police Station. This procedure, of course, will apply only to those deaths or fires which occur in circumstances requiring a report to be made to the coroner in terms of the Act. Upon such a report being made by a member of the Commonwealth Police Force, it will then be the responsibility of a member of this Force to carry out the necessary inquiries and make the appropriate report to a coroner.

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Jury in  
certain  
cases.

4. The Coroners Act provides that all inquests and inquiries shall be held before a coroner without a jury, provided that—

(a) in the case of an inquest, where a relative of the deceased or the secretary of any society or organization of which the deceased was a member at the time of his death so requests; or

(b) in the case of an inquest or inquiry, where the Minister so directs; the inquest or inquiry shall be held before a coroner and a jury of six persons.

("Relative" means spouse, parent, or child who has attained the age of twenty-one years, or where there is no spouse, parent, or child who has attained that age, a brother or sister who has attained that age.)

Police  
assistance  
re jury.

5. Where a jury is required in circumstances described in paragraph 4, Police will ascertain from the coroner whether he desires them to summon such jury. Police will also ensure that no member of the jury is related to the deceased, nor interested in any person suspected of having caused his death, nor likely to be required as a witness.

6. At the inquest, Police will, if required by the coroner, take charge of the jury, accompany them to view the body if the coroner deems it advisable to do so, and prevent interference with them whilst considering their verdict. In practice, the coroner arranges for the Sheriff to take charge of the jury.

Fatalities  
in mines.

7. In connection with fatal accidents in coal mines, Police will promptly inform the District Inspector of Collieries, and in other mines, the District Inspector, appointed under the Mines Inspection Act, 1901, and notify them of the date and time of the holding of the inquest.

If a jury is to be empanelled for such inquest, Police will ensure that any person having a personal interest in, or employed in, or in the management of the mine in which the explosion or accident occurred, is not called as a juror. Police will also ensure that no person is called as a juror who might exhibit animus against the mine owner. Nevertheless, whenever it is practicable, one half of the jurymen shall be miners. In the case of an explosion or accident in a coal or shale mine, the jurors should be selected at random.

(Mines will be taken to include quarries, dredges and other places referred to in the Mines Inspection Act. The Coal Mines Regulation Act also defines a mine).

Fires.

8. Police will—

(a) as early as possible, report direct to the coroner on form P. 60, the required details of all fires coming to their notice where property of value is destroyed or damaged by fire. This instruction relates not only to real property, i.e., houses and buildings, but to all property of value, including motor vehicles and their loadings, contents of buildings, crops, stock, fencing equipment, etc.;

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- (b) in the absence of any written notification from the Board of Fire Commissioners of New South Wales, accept that the Board does not require the holding of an inquiry in the case of a fire occurring within a fire district within the meaning of the Fire Brigades Act, 1909, and should advise the coroner accordingly;
- (c) ascertain from the Bush Fire Committee whether an inquiry is desired in the case of a bush fire within the meaning of the Bush Fires Act, 1949, as amended (see section 12, Coroners Act);
- (d) when preparing form P. 60, make sufficient copies to allow the original and one copy to be forwarded direct to the coroner, another to the Divisional Officer, while the remaining copy should be retained at the Station concerned;
- (e) upon request of fire brigade authorities, afford any information obtainable as to amount and particulars of insurance upon any premises where a fire has occurred;
- (f) see that members of fire brigade staffs are called to court only in cases where it is absolutely necessary.

9. In any case where doubt exists as to whether death has ensued, immediate medical assistance should be obtained and first aid applied as set out in Item 9 of the Police Reference Book. However, before a dead body is admitted to a morgue, a certificate that life is extinct should be obtained from a medical practitioner and later attached to the P. 79A report to the coroner. After a medical officer has certified that life is extinct, Police will act under the coroner's instructions as far as practicable. Death certificate.

9A. Police are required to inform the coroner for the district or, if absent, the nearest coroner, i.e., the coroner whose residence is closest by a route which can be conveniently used, by the submission of P. 79A forms (a copy of which is to be immediately filed at the Station of origin) of the death of any person whose body is lying within that district and who— When form P. 79A to be submitted.

- (a) has died a violent or unnatural death;
- (b) has died a sudden death, the cause of which is unknown;
- (c) has died under suspicious or unusual circumstances;
- (d) has died, and in respect of whom a medical practitioner has not given a certificate as to the cause of the death;
- (e) has died, not having been attended by a medical practitioner within the period of three months immediately before his death;
- (f) has died while under, or as a result of, or within a period of twenty-four hours after the administration to him of an anaesthetic administered in the course of a medical, surgical, or dental operation or procedure, or an operation or procedure of a like nature;
- (g) has died within a year and a day after the date of any accident where the cause of the death is attributable to the accident; or

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- (h) has died in an admission centre or mental hospital, within the meaning of the Mental Health Act, 1958, an institution within the meaning of the Prisons Act, 1952, as amended by subsequent Acts, or in any lockup, or otherwise whilst in the lawful custody of any member of the Police Force.

The form P. 79A should fully set out the manner of death and, where possible, a full history of the nature of any illness suffered by the deceased, and if treated by a doctor, when and by whom. A note should be obtained from any doctor who saw the deceased about the time of death or after death. This note should be attached to the report. A full description of any unidentified body should be inserted in the appropriate spaces on the form. It is essential that the names of the deceased person are fully and correctly stated. Attention should be paid to the correctness of the spelling of names, and persons identifying bodies or supplying particulars of the names should be closely questioned as to the correctness of the names given. If available, official documents should be referred to for the purpose of establishing the correct name of the deceased. When it is known, the date of birth of the deceased should be shown, together with the place of birth. Police will familiarize themselves with the contents of the P. 79A form in order that they can obtain the required information to complete such form during their initial inquiries. The form should be prepared in quintuplicate, the original and two copies to be forwarded direct to the coroner, another to the Divisional Inspector, while the remaining copy should be retained at the Station concerned. The full names and addresses of all persons and the registered numbers of all motor vehicles concerned should be indicated.

Copy of forms  
to Health  
Commission.

9B. In the Country Area, where the death of a person has been reported to the Coroner, Police will prepare an additional copy of each of the following forms—

report of death to the Coroner (P79A),  
specimen/exhibit examination (P377),  
post mortem report of medical officer,  
specimens for toxicological analysis,  
reports containing results of any other test or examination performed.

As soon as practicable after death, and without waiting for the inquest, such copies are to be sent under personal and confidential cover to:

The Senior Specialist, Country Forensic Services,  
Health Commission of New South Wales,  
9-13 Young Street,  
Sydney 2000.

When body  
found.

10. When the body of a deceased person is found by, or reported to, the Police and it appears necessary to hold an inquest, particularly when foul play is suspected or suspicious circumstances are revealed, Police will—

Position  
and  
appearance.

- (a) carefully note in writing the position and appearance of the body and probable length of time dead.

The greatest care should be exercised before removing dead bodies found in public parks, dwelling-houses, etc. If there is any doubt or suspicion, the Officer in Charge should be consulted.

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- (b) in cases of suspected foul play, immediately report by the quickest method to the Divisional Officer. In such circumstances, each body should, before removal, be viewed by a medical practitioner and photographs taken (see (h)); Important cases.
- (c) make a minute search of the body and the place where found for any article likely to have caused death; if a medical practitioner is not present, note particularly the size, description, and position of any wounds, and do not allow the body, or any articles which could in any way be connected with the death, to be removed or altered until full investigation is completed. Search body and premises.

If a post mortem examination is held, any weapons, bottles, packets or other things supposed to be connected with the cause of death, together with any clothing worn by the deceased showing holes caused by bullet or knife, should be produced for the information of the medical officer conducting the examination;

- (d) remove the body to a public or hospital morgue; Removal to morgue.
- (e) unless the body is taken to a morgue, see that a Constable remains in charge of it until the coroner has given instructions as to the disposal of the body; Charge of body.
- (f) promptly submit form P. 79A to the coroner; P. 79A form.
- (g) if a body is unidentified when the order for burial is given, arrange for photographs to be taken as directed in paragraph 16 of this Instruction; Unidentified bodies.
- (h) obtain assistance from specialized Branches or Sections of the Department, if considered necessary. See Part 11 of these Instructions.

11. In cases of death by violence, or where foul play is suspected, the Divisional Officer will take an active interest from the time the matter first comes under notice until finally dealt with.

12. Whenever possible, an experienced member of the Force should investigate any death which comes under notice or is reported in accordance with paragraph 9A or 13 (b) of this Instruction. Experienced Police to conduct inquiries.

13. (a) Where a coroner is so informed by a member of the Police Force of the death of a person in certain circumstances, it is his duty to hold an inquest unless he dispenses with it in accordance with the provisions of the Coroners Act. Coroner's responsibility.

(Once a coroner has been so informed, he cannot divest himself of jurisdiction in favour of another coroner, except as provided in section 13 of the Act).

(b) Cases arise where a person receiving injuries in a country centre is transported to Sydney or a larger country town for treatment and subsequently dies at that place as a result of the injuries received. Return of papers for inquest by local coroner.

In such instances, the death should be reported to the coroner nearest to the place of death.

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Where the coroner at such place is satisfied that the cause of death arose at some other place than that at which he holds office or ordinarily acts as coroner and that, on the grounds of public convenience, the inquest should be held by the coroner where the cause of death arose, then he will arrange for the P. 79A forms, statements of identification to Police, statements of identification by Police to the Government Medical Officer, and the report of examination of the body by the Government Medical Officer, to be forwarded to that coroner.

Death in New South Wales from injuries received in another State.

14. Where a person receives injuries interstate and dies in New South Wales as a result of those injuries, a coroner in this State has power to hold an inquest and, if he forms the opinion that a prima facie case for murder or manslaughter has been established against a known person, he may forward the depositions to the Attorney-General.

Police Prosecutors assisting coroners.

15. At the larger centres, Police Prosecutors assist coroners in the conduct of their courts. At other places where cases of a complex nature are involved, where it is considered that the services of a Police Prosecutor should be obtained, an application, together with copies of relevant statements, should reach the office of the Superintendent in Charge, Police Prosecuting Branch, at least 7 days before such hearing. The latter Officer will decide whether such assistance is warranted.

Record of unidentified bodies to be kept at Missing Persons Section.

16. Information concerning unidentified bodies is recorded at the Missing Persons Section for checking against missing persons record cards to assist in possible identification.

Where finger-prints have failed to identify a body and there are no other means of identification, Police will submit a full report to the Missing Persons Section, setting out—

- (i) full description of the body, including apparent age;
- (ii) length of time dead;
- (iii) particulars regarding clothing and jewellery found on body.

Dental chart and photographs of unidentified bodies.

