

**CONSULTATION PAPER
ON THE DRAFT CORONERS BILL**

10 JULY 2009 – 7 AUGUST 2009

Introduction

The Ministry of Law proposes to enact a Coroners Bill on death reporting, investigation and Coroner's Inquiries. The proposal for a dedicated Bill on coronial matters arose out of the review of the Criminal Procedure Code (CPC), where the provisions on Coroner's Inquiries are currently found.

2. Broadly, the proposed Bill makes three key changes to the current system:
 - (a) The Coroners Inquiry will become a fact-finding inquiry. Currently, the Coroners Inquiry is a quasi-criminal one, where the Coroner is required not only to inquire into the facts and circumstances behind a death but to also identify if any person is criminally responsible for the death.
 - (b) It will facilitate more effective investigation into deaths where medical treatment or care is the suspected cause.
 - (c) The draft Bill will define the Coroner's jurisdiction and extend it in certain specific cases.
3. The aim of these proposals is to update our coronial system and more clearly define its role so that it can better serve the public interest.
4. The Ministry invites interested parties to provide their feedback on the draft Coroners Bill. The consultation period begins on 10 July 2009 and ends on 7 August 2009. The feedback may be sent in electronic or hard copy form to:

Legal Policy Division
Ministry of Law
100 High Street
#08-02, The Treasury
Singapore 179434
Fax: 6332 8842
E-mail: MLAW_Consultation@mlaw.gov.sg

5. The Ministry of Law reserves the right to make public all or parts of any written submission unless confidentiality is specifically requested for the whole or any part of the submission.

Scope of the draft Bill

(a) Fault-finding to Fact-finding

The Coroners Inquiry is currently a quasi-criminal proceeding. The Coroner is required, not only to inquire into the facts and circumstances behind a death, but to also identify whether any person is criminally responsible for the death.

2. Under the draft Bill, the Coroners Inquiry will focus on identifying the deceased and ascertaining how, when and where he had died, rather than attributing or apportioning blame. In line with modern coroners' legislation in New Zealand, the United Kingdom (UK) and Australia, amongst others, the draft Bill states that the Coroner is not to determine civil or criminal responsibility. Such questions would best be settled in the criminal or civil courts. Moreover, if the Coroner makes a finding as to criminal liability before the Public Prosecutor (PP) has decided whether to press charges, this may constrain the discretion of the PP to act in the public interest.

(b) Facilitating investigations of medical-related deaths

3. The draft Bill also incorporates provisions that are intended for effective investigations of medical-related deaths. As a whole, these proposals are intended to put in place appropriate safeguards for the future as the types of medical procedures available in Singapore become more complex and sophisticated.

4. Coroners Inquiries into deaths that may have been caused by medical care or treatment may be hampered by a lack of necessary skills and expertise on the part of investigators and the Coroner. Under the draft Bill, the Chief Executive of the Health Sciences Authority (HSA) is empowered to appoint forensic pathologists. A Coroner or the PP may direct a forensic pathologist to establish the medical cause of death, where there is a suspicion that death occurred as a result of any medical treatment or care. The forensic pathologist is empowered to require any medical practitioner or health-care practitioner to furnish a detailed report on the medical treatment or care rendered to the deceased before his death, or any other medical records or relevant information.

5. Another proposal in the draft Bill is to impose a duty on a medical practitioner or healthcare practitioner who attended to a person during his last illness or is present at or after the death of the person, to report that death to a police officer within 24 hours. This is if he has reasonable grounds to suspect that the deceased had undergone medical treatment that may have caused or contributed to his death.

6. To facilitate investigations and any subsequent Coroners Inquiry, the draft Bill imposes a duty on persons in charge of hospitals, medical clinics or places of official custody to preserve medical and health-care records pertaining to the medical treatment of the deceased, for prescribed periods.

(c) Defining the Coroner's jurisdiction

7. The draft Bill defines the jurisdiction of a Coroner and sets out when he must hold an inquiry.

8. The Coroner's jurisdiction under the CPC presently covers cases where a body of a person is found in Singapore, or the death occurred in Singapore. The draft Bill extends the Coroner's jurisdiction to cover cases where the cause of death occurred in Singapore, or a death occurred on board or as a result of an occurrence on board a Singapore-registered vessel or aircraft. The Coroner will have jurisdiction to conduct an inquiry notwithstanding the absence of a body¹.

9. The proposal in the draft Bill is that a Coroners Inquiry must be held where a reportable death occurred in Singapore, unless the death was due to natural causes and that it is unnecessary to hold an inquiry. It will retain the present CPC provision that the Coroner must hold an inquiry (i.) for all deaths occurring in official custody, (ii.) when a person has suffered capital punishment, and (iii.) when required by the Public Prosecutor to do so. In any other case where the Coroner has jurisdiction, he may hold an inquiry if he is of the opinion that it is in the public's interest.

(d) Reportable deaths

10. Under the CPC, any person who becomes aware of any sudden or unnatural death, death by violence, or of any death under suspicious circumstances or where cause of death is unknown, is legally obliged to report this to the Police.

11. The proposal in the draft Bill is to replace this broad obligation with the concept of the "reportable death", which is a list containing both general and specific situations where a report is expected.

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Ministry of Law

9 July 2009

¹ Although the Coroner may have a wider jurisdiction, it is important to bear in mind that the Police cannot invoke its powers of investigation in a foreign country, notwithstanding the jurisdiction of the Coroner. For instance, the Police may not be able to conduct formal investigations into a death occurring on a Singapore-registered ship berthed in a foreign port.