

# POSITION PROFILE

## CORONER

<b>Title:</b>	<b>Coroner</b>
<b>Appointed by:</b>	<b>Governor-General on the advice of the Attorney-General, after consultation with the Minister of Justice</b>
<b>Term:</b>	<b>Every coroner must vacate that office on attaining the age of 70 years</b>
<b>Remuneration:</b>	<b>Salary and allowances at the rates determined from time to time by the Remuneration Authority</b>

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### **The Coroners Act 2006**

The purpose of the Coroners Act 2006 is to help prevent deaths and to promote justice through:

- (a) investigations into, and the identification of the causes and circumstances of, sudden or unexplained deaths, or deaths in particular circumstances (described by the Act); and
- (b) the making of recommendations or comments that if drawn to public attention, may reduce the chances of the occurrence of other deaths in circumstances similar to those in which those deaths occurred.

To help to achieve its purpose, the Act –

- (a) identifies deaths that must be reported to a coroner and the process for reporting and investigating those deaths; and
- (b) recognises both –
  - (i) the cultural and spiritual needs of family of, and of others who were in a close relationship to, a person who has died; and
  - (ii) the public good associated with a proper and timely understanding of the causes and circumstances of deaths; and
- (c) provides for an independent coronial system for investigations of deaths by coroners liaising with other authorities permitted or required by law to investigate those deaths.

## **Coroner's role**

The role of coroner is set out in section 4 of the Act.

A coroner's role in relation to a death is –

- (a) to receive a report of the death from the New Zealand Police; and
- (b) to decide whether to direct a post-mortem and, if one is directed, to determine whether to authorise certain people (other than the pathologist) to attend; and
- (c) to authorise the release of the body (including determining, if a post-mortem has been directed, whether the pathologist wishes and is permitted, on the release of the body, to retain body parts or bodily samples); and
- (d) to decide whether to open an inquiry (and, if one is to be conducted, whether an inquest should be held or a finding on the papers made); and
- (e) if an inquiry is to be opened and conducted, –
  - (i) to open and conduct it for the three purposes stated in section (4)(2) and in section 47 of the Act, and not to determine civil, criminal, or disciplinary liability; and
  - (ii) to determine related matters such as whether to prohibit the making public of evidence and whether to authorise the making public of certain particulars of deaths suspected or found to be self-inflicted deaths; and
  - (iii) on completing it, to complete and sign a certificate of findings in relation to the death; and
- (f) to give members and representatives of the immediate family of the person who is, or of a person who is suspected to be, the dead person concerned, and certain others, notice of significant matters in the carrying out of the duties and processes required by law to be performed or followed in relation to the death.

The three purposes referred to in (e)(i) are –

- (a) to establish, so far as possible, –
  - (i) that a person has died; and
  - (ii) the person's identity; and
  - (iii) when and where the person died; and
  - (iv) the causes of the death; and
  - (v) the circumstances of the death; and

- (b) to make specified recommendations or comments (as defined in section 7 of the Act) that, in the coroner's opinion, may, if drawn to public attention, reduce the chances of the occurrence of other deaths in circumstances similar to those in which the death occurred; and
- (c) to determine whether the public interest would be served by the death being investigated by other investigating authorities in the performance or exercise of their functions, powers, or duties, and to refer the death to them if satisfied that the public interest would be served by their investigating it in the performance or exercise of their functions, powers, or duties.

Every coroner must, so far as it is consistent with justice and practicable to do so, perform or exercise his or her functions, powers, and duties without delay.

In performing or exercising a function, power, or duty, a coroner must have regard to any practice note issued by the Chief Coroner under section 120 of the Act that is relevant to the performance or exercise of the function, power, or duty.

### **Concurrent office or employment**

A coroner may hold another judicial office but must not undertake any other paid employment or hold any non-judicial office (whether paid or not) unless the Attorney-General is satisfied that the employment or non-judicial office is compatible with the coronial office.

### **Conflicts of interest**

Coroners must disclose any circumstances which may give rise to a conflict of interest.