A dental chart should be attached to the report as well as a full length photograph of the body. The head should also be photographed, one taken directly above head (full face) and one taken side on to head (profile). Police responsible for the taking of photographs of deceased persons are to ensure that, if possible, they are taken before the post mortem examination is carried out. They are also to ensure that the face of the deceased person has been cleaned up, hair tidied, and eyes opened, before taking the photographs, so as to facilitate identification by members of the public. These photographs, taken as set out above, should be enlarged to a reasonable size.

Copies of each of the photographs should be attached to the P. 79A form filed at the Station. Copies of the photographs should also be supplied to the coroner for filing.

Ancient aboriginal bones.

17. In the case of skeletal material being found during archaeological exploration, a senior coroner, City Coroner's Court, has expressed the following views:

“When old bones, sufficient to constitute a body are found, it is my contention that the discovery should be reported to the coroner. Bones of limbs only would be insufficient. The coroner should then

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arrange for an expert examination of such bones, preferably by the Department of Anatomy, University of Sydney. If they are proved to be ancient aboriginal bones, they become the property of the Crown and must be placed in the custody or control of the Trustees of the Australian Museum (National Parks and Wildlife Act, 1967, 1969, section 33G). If they are of comparatively recent origin, say not more than 20 years old, an inquest should be held to try to determine the identity of the deceased. If they are ancient caucasian bones, the coroner could dispense with an inquest if he is satisfied that no purpose should be served by inquiry into the death, and order that the bones be buried or permit their disposal to a university, ambulance body, museum or some similar institution, as thought fit".

18. The Professor of Anatomy at the University of Sydney has intimated that in the removal and transportation of relics and aboriginal skeletal material, the material should be disturbed as little as possible, and should be excavated in one block, if possible (or two or three blocks, if necessary). Excavation should be made round the perimeter of the skeleton and then undercut. A tray of 3-ply or galvanized iron can then be slid underneath. The remains should be wrapped up as a mass and should not be treated with any preservatives, chemicals or anything at all. The application of preservatives, hardening agents, glues, paraffin or plaster of Paris can seriously interfere with subsequent anatomical, physical anthropological, forensic, archaeological and radiocarbon analyses. Similarly, if flesh, blood or hair is still present, the use of preservatives, including formalin, can vitiate subsequent histological and biochemical analyses.

Removal  
and  
transportation  
of skeletal  
material.

19. (a) It is the responsibility of Police to search the body of a deceased person and take possession of all money, jewellery, papers and other property found prior to the body being stripped by the morgue attendant and enter same in the record book at the district morgue and in the miscellaneous property book at the Station in the district in which the death took place.

Custody of  
property  
found on  
deceased.

Where there is a ring on any finger of a body, and it is not possible to remove it in the normal manner, it should be left on the body and reference made to its whereabouts in any record made of the deceased's property.

(b) Particulars of the property should also be included in the report furnished to the coroner on the P. 79A form.

(c) When a body is being conveyed to the district morgue, either by ambulance, or contractor for the removal of bodies, the Police accompanying it should not leave it unattended until the necessary search of the clothing has been carried out.

(d) The search should be undertaken in the presence of either the morgue attendant, ambulance officer, or the removalist's employee.

(e) The following procedure will be followed by Police in respect of the handling of property and clothing found on the body of a deceased person conveyed to the City Morgue, Glebe:

Instructions  
re City  
Morgue,  
Glebe.

(i) All property other than clothing shall be removed from the body and taken into possession by the member of the Force conveying and/or arranging the admission of the body to the morgue. The property is to be removed and checked by the member of the

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Force in the presence of a morgue attendant. Particulars of the case, together with a full description of the property found on the body, are to be entered in the morgue admission book by the member of the Force, who shall endorse such entry with his signature, rank and Station, and in the case of a Constable, his registered number. The entry shall be countersigned by the morgue attendant.

- (ii) In the event of property being removed from the body before the arrival of a member of the Force at the scene, such property is to be taken into possession by such member. In such a case, the member will carefully examine the property in the presence of the person handing it over, enter particulars in his official notebook, obtain such person's signature and take the property with the body to the morgue. The entry shall be made in the morgue admission book by the member of the Force concerned. This entry will contain particulars of how the property came into the possession of the member concerned and include the name and address of the person from whom it was received. In addition, a rubber stamp, bearing the words "Property Not Removed at City Morgue", is to be impressed on the entry in such cases and signed both by the member of the Force concerned and the morgue attendant. Care should be taken to ensure that particulars of the property are entered on the appropriate form of receipt.
- (iii) The property will then be conveyed to the Police Station in the Division in which the death took place by the member of the Force concerned, who will ensure that full particulars of the property are entered in the miscellaneous property book. The miscellaneous property receipt which shall be issued in respect of such property shall be forwarded to the City Morgue, together with the receipt which was previously removed from the morgue admission book and which is marked "Police Copy". These receipts will be filed at the City Morgue in the morgue admission book. Police will ensure that the entry in the miscellaneous property book coincides with the entry in the morgue admission book.
- (iv) In every instance, the miscellaneous property receipt will be endorsed to identify it with the morgue admission book entry to which it applies, e.g., "Property of the late James Brown, City Morgue Admission Book No. 2, page 24".
- (v) Clothing worn by a deceased person must remain on the body until a direction is received from the Director of Forensic Medicine or one of his medical assistants for its removal. Upon receipt of such a direction, the clothing will be removed from the body by the attendant on duty and dealt with in accordance with the procedure outlined in clauses (i) and (iii) in this paragraph by the member of the Force who arranged for the admission of the body to the City Morgue, particulars being entered on the appropriate form of receipt in the morgue admission book.
- (vi) When clothing of an obnoxious nature is removed from the body of a deceased person, the attendant on duty will treat the clothing



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with deodorant and the member of the Force concerned will place it in a plastic bag and then into a chaff bag; these items are on hand at the City Morgue for this purpose. The clothing will then be placed by the member of the Force concerned into one of two standard size garbage tins at the City Morgue, which can be identified by the lids which are painted red and have the letters N.S.W.P. printed thereon. The tin will be removed from the City Morgue by a Government contractor for the disposal of its contents. Prior to clothing being disposed of in this manner, the consent for such action being taken is to be obtained in writing from a relative of the deceased person, next-of-kin if practicable, and this authority will be filed on the duplicate copy of the relevant miscellaneous property receipt at the Police Station concerned. The original of the receipt, endorsed in compliance with the directions contained in clause (iv) of this paragraph, will be forwarded to the City Morgue but it will not be necessary for an entry to be made in the miscellaneous property book in respect of such clothing. If a relative cannot be readily contacted, the authority of the City Coroner, or where the deceased has died intestate, the Public Trustee, will be sought for the destruction of the clothing. In either case, verbal approval will be sufficient, and the copy of the miscellaneous property receipt should be endorsed "Clothing destroyed by authority of the City Coroner/Public Trustee", as the case may be.

- (vii) When the condition of the clothing is not obnoxious and a relative of the deceased person has advised that it is no longer required, it will be disposed of in the same manner as obnoxious clothing and the procedure set out in the preceding clause followed.
- (viii) When the property of the deceased person has been handed to a relative or the Public Trustee, as the case may be, a suitable acquittance is to be obtained for the miscellaneous property book at the Station concerned.

20. In the Country Area, where practicable, directions laid down herein in respect of the City Morgue, Glebe, should be followed. Superintendents should confer with local coroners and issue any additional instructions which may be necessary in a particular area.

Country Area—  
Superintendents to  
make local  
arrangements.

21. In all cases where an exhibit, whether motor vehicle, part thereof or other type of article, is in possession of Police and which materially relates to the cause of the death of a person or the cause of a fire, such exhibit should be retained in Police custody pending a discussion of the circumstances with the district coroner, or, in his absence, the acting or deputy coroner, and a direction given by him as to its disposal. So far as motor vehicles are concerned, if requested by the coroner, a mechanical examination should be conducted to ascertain whether a defect may have been a contributory factor to the fatality. These instructions are not intended to apply in instances where an indictable charge has been preferred against some person relating to the cause of death or fire being investigated. In such cases, by virtue of section 28 of the Coroners Act, 1960, the coroner merely hears evidence as to the identity of the deceased person and the place and date of his death or of where the fire occurred, as

Exhibits  
relevant to  
inquest.

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the case may be, and often adjourns the inquest without fixing a date or place for the resumption thereof. The indictable charge or charges mentioned are then the subject of proceedings in a court of petty sessions and the exhibits involved should be dealt with in accordance with the provisions of Instruction No. 33.

Bodies not recovered.

22. In cases of death where the bodies are not recovered, careful investigation should be made and a report of full particulars furnished to the coroner.

View of body by coroner, etc.

23. A view of the body of a deceased person or of the scene of a fire, shall not, upon any inquest or inquiry, be taken by the coroner, or where there is a jury, by the jury, unless the coroner deems it advisable to do so.

Obtaining statements.

24. The member of the Force who makes the initial inquiry into a death will, unless otherwise directed, be responsible for the collection of evidence, the calling of necessary witnesses and attending the inquest itself. When preparing statements, Police should exercise care in spelling and the compilation of statements as they often form part of the official record. Where the holding of an inquest has not been dispensed with by the coroner, statements should be obtained, the original and one copy of each to be forwarded to the coroner as soon as possible but, in any case, to reach him at least seven days before the day set down for the hearing of the inquest. Provided that in cases referred to in paragraph 13 (b) of this Instruction, the member of the Force who makes the initial inquiry into the death shall be required to obtain statements only to establish the identity of the deceased and the place and date of death, while the Officer in Charge of the Station in the patrol in which the cause of death arose will ensure that other necessary statements are obtained for the information of the coroner in his area.

Statements obtained by Police from witnesses or reports of results of inquiries are not to be made available to any person without the consent of the coroner, except that a copy of a witness' own statement may be handed to him at the time it is made (see also Instruction No. 60, supplying information to the media re deaths, etc.).

Report to coroner when charge of indictable offence.

25. Where a person dies a violent or unnatural death and a person has been charged with an indictable offence, e.g., murder or manslaughter, etc., in which the question of whether the person charged caused such death is in issue, or in the case of a fire, a person has been charged with an indictable offence, e.g., arson, in which the question as to whether the person charged caused such fire is in issue, Police will inform the coroner of the fact that such person has been so charged as soon as practicable (see paragraph 21 re taking of certain evidence and adjournment of inquest or inquiry).

Report to coroner when charge disposed of.

26. It is the usual practice not to resume an inquest so adjourned. Notwithstanding this, where a person has been charged with an indictable offence and finally dealt with, Police in charge of the case will submit a report for the information of the coroner, setting out the result of the proceedings taken. The coroner will then advise if the inquest is to be resumed. A copy of the Police report in such circumstances should be filed with the P. 79A form at the Station concerned.

