



**National Council of
Women of New Zealand**
Te Kaunihera
Wahine O Aotearoa

**Oral submission to the Justice and Electoral Select Committee
on the NCWNZ submission on the
Coroners Amendment Bill, 239-1, S15.09**

by Dr Judy Whitcombe and Bernice Williams on 2 April 2015

Justice and Electoral Select Committee

Present: Chair: Jacqui Dean, National Waitaki; Deputy Chair: Jono Naylor, National List; Jacinta Ardern, Labour List; Chris Bishop, National List; Marama Fox, Maori Party; Peeni Henare, Labour Tamaki Makaurau; Alfred Ngaro, National List; Barbara Kuriger, National Taranaki- King Country; David Clendon, Green Party; Louise Upston, National Taupo.

Notes: Barabara Kuriger left the hearing part-way through and Louise Upston arrived to the hearing at the end of the presentation.

Good morning. My name is Judy Whitcombe and my colleague is Bernice Williams. We are both members of the Parliamentary Watch Committee of the National Council of Women of New Zealand. This submission has been prepared from a background of policy decisions and consultation with the members of our organisation.

Introduction

NCWNZ members were able to draw on a range of personal and family experiences when giving their comments on the changes proposed in this Bill. Some of these experiences are reported in the written submission. Earlier, in 2013, NCWNZ had made a submission to the Law Commission on the First Principles Review on the Legal Framework for Burial and Cremation in New Zealand. This submission reflected members' views at that time.

Changes to the coronial process

Interested parties

Key issues which received members' support were the recognition of "interested parties" to include family members (the definition is contained in Clause 7 which amends section 9 of the Act) and the requirement for the Coroner to give "interested parties notice of significant matters" (Clause 16). The coroner's responsibilities are clarified in replacement of sections 23 and 24 in the Act. The information specified in the Section 24 replacement specifies the actions which the Coroner must take and the rights of the immediate family to be notified. This was welcomed.

Retaining and returning human tissue

Maintaining communication with families throughout the coronial process is also well covered in the Bill. Clause 27 states that “Coroner must notify immediate family of right to request return of parts and samples”. Members’ comments quoted in the submission noted particularly the cultural importance of the care of the deceased.

In the words of one member “The sanctity and proper care of human body tissue and body parts are key issues for several cultures, Coroners (and all those in their offices) should be aware of this and training must be given to ensure this.”

Another response stated “where retaining or returning human tissue samples, there needs to be informed consent and respect shown to the family and the samples. While this may be the 100th time a pathologist has completed a procedure, it is probably the first time for a family”

Reporting Suicides and Exemptions

The new section 71 - Restrictions on making public details of self-inflicted deaths (Clause 38) was generally supported by members. The Bill specifies the restrictions on what can be made public - unless the person is granted an exemption (new section 71A).

One local group said “There should be more restrictions of self inflicted deaths (eg no address/occupation published in the media) and the family has the right to request that the details be kept private.”

Another comment supported discretion and noted that the suicide of a teenager could quickly “become a drama if there is undue publicity.”

While another branch felt that “the issue of suicide should be much more open and discussed in society.”

The complexity of the issue is noted in the written submission with mention of youth suicide and risk of copycat behaviour, and the growing discussion on decriminalising euthanasia. However, there was overall support for the changes proposed in the Bill.

The introduction of advice from “the suicide and media expert panel” which is to be established clause 53) was welcomed. The importance of Maori representation on this panel was also noted.

“Particularly keen on the expert panel. This must include Maori and Maori youth representatives”.

Statutory timeframes and oversight

The transparency and timeliness of coronial inquiries to support the decision to hold an inquest were welcomed. The requirements for date and notice of inquests (clause 42) and cross-examinations at inquests (clause 43) mention the involvement of “interested parties”.

The introduction of timeframes and monitoring of progress of coronial inquiries and publication of information (clauses 45 and 46) has widespread support as quoted in the written submission. The long delays which some members had experienced in the past were seen as under-resourcing issues.

The Bill in its present form places additional requirements on the coronial process and adds to the Coroners’ responsibilities.

These include:

- The responsibility to the family of the deceased to notify and keep them informed.
- The involvement of “interested parties” throughout the process from notification to inquest.
- The specified timeframe for the Chief Coroner to monitor inquiries not completed (clause 46).

Members pointed out that these additional responsibilities and timeframes would indicate that additional resources will be required to support the Chief Coroner’s team. There are currently 16 Coroners in nine centres across New Zealand with Coronial Services staff positions of administrators and case managers in support¹. The submission also noted that training and professional development would also need to be addressed.

NCWNZ members spoke from their own experiences and knowledge in their responses to the changes outlined in the Coroners Amendment Bill. They were supportive of the Bill’s intentions and hoped that any lack of resources would not delay the implementation of the improved processes.

Thank you for the opportunity to make this submission

Judy Whitcombe

2 April 2015

¹ <http://www.justice.govt.nz/courts/coroners-court>

Questions

Jacinta Adern thanked Judy for her presentation. Referring to NCWNZ's written submission, and the changes to the coronial process for prison deaths, Jacinta asked, did NCWNZ consider the issue and members' concerns best remedied by having all deaths in custody automatically referred for an inquest? Judy responded that, as she was a conduit for the submission based on the views of the organisation's membership, she could not add further to the information provided in the written submission.

Jacqui Dean responded to the point in NCWNZ's submission relating to the publication of potentially identifying information e.g. address and occupation of the deceased in cases of suicide. Jacqui questioned whether there might not be value in the publication of such information as it would provide relief to others who would be excluded from suspicion and conjecture if such identifying information were published. Judy's response was that, while contributors to the submission reflected a wide range of views from across the membership of NCWNZ, she could surmise that members who responded in favour of restricting publication of identifying information had personal knowledge or experience of such matters.

Bernice Williams

3 April 2015