### **Location**

The current recruitment process is for a Whangarei based appointment.

### **Term**

Every coroner vacates that office, if he or she has not earlier done so in another way, on attaining the age of 70 years.

### **Time commitment**

A coroner acts full-time unless he or she is authorised by the Attorney-General to act part-time for any specified period. Such an authorisation may take effect as from a coroner's appointment or at any other time and may be given more than once in respect of the same coroner.

The Attorney-General may (after consultation with the Minister of Justice) authorise a coroner to act part-time only –

- (a) at the request of the coroner; and
- (b) with the concurrence of the Chief Coroner.

In considering whether to concur, the Chief Coroner must have regard to the need for coronial investigations to be conducted in an orderly and expeditious way.

A coroner who is authorised to act part-time must resume acting full-time at the end of the authorised part-time period.

The basis on which a coroner acts must not be altered during the term of the coroner's appointment without the coroner's consent.

### **Out of business hours time commitment.**

There is a demanding after hours component of a coroner's usual caseload.

In addition, coroners are required to be available on a nationally rostered basis, under the oversight of the Chief Coroner, to provide a 24/7 response.

### **Resignation and removal**

A coroner who is not a District Court Judge may at any time resign the office by written notice to the Attorney-General.

The Governor-General may, if he or she thinks fit, remove a coroner from office for inability or misbehaviour.

### **Complaints about coroners**

Complaints about coroners' conduct may be made, received, and dealt with in accordance with the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 because coroners are Judges as defined in section 5 of that Act.

### **Key working relationships will include**

- Chief Coroner
- Other coroners
- Medical professionals
- Members of the public
- Ministry of Justice
- NZ Police
- Pathologists
- Specialist advisors in cultural, legal, medical or other fields
- Other government departments and agencies, such as Civil Defence
- News media
- Mortality Review Committees

Other Bodies responsible for investigating deaths directly or accidents where death has occurred in New Zealand, including the Independent Police Conduct Authority, Maritime Safety Authority, Civil Aviation Authority and Transport Accident Investigation Commission.

### **Administrative support**

The Ministry of Justice is responsible for providing administrative support to the Chief Coroner and must provide the administrative support necessary to enable coroners to perform their role efficiently and effectively.

The Commissioner of Police must cause members of the police to help coroners' investigations under the Act.

## Person specification

### ***Statutory requirements for appointment***

The minimum statutory requirement to be appointed as a coroner is the holding of a practising certificate as a barrister or solicitor for at least five years.

### ***Key competencies***

Coroners must be able to demonstrate:

#### Professional Knowledge and Skills

- An advanced knowledge, or commitment to acquiring an advanced knowledge of, coronial law and coronial systems and practices
- An ability to gather, absorb and weigh evidence of a sometimes complex nature and from a wide variety of sources, to produce findings that are robust and credible
- Highly developed written and oral communication skills
- Competence and confidence in making best use of technological aids such as digital dictation, computers and email through secure MOJ services provided
- Ability to work during sustained periods under pressure

#### Public Relations and Community Service

- An understanding of the need to take account of various religious and cultural perspectives, including those of Māori, in performing the duties of coroner, and a commitment to responding to those needs and acquiring, or further acquiring, the necessary knowledge to do so effectively
- An ability to communicate effectively with coronial services stakeholders from a wide variety of professional and community backgrounds, including legal and other professional disciplines, police and bereaved families
- An understanding of the important role of the media
- An understanding of the public nature of the role of coroner and an ability to withstand the public scrutiny this may attract from time to time
- A commitment to serving the community and the public good, and personal qualities, including high personal and professional standards, that can be expected to engender public confidence in the office of coroner
- An ability to work independently to prioritise and focus effectively to produce findings in a timely and efficient manner and ensure effective follow-up

- An ability to travel to meet the requirements of the position as necessary, and support other coroners, as directed by the Chief Coroner

#### Collaboration and Working with Others

- An ability to work effectively with other coroners, coronial services staff and staff from other agencies to expedite specific cases and contribute to ongoing development of the coronial services system