Hearing of indictable offences.

27. Where a person is charged with an indictable offence, the coroner should be contacted as to the date he proposes to hold the inquest and the defendant remanded to the appropriate court of petty sessions.

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28. If no person has been charged with an indictable offence, the coroner may take all the available evidence and if such evidence establishes a prima facie case for an indictable offence against a known person, the coroner will adjourn the inquest or inquiry without fixing a date or place for the resumption thereof, and forward to the Attorney-General the depositions with a statement, signed by the coroner, setting out that a prima facie case for a particular indictable offence has been established against a known person. The coroner cannot resume the inquest or inquiry until such person has been finally dealt with or is discharged or no bill filed. If the inquest or inquiry is resumed, the coroner will not re-hear all the evidence upon which the Crown relied to prove that a person caused the death or fire.

29. Police will warn the undermentioned witnesses to attend an inquest— Witnesses.

- (a) persons who found the body;
- (b) persons knowing any circumstances connected with the death, including a person who may be criminally liable;
- (c) the person who identified the body to Police;
- (d) medical practitioners who can give evidence concerning the death.

However, the responsibility for deciding which witnesses should be called to give evidence rests on the coroner and if the member of the Force conducting the inquiry is in doubt in this regard, the coroner should be consulted. Frequently, coroners permit the admission of medical certificates, etc., at an inquest, dispensing with the actual attendance of the witness. Where it appears that a witness will not appear voluntarily, Police should obtain a summons from the coroner.

30. Police will—

- (a) advise the next-of-kin and all witnesses of the time and the date of the hearing of the inquest and of any subsequent adjournment thereof. Such information should be passed to the next-of-kin personally and in ample time before the holding of the inquest; Advise next-of-kin and witnesses in ample time.
- (b) produce at the inquest any papers or other property found on the body of the deceased, and any weapon or instrument that might be supposed to have been the means of death, or any bottle or papers containing, or thought to have contained, poison (any firearms must be expertly tested at the Ballistics Unit and a certificate obtained for presentation to the court); Production of articles.
- (c) at the conclusion of the inquest or magisterial inquiry, report the result on the back of the P. 60 or P. 79A forms being held. In the cases of open verdicts, members should express any opinion or view they may have as to the cause of the death or fire. A copy should be filed at the Station and the other forwarded to the Divisional Inspector who will, when satisfied as to the correctness of the report and that all aspects have been completed, file the form at his Office; Report coroner's finding.
- (d) when an inquest or magisterial inquiry has been held in the case of a deceased who has died intestate, leaving property, report promptly to Public Trustee's agent, and when property is handed over, obtain receipt, which should be filed at the Police Station concerned. The name of the agent should be shown on the P. 79A form (see Instruction No. 58); Property, if died intestate.

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Death from drowning.

- (e) immediately after the conclusion of an inquest into the death of a person from drowning, furnish a report, in duplicate, direct to the Commissioner, for transmission to the Royal Life Saving Society, Australia, setting out—
- (i) the locality of the drowning;
  - (ii) brief facts of the incident;
  - (iii) the cause of the drowning, if known;
  - (iv) in the case of a swimming pool drowning, whether the pool is an above or below ground level type, if surrounded by a fence or only fenced off from the street, and whether the deceased was a resident or visitor;
  - (v) in the case of drowning of a rock fisherman, whether he was alone;
  - (vi) in the case of drowning in a private dam, the type and depth of the dam;
  - (vii) the coroner's finding;
  - (viii) where Police had occasion to attempt resuscitation, the type of resuscitation used, the length of time carried out, and whether the deceased, at any time, showed any sign of recovery.

Reports are not required in cases of suicide drownings, but they are in cases of drowning in submerged vehicles.

Source of supply of poison.

31. In giving evidence at inquests into the deaths of persons from poisoning, Police should state whether it was possible to ascertain the source of supply of the poison and whether the package or bottle, etc., bore the label of the manufacturer and distributor and was otherwise labelled in accordance with regulation 14 of the regulations made in pursuance of the Poisons Act. At such inquests, also, the source of supply of the poison should be ascertained from the witness, if possible.

Fatal accidents in factories, etc., electric shock and gas deaths.

32. When a fatal accident occurs in a factory or is associated with use of machinery, e.g., cranes and trench diggers, the Department of Labour and Industry or its local representative should be promptly informed, and further notified of the date fixed for the inquest. The "supplying authority" should be similarly advised where death was caused by electrocution or gassing.

Municipal or shire employees, etc.

33. In connection with a fatality to any employee of any municipal or shire council, inform the town or shire clerk; and generally apply the instructions contained in this paragraph to all public or private institutions.

Defence personnel.

34. If deceased be a member of the defence forces, the appropriate authority should be contacted without delay and informed of the occurrence.

35. For analysis of any substance in connection with an inquest or inquiry, see Instruction No. 33.

Deceased persons wearing diving equipment.

36. Where Police are required to inquire into the death of a person who at the time was wearing a compressed air apparatus and weight belt, the Police Diving Section can be of assistance to them. In such cases, in addition to their other duties, the Police should take possession of the complete apparatus and belt, as an exhibit. At the same time, they should seal and conserve any compressed

## Instruction 78—13

gas within the apparatus. Particular notice should be taken of the condition of the apparatus and its method of attachment to the deceased. Photographs should be taken of the apparatus in its original condition, if possible. The diving apparatus and weight belt, together with a covering report, should be forwarded to the Officer in Charge, Police Diving Section, No. 28 Division, who will arrange for a sample of the gas to be tested by the Government Analyst and a physical test to be carried out by a qualified member of the Police Diving Section. The weight belt will be weighed by the Department of Weights and Measures and a certificate obtained. Statements, certificates and photographs will then be prepared for the Police in charge of the case for presentation to the coroner.

37. For procedure to be followed by medical officers conducting post mortem examination, see Instruction No. 33 and Item 13, Police Reference Book.

Procedures—  
post mortem  
examinations.

38. For requirements when a post mortem examination is to be undertaken in the country in a case in which a person has been charged or is likely to be charged with murder, see Instruction No. 33 and Item 13, Police Reference Book.

Murder  
charge  
preferred  
or likely  
to be  
preferred.

39. Doctors conducting post mortem examinations of persons suspected of having been murdered by use of a firearm should be asked the direction taken by the bullet after entering the body and before striking an internal obstacle—bone, etc. They should be requested to exercise care in extracting bullets to prevent, as far as possible, damage to the bullet markings by forceps or probes.

Removal of  
bullets.

40. In Sydney, the City Coroner may allow certain teaching hospitals to conduct post mortem examinations.

Teaching  
hospitals—  
post mortem  
examinations.

The procedure in each instance is—

- (1) Police are to be notified of the death by the hospital authorities in the usual manner and informed that it is proposed to seek the permission of the coroner to conduct the post mortem examination in the hospital.
- (2) A nominated person from the hospital, the identity of whom will previously be known to the coroner, will communicate with the coroner or his clerk and request permission for the post mortem examination to be conducted at the hospital.
- (3) The coroner will communicate with the Police concerned to ascertain if the case is one where permission can be granted for the post mortem examination to be conducted at the hospital. Permission will not be granted for hospitals to conduct autopsies in the following cases:
  - (a) where the circumstances which resulted in the death of the person concerned give rise to the possibility of some person or persons being charged with the commission of an indictable offence (the coroner, in the exercise of his discretion, may not permit an autopsy at teaching hospitals where the cause of death is attributable to physical violence as opposed to a motor vehicle collision);
  - (b) where the death has occurred by suspected poisoning or overdose of a drug;

**Instruction 78—14**

- (c) while the deceased was under, or within a period 24 hours after the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure unless the hospital desiring to conduct the autopsy first obtains the consent of a "relative" as defined in section 11 of the Coroners Act;
  - (d) where the next-of-kin (which expression does not include a de facto relationship) has requested that a post mortem examination be conducted by a Government Medical Officer. Where there is no next-of-kin, the hospital may conduct a post mortem examination, subject to all other requirements being satisfied.
- (4) If approval is given for the post mortem examination to be conducted at the hospital, the Police concerned will immediately take steps to have the body of the deceased identified to them at such hospital. Then, where possible, the Police concerned are to identify the body to the hospital pathologist authorized to conduct the post mortem examination. If this is not practicable, Police may identify such body to some other person in authority at the hospital, preferably a medical officer, but certainly not one of the nursing staff. Such person can then later identify the body to the pathologist. In such cases, however, the method of identification is to be clearly set out in the statement of evidence prepared by the Police for the information of the coroner.
  - (5) Interim post mortem reports following an autopsy are to be delivered personally by the hospital authorities to the office of the City Coroner no later than 1 p.m. on the date of the examination, or if the post mortem examination is conducted in the afternoon, by 9 a.m. the following morning. The full pathological report should be delivered to the coroner by the hospital authorities within a reasonable time thereafter.
  - (6) After a post mortem examination has been conducted at a hospital, the body is to remain at the hospital for disposal and not transferred to the City Morgue. The coroner may issue an order to the hospital relating to the release of the body for burial or cremation after he has received the interim post mortem report.
  - (7) The medical officer performing the autopsy is to make himself available for subsequent discussion with Police and/or the coroner, if required, and should also be available for the purpose of giving evidence at the coroner's court, if and when called.
  - (8) The hospital concerned will be responsible for the conveyance to the Government Analyst of organs or specimens required for analysis, and the person or persons transporting them should be available to give evidence to this effect, if required.

**Transplants.**

41. The City Coroner authorizes the transplant of organs from cadaver donors and, invariably, following such transplant, directs that an autopsy be performed on the body of the deceased at the hospital. In such cases, the procedure outlined in the preceding paragraphs should be followed.

42. Where the City Coroner has allowed post mortem examinations to be conducted in accordance with the provisions of the two preceding paragraphs,

**Instruction 78—15**

Police are still required to conduct investigations and present evidence to the coroner, etc., as directed in this Instruction.

43. As the care of dead bodies taken to public hospital morgues by the Police is wholly a Police duty, when it becomes necessary to obtain assistance, the services of the hospital wardsman should be availed of where possible. The responsibility for payment of fees in these instances will be borne by the Health Commission of New South Wales and will be met by the hospital where the service is provided. If it is not possible to obtain the services of the hospital wardsman, assistance may be obtained from undertakers. In these cases, the payment of fees will be borne by the Police Department.

Assistance  
at post  
mortem  
examinations.

44. Aviation pathologists for the State are appointed on a regional basis to carry out post mortem examinations of persons killed by air accidents. The regions for which pathologists have been appointed and the arrangements for post mortem examinations for the regions are set out hereunder—

Fatalities  
caused by  
air  
accidents,  
post mortem  
examinations.

