

8 March 2018

Attorney-General

Coroners Amendment Bill (PCO 21233/4.0)
Our Ref: ATT395/282

1. We have reviewed the Coroners Amendment Bill (“the Bill”) for consistency with the New Zealand Bill of Rights Act 1990 (“the Bill of Rights Act”). We conclude it is consistent with the Bill of Rights Act.

Coroners Act 2006 – ss 25-26

2. Section 25 of the Coroners Act provides for the Coroner to authorise members of the immediate family or their representatives or specified other people chosen by the immediate family¹ to view, touch or remain with the tūpāpaku (body of the deceased person). The Coroner may also impose conditions on their doing so.
3. Section 26 of the Coroners Act lists matters the Coroner must take into account in making his or her decision under s 25.

Proposed amendment

4. The Bill implements a recommendation of the Māori Affairs Committee Report *Inquiry into whānau access to and management of tūpāpaku*. The Committee recommended that Government “consider amending s 26 of the Coroners Act to require the Coroner to also consider tikanga Māori and expectations of other cultures when determining whether someone should be allowed to remain with the tūpāpaku.”
5. The amendment provides that the Coroner must consider whether the ethnic origins, social attitudes or customs or spiritual beliefs of, or of any member of the immediate family of, the deceased person require the viewing, touching, or remaining with or near the body. The example provided is whether it is customary for immediate family members to view, touch or remain with or near the tūpāpaku according to tikanga Māori.
6. The amendment does not raise any issue of inconsistency with rights protected by the Bill of Rights Act. According, the Bill is consistent with the Bill of Rights Act.

¹ Section 25(2)(c) “people chosen by that immediate family and who are, or are performing functions analogous to, ministers of religion or other people providing religious or spiritual advice, benefit, or comfort.”

7. This advice has been peer reviewed by Austin Powell, Senior Crown Counsel.

Helen Carrad
Crown Counsel

Noted

Hon David Parker
Attorney-General
/ /2018