**Sydney Area:** An area enclosed by a line drawn from the south bank of the mouth of the Hawkesbury River to Kurrajong Heights and thence to Capertee, Trunkey Creek, Taralga and to Cronulla.

Within this area, bodies should be transported to the Division of Forensic Medicine at Sydney and post mortem examinations carried out by that Division.

**South Coast Area (excluding A.C.T.):** An area enclosed by a line drawn from Cronulla to Taralga to Trunkey Creek to Khancoban and thence along the New South Wales–Victoria border.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities, or to Wollongong.

**North Coast Area:** An area enclosed by a line from Tweed Heads along the New South Wales–Queensland border to Liston, Wollomombi to east of Walcha, to Murrurundi, Capertee, Kurrajong Heights and thence to the north bank of the Hawkesbury River.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities, or to Newcastle.

**Riverina Area:** An area enclosed by a line drawn from Khancoban to Bowning, Goolgowi, to the junction of the Murrumbidgee and Murray Rivers and thence along the New South Wales–Victoria border to Khancoban.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities, or to Albury.

**Broken Hill Area:** An area enclosed by lines drawn from Barrington along the New South Wales–Queensland border, the New South Wales and South Australia border, the New South Wales–Victoria border, to the junction of the Murrumbidgee and Murray Rivers, thence to Goolgowi and to Barrington.

Within this area, bodies should be transported to Broken Hill for post mortem examination.

**Instruction 78—16**

Central Area: An area enclosed by a line drawn from Liston and along the New South Wales—Queensland border to Barrington, Goolgowi, Bowning, Trunkey Creek, Capertee, Murrurundi, to east of Walcha to Wollomombi and thence to Liston.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities.

Where the services of an aviation pathologist are required outside the Sydney area, as defined, and the identity of such officer is not known, information may be obtained from the Air Safety Investigation Branch Officer, Air Transport Group, Department of Transport (Australian Government), 59 Goulburn Street, Sydney.

Mass  
disaster—  
aircraft.

45. In the case of a mass disaster occasioned by an aircraft or of a regular public transport accident (i.e., civilian airlines) involving a large number of fatalities, the Division of Forensic Medicine in Sydney will undertake the post mortem examinations and pathology required. In these circumstances, the area pathologist will not be involved.

46. The area aviation pathologist will forward bio-chemical and histo-pathological material to Sydney for analysis by the Division of Forensic Medicine. A procedure similar to that at present in operation will apply, where Police will arrange for the transportation of the material. The Australian Department of Transport will supply the necessary packaging material for this purpose.

47. Upon receipt of advice as to the death of any person in an aircraft accident, coroners have been requested to direct the order made under section 30 of the Coroners Act (to medical practitioner, to perform post mortem examination) to the aviation pathologist for the region, as set out. The Police and/or the Department of Transport will confirm the name of the pathologist with the coroner in each instance.

48. In all cases where it is necessary to convey bodies to another centre for the purpose of performing a post mortem examination, the cost of conveyance will be met by the Department of Transport, as will all costs and expenses occasioned by medical practitioners in attending to perform post mortem examinations. Doctors should be instructed to forward their claim direct to that Department. The means of conveyance of bodies will be by a method decided after consultation between the Police and Air Transport Group.

Air  
fatalities—  
inquests.

49. Where an inquest is held following the death of a person killed by an air accident, Police should ensure that the Department of Transport is notified in sufficient time as to the date of hearing.

Questioning  
of City  
Morgue  
attendants  
by Police.

50. In the event of Police requiring to interview morgue attendants employed at the City Morgue, Glebe, permission should first be obtained from the Director, Division of Forensic Medicine.

Deaths  
arising  
from  
boating  
accidents.

51. In respect of deaths resulting from boating accidents, see Instruction No. 61.



## Instruction 78—17

52. Periodically, the Government Stores Department arranges contracts for the removal of dead bodies, provision of coffins and interments. Police are notified from time to time when such contracts are arranged and should familiarise themselves with any special conditions applicable to such contracts. The next-of-kin or legal personal representative of the deceased person may, in person, request the Police to permit him to arrange the removal of the body of the deceased to the morgue or other place directed by the Police by using the services of an undertaker of his choice. To permit this course being followed, Police will refrain from obtaining the services of the Government contractor until they have visited the place where the body of the deceased is then lying and if the next-of-kin or legal personal representative of the deceased so requests, they may permit that person to arrange for the removal of the dead body to the morgue or such other place as the member of the Force may indicate. Should such a request be made of them, Police will, unless for some good and sufficient reason, exercise their discretion in favour of the next-of-kin or legal personal representative of the deceased person. It will be appreciated that it is not possible to lay down set rules in this regard, but it is expected that members of the Force will have due regard to the wishes of the relatives of the deceased, provided the interests of the community at large are not overlooked. In acceding to the request, Police should clearly indicate to the person concerned that the removal is to be made under the supervision of the Police and the cost of such removal will not be borne by this Department or the Government.

Contracts for removal of dead bodies, etc.

Police should particularly note that the nature of the services to be provided under the contracts is specific but the conditions of the contract impose no obligation on any private person to use the service of the contractor for private funerals. The choice of an undertaker for privately arranged interments is entirely at the discretion of the relatives, and Police should strictly avoid recommending undertakers' services to them.

53. For burial of destitute persons, see Instruction No. 47.

Burial of destitute persons.

54. Upon receipt of information respecting the death of a foreign national, the officer in charge of the inquiry will communicate by telephone or radio particulars relating to the deceased person to the Criminal Correspondence Branch, Commissioner's Office (telephone 31 0277, extension 5330 or 5332, or telephone 2 0966, extension 3740 or 3741), between 8.45 a.m. and 5 p.m., Monday to Friday. The information to be supplied is full name, last place of residence, age and nationality (if known), place and date of death, cause of death (if known), and any particulars regarding next-of-kin. A report in duplicate is to be submitted as soon as possible thereafter, direct to the Commissioner, confirming the information previously supplied and containing any additional information then available.

Death of foreign national.

55. In those cases where the foreign national is a seaman in a British ship, and in the case of a British seaman, the Superintendent, Mercantile Marine Office, 189 Kent Street, Sydney (telephone 27 3236, 27 3351 and 27 3352), should be advised by telephone and the information subsequently confirmed by the submission of a report.

Deaths of seamen in British ships.

56. For procedure regarding deaths of pensioners, see Instruction No. 43.

Deaths of pensioners.

**Instruction 78—18**

Pathological  
exhibits.

57. For the procedure to be adopted in submitting post mortem exhibits for pathological examination and/or analysis, see Instruction No. 33.

Cremation—  
Police not  
to become  
involved  
unneces-  
sarily.

58. Where a person does not die a violent or unnatural death and there are no suspicious circumstances in connection with the death and the next-of-kin desire the body of the person to be cremated but the medical referee appointed under Part X of the regulations under the Public Health Act, 1902, refuses to permit this action due to the certificates by the two medical practitioners not complying with regulation 78, and representations are made to Police to have the body conveyed to a morgue, Police should not, where it is clear that there are no suspicious circumstances or other considerations such as unexplained death, intervene in the matter, but leave the representatives of the deceased person to make appropriate arrangements for disposing of the body either by cremation or burial. The attention of the persons making the representations should be drawn to the provisions of Part X of the abovementioned regulations.

Weather  
reports.

59. When information is required by members of the Police Force in connection with the preparation of a report for a coronial inquiry or other investigation respecting weather observations and forecasts, a request is to be made in writing to the Regional Director for New South Wales, Bureau of Meteorology, Commonwealth Centre, Chifley Square, Sydney. Such request should contain the reason why the information is required and the Bureau's reference No. 4067/62A should be quoted.

60. It should be noted that such requests must be received by the Bureau at least three clear working days prior to the date upon which the information is required. In the case of forecasts, requests should be received as soon as possible after the event. These records are not permanently retained and may be destroyed after 3 months.

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**INSTRUCTION No. 78**

**Coroners and Inquests**

1. Coroners and deputy coroners are appointed by the Governor by instrument in writing to be coroner at such place specified in the instrument, or in and for the State of New South Wales. Where a coroner or deputy coroner is appointed for a specific place, he may exercise his jurisdiction throughout the State of New South Wales, except within the Metropolitan Police district and the Police districts of Liverpool, Newcastle, Parramatta, and Ryde or any other Police district which may be gazetted. In such districts, only a stipendiary magistrate may act as a coroner, although he may delegate his jurisdiction, powers and duties—

Coroners' jurisdiction.

- (a) to issue burial and cremation orders;
- (b) to dispense with the holding of an inquest where death results from natural causes; or
- (c) in respect of any prescribed matters relative to his jurisdiction, powers and duties as a coroner;

to an officer of the court at which he acts as coroner and may in like manner revoke wholly or in part any such delegation. The Police districts referred to herein in respect of coronial jurisdiction relate to those districts defined under section 6 of the Justices Act, 1902, and they bear no relationship to Police Administrative Districts for Departmental purposes.

2. Stipendiary magistrates have the jurisdiction, powers and duties of coroners throughout the State of New South Wales.

3. All members of the Force should make themselves thoroughly conversant with the provisions of the Coroners Act, 1960.

3A. Sections 11 and 12 of the Coroners Act, 1960, require that a coroner hold or dispense with an inquiry or inquest when informed of certain deaths or fires "by a member of the Police Force".

"Member of Police Force"—Coroners Act.

A City Coroner has held that "a member of the Police Force" is to be interpreted as "a member of the New South Wales Police Force".

Arrangements have been made with the Commonwealth Police Force for deaths or fires occurring in places where members of that Force exercise control to be reported to the Officer in Charge of the nearest New South Wales Police Station. This procedure, of course, will apply only to those deaths or fires which occur in circumstances requiring a report to be made to the coroner in terms of the Act. Upon such a report being made by a member of the Commonwealth Police Force, it will then be the responsibility of a member of this Force to carry out the necessary inquiries and make the appropriate report to a coroner.

**Instruction 78—2**

Jury in  
certain  
cases.

4. The Coroners Act provides that all inquests and inquiries shall be held before a coroner without a jury, provided that—

(a) in the case of an inquest, where a relative of the deceased or the secretary of any society or organization of which the deceased was a member at the time of his death so requests; or

(b) in the case of an inquest or inquiry, where the Minister so directs; the inquest or inquiry shall be held before a coroner and a jury of six persons.

(“Relative” means spouse, parent, or child who has attained the age of twenty-one years, or where there is no spouse, parent, or child who has attained that age, a brother or sister who has attained that age.)

Police  
assistance  
re jury.

5. Where a jury is required in circumstances described in paragraph 4, Police will ascertain from the coroner whether he desires them to summon such jury. Police will also ensure that no member of the jury is related to the deceased, nor interested in any person suspected of having caused his death, nor likely to be required as a witness.

6. At the inquest, Police will, if required by the coroner, take charge of the jury, accompany them to view the body if the coroner deems it advisable to do so, and prevent interference with them whilst considering their verdict. In practice, the coroner arranges for the Sheriff to take charge of the jury.

Fatalities  
in mines.

7. In connection with fatal accidents in coal mines, Police will promptly inform the District Inspector of Collieries, and in other mines, the District Inspector, appointed under the Mines Inspection Act, 1901, and notify them of the date and time of the holding of the inquest.

If a jury is to be empanelled for such inquest, Police will ensure that any person having a personal interest in, or employed in, or in the management of the mine in which the explosion or accident occurred, is not called as a juror. Police will also ensure that no person is called as a juror who might exhibit animus against the mine owner. Nevertheless, whenever it is practicable, one half of the jurymen shall be miners. In the case of an explosion or accident in a coal or shale mine, the jurors should be selected at random.

(Mines will be taken to include quarries, dredges and other places referred to in the Mines Inspection Act. The Coal Mines Regulation Act also defines a mine).

Fires.

8. Police will—

(a) as early as possible, report direct to the coroner on form P. 60, the required details of all fires coming to their notice where property of value is destroyed or damaged by fire. This instruction relates not only to real property, i.e., houses and buildings, but to all property of value, including motor vehicles and their loadings, contents of buildings, crops, stock, fencing equipment, etc.;

**Instruction 78—3**

- (b) in the absence of any written notification from the Board of Fire Commissioners of New South Wales, accept that the Board does not require the holding of an inquiry in the case of a fire occurring within a fire district within the meaning of the Fire Brigades Act, 1909, and should advise the coroner accordingly;
- (c) ascertain from the Bush Fire Committee whether an inquiry is desired in the case of a bush fire within the meaning of the Bush Fires Act, 1949, as amended (see section 12, Coroners Act);
- (d) when preparing form P. 60, make sufficient copies to allow the original and one copy to be forwarded direct to the coroner, another to the Divisional Officer, while the remaining copy should be retained at the Station concerned;
- (e) upon request of fire brigade authorities, afford any information obtainable as to amount and particulars of insurance upon any premises where a fire has occurred;
- (f) see that members of fire brigade staffs are called to court only in cases where it is absolutely necessary.

8A. The Health Commission of New South Wales has formulated the following policy concerning the removal of deceased persons by Ambulance:

- (1) Where a person dies in hospital, convalescent home or nursing home, Ambulance Officers are not to transport the body to any other point.
- (2) Where a deceased person is the victim of collapse, accident, or some other circumstance, unless instructed to the contrary by a member of the Police Force, Ambulance Officers will be required to remove the body to either a hospital or medical practitioner to have life pronounced extinct, and thereafter, to the Morgue for admission.
- (3) Where the person has been deceased for more than 24 hours, Ambulance Officers should not be required to remove the body unless special circumstances exist which render such action appropriate.

Police will comply with the Health Commission's policy. In cases where an Ambulance Officer is not being utilized to remove a deceased person, Police should comply with the provisions of the current Government Stores Department Contract for the Removal and Burial of Bodies.

9. In any case where doubt exists as to whether death has ensued, immediate medical assistance should be obtained and first aid applied as set out in Item 9 of the Police Reference Book. However, before a dead body is admitted to a morgue, a certificate that life is extinct should be obtained from a medical practitioner and later attached to the P. 79A report to the coroner. After a medical officer has certified that life is extinct, Police will act under the coroner's instructions as far as practicable.

Death  
certificate.

*New pages 661–662A. (Amended 28/9/79).*

**Instruction 78—4**

When form  
P. 79A to be  
submitted.

9A. Police are required to inform the coroner for the district or, if absent, the nearest coroner, i.e., the coroner whose residence is closest by a route which can be conveniently used, by the submission of P. 79A forms (a copy of which is to be immediately filed at the Station of origin) of the death of any person whose body is lying within that district and who—

- (a) has died a violent or unnatural death;
- (b) has died a sudden death, the cause of which is unknown;
- (c) has died under suspicious or unusual circumstances;
- (d) has died, and in respect of whom a medical practitioner has not given a certificate as to the cause of the death;
- (e) has died, not having been attended by a medical practitioner within the period of three months immediately before his death;
- (f) has died while under, or as a result of, or within a period of twenty-four hours after the administration to him of an anaesthetic administered in the course of a medical, surgical, or dental operation or procedure, or an operation or procedure of a like nature;
- (g) has died within a year and a day after the date of any accident where the cause of the death is attributable to the accident; or
- (h) has died in an admission centre or mental hospital, within the meaning of the Mental Health Act, 1958, an institution within the meaning of the Prisons Act, 1952, as amended by subsequent Acts, or in any lockup, or otherwise whilst in the lawful custody or any member of the Police Force.

The form P. 79A should fully set out the manner of death and, where possible, a full history of the nature of any illness suffered by the deceased, and if treated by a doctor, when and by whom. A note should be obtained from any doctor who saw the deceased about the time of death or after death. This note should be attached to the report. A full description of any unidentified body should be inserted in the appropriate spaces on the form. It is essential that the names of the deceased person are fully and correctly stated. Attention should be paid to the correctness of the spelling of names, and persons identifying bodies or supplying particulars of the names should be closely questioned as to the correctness of the names given. If available, official documents should be referred to for the purpose of establishing the correct name of the deceased. When it is known, the date of birth of the deceased should be shown, together with the place of birth. Police will familiarize themselves with the contents of the P. 79A form in order that they can obtain the required information to complete such form during their initial inquiries. The form should be prepared in quintuplicate, the original and two copies to be forwarded direct to the coroner, another to the Divisional Inspector, while the remaining copy should be retained at the Station concerned. The full names and addresses of all persons and the registered numbers of all motor vehicles concerned should be indicated.

Copy of  
forms to  
Health  
Commission.

\* 9B & SEE CIRC 85763  
9B. In the Country Area, where the death of a person has been reported to the Coroner, Police will prepare an additional copy of each of the following forms—

- report of death to the Coroner (P79A),
- specimen/exhibit examination (P377),

**Instruction 78—4A**

post mortem report of medical officer,  
specimens for toxicological analysis,  
reports containing results of any other test or examination performed.

As soon as practicable after death, and without waiting for the inquest, such copies are to be sent under personal and confidential cover to:

The Senior Specialist, Country Forensic Services,  
Health Commission of New South Wales,  
9-13 Young Street,  
Sydney 2000.

9c. When the death of a child under the age of two years is reported to Police within the Metropolitan Area under the jurisdiction of the City Coroners (which includes Parramatta, Liverpool and Hornsby), the body is to be conveyed to the City Morgue. This procedure includes children under the age of two years who died in hospital from injury or where cause of death is not apparent, but excludes stillborn children and children who died in hospital after treatment for known disorders. A Morgue Admission Book entry is to be made and properly removed as directed in paragraph 19. Form P. 79A is to be prepared and lodged at the Coroners Office, together with any medical history at 9 a.m. or 2 p.m. on normal Court days. The body will then be identified to the Government Medical Officer on duty by the identifying Police Officer. All Post Mortem procedures will be carried out under the direction of the Division of Forensic Medicine. Undertakers are to be advised to make any inquiries regarding the release of the deceased to the Coroners Office. Post mortem examinations will be made on week days, weekends and public holidays.

When interviewing parents of the deceased, Police will discreetly inform them that the result of the examination will be available to them. It is also to be ascertained the person to whom the parents would like the result of the examination to be given, e.g., Minister of Religion, medical practitioner or family friend. This procedure will help to reduce stress and trauma associated with the death of the child. Police should obtain the telephone number of the person nominated and append it to the P. 79A form for the information of the Coroner and the Government Medical Officer.

Should the deceased be a twin, the parents are to be advised that the surviving twin should be examined by their own medical practitioner or to contact the Royal Alexandra Hospital for Children (Staff Paediatrician). The staff of the hospital are particularly anxious to assist and advise the parents in these circumstances.

10. When the body of a deceased person is found by, or reported to, the Police and it appears necessary to hold an inquest, particularly when foul play is suspected or suspicious circumstances are revealed, Police will—

When body found. 86/16

- (a) carefully note in writing the position and appearance of the body and probable length of time dead.

Position and appearance.

The greatest care should be exercised before removing dead bodies found in public parks, dwelling-houses, etc. If there is any doubt or suspicion, the Officer in Charge should be consulted.





**Instruction 78—5**

(b) in cases of suspected foul play, immediately report by the quickest method to the Divisional Officer. In such circumstances, each body should, before removal, be viewed by a medical practitioner and photographs taken (see (h));

Important cases.

(c) make a minute search of the body and the place where found for any article likely to have caused death; if a medical practitioner is not present, note particularly the size, description, and position of any wounds, and do not allow the body, or any articles which could in any way be connected with the death, to be removed or altered until full investigation is completed.

Search body and premises.

If a post mortem examination is held, any weapons, bottles, packets or other things supposed to be connected with the cause of death, together with any clothing worn by the deceased showing holes caused by bullet or knife, should be produced for the information of the medical officer conducting the examination;

(d) remove the body to a public or hospital morgue;

Removal to morgue. Charge of body.

(e) unless the body is taken to a morgue, see that a Constable remains in charge of it until the coroner has given instructions as to the disposal of the body;

(f) promptly submit form P. 79A to the coroner;

P. 79A form.

(g) if a body is unidentified when the order for burial is given, arrange for photographs to be taken as directed in paragraph 16 of this Instruction;

Unidentified bodies. 86/16.

(h) obtain assistance from specialized Branches or Sections of the Department, if considered necessary. See Part 11 of these Instructions.

11. In cases of death by violence, or where foul play is suspected, the Divisional Officer will take an active interest from the time the matter first comes under notice until finally dealt with.

12. Whenever possible, an experienced member of the Force should investigate any death which comes under notice or is reported in accordance with paragraph 9A or 13 (b) of this Instruction.

Experienced Police to conduct inquiries.

13. (a) Where a coroner is so informed by a member of the Police Force of the death of a person in certain circumstances, it is his duty to hold an inquest unless he dispenses with it in accordance with the provisions of the Coroners Act.

Coroner's responsibility.

(Once a coroner has been so informed, he cannot divest himself of jurisdiction in favour of another coroner, except as provided in section 13 of the Act).

(b) Cases arise where a person receiving injuries in a country centre is transported to Sydney or a larger country town for treatment and subsequently dies at that place as a result of the injuries received.

Return of papers for inquest by local coroner.

In such instances, the death should be reported to the coroner nearest to the place of death.

**Instruction 78—6**

Where the coroner at such place is satisfied that the cause of death arose at some other place than that at which he holds office or ordinarily acts as coroner and that, on the grounds of public convenience, the inquest should be held by the coroner where the cause of death arose, then he will arrange for the P. 79A forms, statements of identification to Police, statements of identification by Police to the Government Medical Officer, and the report of examination of the body by the Government Medical Officer, to be forwarded to that coroner.

Death in New South Wales from injuries received in another State.

14. Where a person receives injuries interstate and dies in New South Wales as a result of those injuries, a coroner in this State has power to hold an inquest and, if he forms the opinion that a prima facie case for murder or manslaughter has been established against a known person, he may forward the depositions to the Attorney-General.

Police Prosecutors assisting coroners.

15. At the larger centres, Police Prosecutors assist coroners in the conduct of their courts. At other places where cases of a complex nature are involved, where it is considered that the services of a Police Prosecutor should be obtained, an application, together with copies of relevant statements, should reach the office of the Superintendent in Charge, Police Prosecuting Branch, at least 7 days before such hearing. The latter Officer will decide whether such assistance is warranted.

Record of unidentified bodies to be kept at Missing Persons Section.

16. Information concerning unidentified bodies is recorded at the Missing Persons Section for checking against missing persons record cards to assist in possible identification.

Where finger-prints have failed to identify a body and there are no other means of identification, Police will submit a full report to the Missing Persons Section, setting out—

- (i) full description of the body, including apparent age;
- (ii) length of time dead;
- (iii) particulars regarding clothing and jewellery found on body.

Dental chart and photographs of unidentified bodies.

A dental chart should be attached to the report as well as a full length photograph of the body. The head should also be photographed, one taken directly above head (full face) and one taken side on to head (profile). Police responsible for the taking of photographs of deceased persons are to ensure that, if possible, they are taken before the post mortem examination is carried out. They are also to ensure that the face of the deceased person has been cleaned up, hair tidied, and eyes opened, before taking the photographs, so as to facilitate identification by members of the public. These photographs, taken as set out above, should be enlarged to a reasonable size.

Copies of each of the photographs should be attached to the P. 79A form filed at the Station. Copies of the photographs should also be supplied to the coroner for filing.

Ancient aboriginal bones.

17. In the case of skeletal material being found during archaeological exploration, a senior coroner, City Coroner's Court, has expressed the following views:

"When old bones, sufficient to constitute a body are found, it is my contention that the discovery should be reported to the coroner. Bones of limbs only would be insufficient. The coroner should then

**Instruction 78—7**

arrange for an expert examination of such bones, preferably by the Department of Anatomy, University of Sydney. If they are proved to be ancient aboriginal bones, they become the property of the Crown and must be placed in the custody or control of the Trustees of the Australian Museum (National Parks and Wildlife Act, 1967, 1969, section 33G). If they are of comparatively recent origin, say not more than 20 years old, an inquest should be held to try to determine the identity of the deceased. If they are ancient caucasian bones, the coroner could dispense with an inquest if he is satisfied that no purpose should be served by inquiry into the death, and order that the bones be buried or permit their disposal to a university, ambulance body, museum or some similar institution, as thought fit".

18. The Professor of Anatomy at the University of Sydney has intimated that in the removal and transportation of relics and aboriginal skeletal material, the material should be disturbed as little as possible, and should be excavated in one block, if possible (or two or three blocks, if necessary). Excavation should be made round the perimeter of the skeleton and then undercut. A tray of 3-ply or galvanized iron can then be slid underneath. The remains should be wrapped up as a mass and should not be treated with any preservatives, chemicals or anything at all. The application of preservatives, hardening agents, glues, paraffin or plaster of Paris can seriously interfere with subsequent anatomical, physical anthropological, forensic, archaeological and radiocarbon analyses. Similarly, if flesh, blood or hair is still present, the use of preservatives, including formalin, can vitiate subsequent histological and biochemical analyses.

Removal  
and  
transportation  
of skeletal  
material.

19. (a) It is the responsibility of Police to search the body of a deceased person and take possession of all money, jewellery, papers and other property found prior to the body being stripped by the morgue attendant and enter same in the record book at the district morgue and in the miscellaneous property book at the Station in the district in which the death took place.

Custody of  
property  
found on  
deceased.

Where there is a ring on any finger of a body, and it is not possible to remove it in the normal manner, it should be left on the body and reference made to its whereabouts in any record made of the deceased's property.

(b) Particulars of the property should also be included in the report furnished to the coroner on the P. 79A form.

(c) When a body is being conveyed to the district morgue, either by ambulance, or contractor for the removal of bodies, the Police accompanying it should not leave it unattended until the necessary search of the clothing has been carried out.

(d) The search should be undertaken in the presence of either the morgue attendant, ambulance officer, or the removalist's employee.

(e) The following procedure will be followed by Police in respect of the handling of property and clothing found on the body of a deceased person conveyed to the City Morgue, Glebe:

Instructions  
re City  
Morgue,  
Glebe.

(i) All property other than clothing shall be removed from the body and taken into possession by the member of the Force conveying and/or arranging the admission of the body to the morgue. The property is to be removed and checked by the member of the

**Instruction 78—8**

Force in the presence of a morgue attendant. Particulars of the case, together with a full description of the property found on the body, are to be entered in the morgue admission book by the member of the Force, who shall endorse such entry with his signature, rank and Station, and in the case of a Constable, his registered number. The entry shall be countersigned by the morgue attendant.

- (ii) In the event of property being removed from the body before the arrival of a member of the Force at the scene, such property is to be taken into possession by such member. In such a case, the member will carefully examine the property in the presence of the person handing it over, enter particulars in his official notebook, obtain such person's signature and take the property with the body to the morgue. The entry shall be made in the morgue admission book by the member of the Force concerned. This entry will contain particulars of how the property came into the possession of the member concerned and include the name and address of the person from whom it was received. In addition, a rubber stamp, bearing the words "Property Not Removed at City Morgue", is to be impressed on the entry in such cases and signed both by the member of the Force concerned and the morgue attendant. Care should be taken to ensure that particulars of the property are entered on the appropriate form of receipt.
- (iii) The property will then be conveyed to the Police Station in the Division in which the death took place by the member of the Force concerned, who will ensure that full particulars of the property are entered in the miscellaneous property book. The miscellaneous property receipt which shall be issued in respect of such property shall be forwarded to the City Morgue, together with the receipt which was previously removed from the morgue admission book and which is marked "Police Copy". These receipts will be filed at the City Morgue in the morgue admission book. Police will ensure that the entry in the miscellaneous property book coincides with the entry in the morgue admission book.
- (iv) In every instance, the miscellaneous property receipt will be endorsed to identify it with the morgue admission book entry to which it applies, e.g., "Property of the late James Brown, City Morgue Admission Book No. 2, page 24".
- (v) Clothing worn by a deceased person must remain on the body until a direction is received from the Director of Forensic Medicine or one of his medical assistants for its removal. Upon receipt of such a direction, the clothing will be removed from the body by the attendant on duty and dealt with in accordance with the procedure outlined in clauses (i) and (iii) in this paragraph by the member of the Force who arranged for the admission of the body to the City Morgue, particulars being entered on the appropriate form of receipt in the morgue admission book.
- (vi) When clothing of an obnoxious nature is removed from the body of a deceased person, the attendant on duty will treat the clothing

## Instruction 78—9

with deodorant and the member of the Force concerned will place it in a plastic bag and then into a chaff bag; these items are on hand at the City Morgue for this purpose. The clothing will then be placed by the member of the Force concerned into one of two standard size garbage tins at the City Morgue, which can be identified by the lids which are painted red and have the letters N.S.W.P. printed thereon. The tin will be removed from the City Morgue by a Government contractor for the disposal of its contents. Prior to clothing being disposed of in this manner, the consent for such action being taken is to be obtained in writing from a relative of the deceased person, next-of-kin if practicable, and this authority will be filed on the duplicate copy of the relevant miscellaneous property receipt at the Police Station concerned. The original of the receipt, endorsed in compliance with the directions contained in clause (iv) of this paragraph, will be forwarded to the City Morgue but it will not be necessary for an entry to be made in the miscellaneous property book in respect of such clothing. If a relative cannot be readily contacted, the authority of the City Coroner, or where the deceased has died intestate, the Public Trustee, will be sought for the destruction of the clothing. In either case, verbal approval will be sufficient, and the copy of the miscellaneous property receipt should be endorsed "Clothing destroyed by authority of the City Coroner/Public Trustee", as the case may be.

- (vii) When the condition of the clothing is not obnoxious and a relative of the deceased person has advised that it is no longer required, it will be disposed of in the same manner as obnoxious clothing and the procedure set out in the preceding clause followed.
- (viii) When the property of the deceased person has been handed to a relative or the Public Trustee, as the case may be, a suitable acquittance is to be obtained for the miscellaneous property book at the Station concerned.

20. In the Country Area, where practicable, directions laid down herein in respect of the City Morgue, Glebe, should be followed. Superintendents should confer with local coroners and issue any additional instructions which may be necessary in a particular area.

Country  
Area—  
Superintendents to  
make local  
arrangements.

21. In all cases where an exhibit, whether motor vehicle, part thereof or other type of article, is in possession of Police and which materially relates to the cause of the death of a person or the cause of a fire, such exhibit should be retained in Police custody pending a discussion of the circumstances with the district coroner, or, in his absence, the acting or deputy coroner, and a direction given by him as to its disposal. So far as motor vehicles are concerned, if requested by the coroner, a mechanical examination should be conducted to ascertain whether a defect may have been a contributory factor to the fatality. These instructions are not intended to apply in instances where an indictable charge has been preferred against some person relating to the cause of death or fire being investigated. In such cases, by virtue of section 28 of the Coroners Act, 1960, the coroner merely hears evidence as to the identity of the deceased person and the place and date of his death or of where the fire occurred, as

Exhibits  
relevant to  
inquest.

*New pages 667–668A. (Amended 28/9/79).*

**Instruction 78—10**

the case may be, and often adjourns the inquest without fixing a date or place for the resumption thereof. The indictable charge or charges mentioned are then the subject of proceedings in a court of petty sessions and the exhibits involved should be dealt with in accordance with the provisions of Instruction No. 33.

Bodies not recovered.

22. In cases of death where the bodies are not recovered, careful investigation should be made and a report of full particulars furnished to the coroner.

View of body by coroner, etc.

23. A view of the body of a deceased person or of the scene of a fire, shall not, upon any inquest or inquiry, be taken by the coroner, or where there is a jury, by the jury, unless the coroner deems it advisable to do so.

Obtaining statements.

24. The member of the Force who makes the initial inquiry into a death will, unless otherwise directed, be responsible for the collection of evidence, the calling of necessary witnesses and attending the inquest itself. When preparing statements, Police should exercise care in spelling and the compilation of statements as they often form part of the official record. Where the holding of an inquest has not been dispensed with by the coroner, statements should be obtained, the original and one copy of each to be forwarded to the coroner as soon as possible but, in any case, to reach him at least seven days before the day set down for the hearing of the inquest. Provided that in cases referred to in paragraph 13 (b) of this Instruction, the member of the Force who makes the initial inquiry into the death shall be required to obtain statements only to establish the identity of the deceased and the place and date of death, while the Officer in Charge of the Station in the patrol in which the cause of death arose will ensure that other necessary statements are obtained for the information of the coroner in his area.

Statements obtained by Police from witnesses or reports of results of inquiries are not to be made available to any person without the consent of the coroner, except that a copy of a witness' own statement may be handed to him at the time it is made (see also Instruction No. 60, supplying information to the media re deaths, etc.).

It is essential that Police submit P. 79A Forms without delay in order that funeral arrangements can be completed as soon as possible after the death has been reported to them.

It is appreciated that on occasions difficulties may be experienced in interviewing witnesses or next-of-kin. However, where it is expected that there will be considerable delay in this regard, the P. 79A Forms should be endorsed accordingly and submitted to the Coroner for his information so that no undue delay is experienced in the burial of the deceased. Any statements from witnesses or next-of-kin should be obtained and forwarded to the Coroner as soon as possible as set out above.

Report to coroner when charge of indictable offence.

25. Where a person dies a violent or unnatural death and a person has been charged with an indictable offence, e.g., murder or manslaughter, etc., in which the question of whether the person charged caused such death is in issue, or in the case of a fire, a person has been charged with an indictable offence, e.g., arson, in which the question as to whether the person charged caused such fire is in issue, Police will inform the coroner of the fact that such person has been so charged as soon as practicable (see paragraph 21 re taking of certain evidence and adjournment of inquest or inquiry).

**Instruction 78—10A**

26. It is the usual practice not to resume an inquest so adjourned. Notwithstanding this, where a person has been charged with an indictable offence and finally dealt with, Police in charge of the case will submit a report for the information of the coroner, setting out the result of the proceedings taken. The coroner will then advise if the inquest is to be resumed. A copy of the Police report in such circumstances should be filed with the P. 79A form at the Station concerned.

Report to  
coroner  
when charge  
disposed of.

27. Where a person is charged with an indictable offence, the coroner should be contacted as to the date he proposes to hold the inquest and the defendant remanded to the appropriate court of petty sessions.

Hearing of  
indictable  
offences.



Document 20-314

It is the policy of the United States to support the free people of the world in their struggle for independence, self-determination, and freedom from oppression. The United States will support such movements and peoples in their struggle for independence, self-determination, and freedom from oppression. The United States will support such movements and peoples in their struggle for independence, self-determination, and freedom from oppression.

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**Instruction 78—11**

28. If no person has been charged with an indictable offence, the coroner may take all the available evidence and if such evidence establishes a prima facie case for an indictable offence against a known person, the coroner will adjourn the inquest or inquiry without fixing a date or place for the resumption thereof, and forward to the Attorney-General the depositions with a statement, signed by the coroner, setting out that a prima facie case for a particular indictable offence has been established against a known person. The coroner cannot resume the inquest or inquiry until such person has been finally dealt with or is discharged or no bill filed. If the inquest or inquiry is resumed, the coroner will not re-hear all the evidence upon which the Crown relied to prove that a person caused the death or fire.

29. Police will warn the undermentioned witnesses to attend an inquest— Witnesses.

- (a) persons who found the body;
- (b) persons knowing any circumstances connected with the death, including a person who may be criminally liable;
- (c) the person who identified the body to Police;
- (d) medical practitioners who can give evidence concerning the death.

However, the responsibility for deciding which witnesses should be called to give evidence rests on the coroner and if the member of the Force conducting the inquiry is in doubt in this regard, the coroner should be consulted. Frequently, coroners permit the admission of medical certificates, etc., at an inquest, dispensing with the actual attendance of the witness. Where it appears that a witness will not appear voluntarily, Police should obtain a summons from the coroner.

*See c 34/191*

30. Police will—

- (a) advise the next-of-kin and all witnesses of the time and the date of the hearing of the inquest and of any subsequent adjournment thereof. Such information should be passed to the next-of-kin personally and in ample time before the holding of the inquest; Advise next-of-kin and witnesses in ample time.
- (b) produce at the inquest any papers or other property found on the body of the deceased, and any weapon or instrument that might be supposed to have been the means of death, or any bottle or papers containing, or thought to have contained, poison (any firearms must be expertly tested at the Ballistics Unit and a certificate obtained for presentation to the court); Production of articles.
- (c) at the conclusion of the inquest or magisterial inquiry, report the result on the back of the P. 60 or P. 79A forms being held. In the cases of open verdicts, members should express any opinion or view they may have as to the cause of the death or fire. A copy should be filed at the Station and the other forwarded to the Divisional Inspector who will, when satisfied as to the correctness of the report and that all aspects have been completed, file the form at his Office; Report coroner's finding.
- (d) when an inquest or magisterial inquiry has been held in the case of a deceased who has died intestate, leaving property, report promptly to Public Trustee's agent, and when property is handed over, obtain receipt, which should be filed at the Police Station concerned. The name of the agent should be shown on the P. 79A form (see Instruction No. 58); Property, if died intestate.

**Instruction 78—12**

Death from drowning.

- (e) immediately after the conclusion of an inquest into the death of a person from drowning, furnish a report, in duplicate, direct to the Commissioner, for transmission to the Royal Life Saving Society, Australia, setting out—
- (i) the locality of the drowning;
  - (ii) brief facts of the incident;
  - (iii) the cause of the drowning, if known;
  - (iv) in the case of a swimming pool drowning, whether the pool is an above or below ground level type, if surrounded by a fence or only fenced off from the street, and whether the deceased was a resident or visitor;
  - (v) in the case of drowning of a rock fisherman, whether he was alone;
  - (vi) in the case of drowning in a private dam, the type and depth of the dam;
  - (vii) the coroner's finding;
  - (viii) where Police had occasion to attempt resuscitation, the type of resuscitation used, the length of time carried out, and whether the deceased, at any time, showed any sign of recovery.

Reports are not required in cases of suicide drownings, but they are in cases of drowning in submerged vehicles.

Source of supply of poison.

31. In giving evidence at inquests into the deaths of persons from poisoning, Police should state whether it was possible to ascertain the source of supply of the poison and whether the package or bottle, etc., bore the label of the manufacturer and distributor and was otherwise labelled in accordance with regulation 14 of the regulations made in pursuance of the Poisons Act. At such inquests, also, the source of supply of the poison should be ascertained from the witness, if possible.

Fatal accidents in factories, etc., electric shock and gas deaths.

32. When a fatal accident occurs in a factory or is associated with use of machinery, e.g., cranes and trench diggers, the Department of Labour and Industry or its local representative should be promptly informed, and further notified of the date fixed for the inquest. The "supplying authority" should be similarly advised where death was caused by electrocution or gassing.

Municipal or shire employees, etc.

33. In connection with a fatality to any employee of any municipal or shire council, inform the town or shire clerk; and generally apply the instructions contained in this paragraph to all public or private institutions.

Defence personnel.

34. If deceased be a member of the defence forces, the appropriate authority should be contacted without delay and informed of the occurrence.

35. For analysis of any substance in connection with an inquest or inquiry, see Instruction No. 33.

Deceased persons wearing diving equipment.

36. Where Police are required to inquire into the death of a person who at the time was wearing a compressed air apparatus and weight belt, the Police Diving Section can be of assistance to them. In such cases, in addition to their other duties, the Police should take possession of the complete apparatus and belt, as an exhibit. At the same time, they should seal and conserve any compressed

**Instruction 78—13**

gas within the apparatus. Particular notice should be taken of the condition of the apparatus and its method of attachment to the deceased. Photographs should be taken of the apparatus in its original condition, if possible. The diving apparatus and weight belt, together with a covering report, should be forwarded to the Officer in Charge, Police Diving Section, No. 28 Division, who will arrange for a sample of the gas to be tested by the Government Analyst and a physical test to be carried out by a qualified member of the Police Diving Section. The weight belt will be weighed by the Department of Weights and Measures and a certificate obtained. Statements, certificates and photographs will then be prepared for the Police in charge of the case for presentation to the coroner.

37. For procedure to be followed by medical officers conducting post mortem examination, see Instruction No. 33 and Item 13, Police Reference Book. Procedures—  
post mortem  
examinations.

38. For requirements when a post mortem examination is to be undertaken in the country in a case in which a person has been charged or is likely to be charged with murder, see Instruction No. 33 and Item 13, Police Reference Book. Murder  
charge  
preferred  
or likely  
to be  
preferred.

39. Doctors conducting post mortem examinations of persons suspected of having been murdered by use of a firearm should be asked the direction taken by the bullet after entering the body and before striking an internal obstacle—bone, etc. They should be requested to exercise care in extracting bullets to prevent, as far as possible, damage to the bullet markings by forceps or probes. Removal of  
bullets.

40. In Sydney, the City Coroner may allow certain teaching hospitals to conduct post mortem examinations. Teaching  
hospitals—  
post mortem  
examinations.

The procedure in each instance is—

- (1) Police are to be notified of the death by the hospital authorities in the usual manner and informed that it is proposed to seek the permission of the coroner to conduct the post mortem examination in the hospital.
- (2) A nominated person from the hospital, the identity of whom will previously be known to the coroner, will communicate with the coroner or his clerk and request permission for the post mortem examination to be conducted at the hospital.
- (3) The coroner will communicate with the Police concerned to ascertain if the case is one where permission can be granted for the post mortem examination to be conducted at the hospital. Permission will not be granted for hospitals to conduct autopsies in the following cases:
  - (a) where the circumstances which resulted in the death of the person concerned give rise to the possibility of some person or persons being charged with the commission of an indictable offence (the coroner, in the exercise of his discretion, may not permit an autopsy at teaching hospitals where the cause of death is attributable to physical violence as opposed to a motor vehicle collision);
  - (b) where the death has occurred by suspected poisoning or overdose of a drug;

**Instruction 78—14**

- (c) while the deceased was under, or within a period 24 hours after the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure unless the hospital desiring to conduct the autopsy first obtains the consent of a "relative" as defined in section 11 of the Coroners Act;
  - (d) where the next-of-kin (which expression does not include a de facto relationship) has requested that a post mortem examination be conducted by a Government Medical Officer. Where there is no next-of-kin, the hospital may conduct a post mortem examination, subject to all other requirements being satisfied.
- (4) If approval is given for the post mortem examination to be conducted at the hospital, the Police concerned will immediately take steps to have the body of the deceased identified to them at such hospital. Then, where possible, the Police concerned are to identify the body to the hospital pathologist authorized to conduct the post mortem examination. If this is not practicable, Police may identify such body to some other person in authority at the hospital, preferably a medical officer, but certainly not one of the nursing staff. Such person can then later identify the body to the pathologist. In such cases, however, the method of identification is to be clearly set out in the statement of evidence prepared by the Police for the information of the coroner.
  - (5) Interim post mortem reports following an autopsy are to be delivered personally by the hospital authorities to the office of the City Coroner no later than 1 p.m. on the date of the examination, or if the post mortem examination is conducted in the afternoon, by 9 a.m. the following morning. The full pathological report should be delivered to the coroner by the hospital authorities within a reasonable time thereafter.
  - (6) After a post mortem examination has been conducted at a hospital, the body is to remain at the hospital for disposal and not transferred to the City Morgue. The coroner may issue an order to the hospital relating to the release of the body for burial or cremation after he has received the interim post mortem report.
  - (7) The medical officer performing the autopsy is to make himself available for subsequent discussion with Police and/or the coroner, if required, and should also be available for the purpose of giving evidence at the coroner's court, if and when called.
  - (8) The hospital concerned will be responsible for the conveyance to the Government Analyst of organs or specimens required for analysis, and the person or persons transporting them should be available to give evidence to this effect, if required.

**Transplants.**

41. The City Coroner authorizes the transplant of organs from cadaver donors and, invariably, following such transplant, directs that an autopsy be performed on the body of the deceased at the hospital. In such cases, the procedure outlined in the preceding paragraphs should be followed.

42. Where the City Coroner has allowed post mortem examinations to be conducted in accordance with the provisions of the two preceding paragraphs,

## Instruction 78—15

Police are still required to conduct investigations and present evidence to the coroner, etc., as directed in this Instruction.

43. As the care of dead bodies taken to public hospital morgues by the Police is wholly a Police duty, when it becomes necessary to obtain assistance, the services of the hospital wardsman should be availed of where possible. The responsibility for payment of fees in these instances will be borne by the Health Commission of New South Wales and will be met by the hospital where the service is provided. If it is not possible to obtain the services of the hospital wardsman, assistance may be obtained from undertakers. In these cases, the payment of fees will be borne by the Police Department.

Assistance  
at post  
mortem  
examinations.

44. Aviation pathologists for the State are appointed on a regional basis to carry out post mortem examinations of persons killed by air accidents. The regions for which pathologists have been appointed and the arrangements for post mortem examinations for the regions are set out hereunder—

Fatalities  
caused by  
air  
accidents,  
post mortem  
examinations.

**Sydney Area:** An area enclosed by a line drawn from the south bank of the mouth of the Hawkesbury River to Kurrajong Heights and thence to Capertee, Trunkey Creek, Taralga and to Cronulla.

Within this area, bodies should be transported to the Division of Forensic Medicine at Sydney and post mortem examinations carried out by that Division.

**South Coast Area (excluding A.C.T.):** An area enclosed by a line drawn from Cronulla to Taralga to Trunkey Creek to Khancoban and thence along the New South Wales-Victoria border.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities, or to Wollongong.

**North Coast Area:** An area enclosed by a line from Tweed Heads along the New South Wales-Queensland border to Liston, Wollomombi to east of Walcha, to Murrurundi, Capertee, Kurrajong Heights and thence to the north bank of the Hawkesbury River.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities, or to Newcastle.

**Riverina Area:** An area enclosed by a line drawn from Khancoban to Bowning, Goolgowi, to the junction of the Murrumbidgee and Murray Rivers and thence along the New South Wales-Victoria border to Khancoban.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities, or to Albury.

**Broken Hill Area:** An area enclosed by lines drawn from Barringun along the New South Wales-Queensland border, the New South Wales and South Australia border, the New South Wales-Victoria border, to the junction of the Murrumbidgee and Murray Rivers, thence to Goolgowi and to Barringun.

Within this area, bodies should be transported to Broken Hill for post mortem examination.

**Instruction 78—16**

Central Area: An area enclosed by a line drawn from Liston and along the New South Wales—Queensland border to Barrington, Goolgowi, Bowning, Trunkey Creek, Capertee, Murrurundi, to east of Walcha to Wollomombi and thence to Liston.

Within this area, bodies should be transported to the town nearest the accident site with adequate post mortem facilities.

Where the services of an aviation pathologist are required outside the Sydney area, as defined, and the identity of such officer is not known, information may be obtained from the Air Safety Investigation Branch Officer, Air Transport Group, Department of Transport (Australian Government), 59 Goulburn Street, Sydney.

Mass  
disaster—  
aircraft.

45. In the case of a mass disaster occasioned by an aircraft or of a regular public transport accident (i.e., civilian airlines) involving a large number of fatalities, the Division of Forensic Medicine in Sydney will undertake the post mortem examinations and pathology required. In these circumstances, the area pathologist will not be involved.

46. The area aviation pathologist will forward bio-chemical and histopathological material to Sydney for analysis by the Division of Forensic Medicine. A procedure similar to that at present in operation will apply, where Police will arrange for the transportation of the material. The Australian Department of Transport will supply the necessary packaging material for this purpose.

47. Upon receipt of advice as to the death of any person in an aircraft accident, coroners have been requested to direct the order made under section 30 of the Coroners Act (to medical practitioner, to perform post mortem examination) to the aviation pathologist for the region, as set out. The Police and/or the Department of Transport will confirm the name of the pathologist with the coroner in each instance.

48. In all cases where it is necessary to convey bodies to another centre for the purpose of performing a post mortem examination, the cost of conveyance will be met by the Department of Transport, as will all costs and expenses occasioned by medical practitioners in attending to perform post mortem examinations. Doctors should be instructed to forward their claim direct to that Department. The means of conveyance of bodies will be by a method decided after consultation between the Police and Air Transport Group.

Air  
fatalities—  
inquests.

49. Where an inquest is held following the death of a person killed by an air accident, Police should ensure that the Department of Transport is notified in sufficient time as to the date of hearing.

Questioning  
of City  
Morgue  
attendants  
by Police.

50. In the event of Police requiring to interview morgue attendants employed at the City Morgue, Glebe, permission should first be obtained from the Director, Division of Forensic Medicine.

Deaths  
arising  
from  
boating  
accidents.

51. In respect of deaths resulting from boating accidents, see Instruction No. 61.

**Instruction 78—17**

52. Periodically, the Government Stores Department arranges contracts for the removal of dead bodies, provision of coffins and interments. Police are notified from time to time when such contracts are arranged and should familiarize themselves with any special conditions applicable to such contracts. The next-of-kin or legal personal representative of the deceased person may, in person, request the Police to permit him to arrange the removal of the body of the deceased to the morgue or other place directed by the Police by using the services of an undertaker of his choice. To permit this course being followed, Police will refrain from obtaining the services of the Government contractor until they have visited the place where the body of the deceased is then lying and if the next-of-kin or legal personal representative of the deceased so requests, they may permit that person to arrange for the removal of the dead body to the morgue or such other place as the member of the Force may indicate. Should such a request be made of them, Police will, unless for some good and sufficient reason, exercise their discretion in favour of the next-of-kin or legal personal representative of the deceased person. It will be appreciated that it is not possible to lay down set rules in this regard, but it is expected that members of the Force will have due regard to the wishes of the relatives of the deceased, provided the interests of the community at large are not overlooked. In acceding to the request, Police should clearly indicate to the person concerned that the removal is to be made under the supervision of the Police and the cost of such removal will not be borne by this Department or the Government.

Contracts for removal of dead bodies, etc.

Police should particularly note that the nature of the services to be provided under the contracts is specific but the conditions of the contract impose no obligation on any private person to use the service of the contractor for private funerals. The choice of an undertaker for privately arranged interments is entirely at the discretion of the relatives, and Police should strictly avoid recommending undertakers' services to them.

53. For burial of destitute persons, see Instruction No. 47.

Burial of destitute persons.

54. Upon receipt of information respecting the death of a foreign student or foreign national, the officer in charge of the inquiry will communicate by telephone or radio particulars relating to the deceased person to the Criminal Correspondence Branch, Commissioner's Office (telephone 31 0277, extension 5330 or 5332, or telephone 2 0966, extension 3740 or 3741), between 8.45 a.m. and 5 p.m., Monday to Friday. The information to be supplied is full name, last place of residence, age and nationality (if known), place and date of death, cause of death (if known), and any particulars regarding next-of-kin. In the case of a foreign student under the Australian Development Programme the date of arrival in Australia and passport number should be supplied. A report in duplicate is to be submitted as soon as possible thereafter, direct to the Commissioner, confirming the information previously supplied and containing any additional information then available.

Death of foreign national or student.

55. In those cases where the foreign national is a seaman in a British ship, and in the case of a British seaman, the Superintendent, Mercantile Marine Office, 189 Kent Street, Sydney (telephone 27 3236, 27 3351 and 27 3352), should be advised by telephone and the information subsequently confirmed by the submission of a report.

Deaths of seamen in British ships.

56. For procedure regarding deaths of pensioners, see Instruction No. 43.

Deaths of pensioners.

*New pages 675-676. (Amended 25/7/79).*



**Instruction 78—18**

Pathological  
exhibits.

57. For the procedure to be adopted in submitting post mortem exhibits for pathological examination and/or analysis, see Instruction No. 33.

Cremation—  
Police not  
to become  
involved  
unneces-  
sarily.

58. Where a person does not die a violent or unnatural death and there are no suspicious circumstances in connection with the death and the next-of-kin desire the body of the person to be cremated but the medical referee appointed under Part X of the regulations under the Public Health Act, 1902, refuses to permit this action due to the certificates by the two medical practitioners not complying with regulation 78, and representations are made to Police to have the body conveyed to a morgue, Police should not, where it is clear that there are no suspicious circumstances or other considerations such as unexplained death, intervene in the matter, but leave the representatives of the deceased person to make appropriate arrangements for disposing of the body either by cremation or burial. The attention of the persons making the representations should be drawn to the provisions of Part X of the abovementioned regulations.

Weather  
reports.

59. When information is required by members of the Police Force in connection with the preparation of a report for a coronial inquiry or other investigation respecting weather observations and forecasts, a request is to be made in writing to the Regional Director for New South Wales, Bureau of Meteorology, Commonwealth Centre, Chifly Square, Sydney. Such request should contain the reason why the information is required and the Bureau's reference No. 4067/62A should be quoted.

60. It should be noted that such requests must be received by the Bureau at least three clear working days prior to the date upon which the information is required. In the case of forecasts, requests should be received as soon as possible after the event. These records are not permanently retained and may be destroyed after 3 months.