

BILL

No. 189

An Act to amend *The Coroners Act, 1999*

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Coroners Amendment Act, 2019*.

SS 1999, c C-38.01 amended

2 *The Coroners Act, 1999* is amended in the manner set forth in this Act.

New section 2

3 **Section 2 is repealed and the following substituted:**

“Definitions

2 In this Act:

‘**body**’ includes a part of the body of the deceased;

‘**chief coroner**’ means the Chief Coroner for Saskatchewan appointed by the Lieutenant Governor in Council pursuant to section 4;

‘**coroner**’ means, subject to section 18.1, a coroner appointed by the chief coroner pursuant to section 5;

‘**death**’ includes a stillbirth within the meaning of *The Vital Statistics Act, 2009*;

‘**deputy chief coroner**’ means the deputy chief coroner appointed by the minister pursuant to section 4.1;

‘**medical assistance in dying**’ means medical assistance in dying as defined in section 241.1 of the *Criminal Code*;

‘**minister**’ means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

‘**nurse practitioner**’ means a registered nurse who is entitled pursuant to *The Registered Nurses Act, 1988* to practise in the nurse practitioner category established in the bylaws made pursuant to that Act;

‘**offence**’ means an offence pursuant to the *Criminal Code*;

‘**self-inflicted**’ does not include medical assistance in dying;

'spouse' means:

- (a) the wife or husband of the deceased; or
- (b) a person with whom the deceased cohabited as spouses immediately before his or her death:
 - (i) continuously for a period of not less than one year; or
 - (ii) in a relationship of some permanence, if they are the parents of a child".

Section 4 amended

4(1) Subsection 4(2) is amended by striking out "the minister may designate a coroner to act" **and substituting** "the deputy chief coroner shall act".

(2) The following subsection is added after subsection 4(3):

"(4) The chief coroner may appoint, in accordance with *The Public Service Act, 1998*, any officers and employees who are necessary to carry out the responsibilities pursuant to this Act".

New sections 4.1 and 4.2

5 The following sections are added after section 4:

"Deputy chief coroner

4.1(1) The minister may appoint, in consultation with the chief coroner, a deputy chief coroner for Saskatchewan.

(2) The deputy chief coroner has all of the powers of a coroner and, in addition, the chief coroner may delegate to the deputy chief coroner any of the chief coroner's powers or duties pursuant to this Act or another enactment.

"Regional supervising coroners

4.2(1) The chief coroner may divide the province into regions and may at any time limit or expand the jurisdiction of a coroner to one or more regions.

(2) For each region, the chief coroner may designate a coroner as the regional supervising coroner.

(3) A regional supervising coroner has, subject to the direction of the chief coroner:

- (a) general supervision of the coroners in the region for which the regional supervising coroner is designated; and
- (b) other powers and duties as may be determined by the chief coroner.

(4) A regional supervising coroner may act as the regional coroner in a region for which he or she is not designated at the request of the regional coroner designated for that region or the chief coroner".

Section 5 amended

6 Section 5 is amended by striking out "minister" **and substituting** "chief coroner".

New section 6**7 Section 6 is repealed and the following substituted:****“Coroner may be disqualified or reassigned**

6(1) A coroner is disqualified from conducting an investigation or inquest if:

- (a) the coroner has provided medical services to the deceased within 30 days before the death;
- (b) the coroner has performed a post-mortem examination of the body of the deceased;
- (c) the death may have been caused at a place, in a business or at an event with respect to which the coroner has a financial interest; or
- (d) the chief coroner is of the opinion that the coroner should be disqualified as a result of any other conflict.

(2) The chief coroner may reassign an investigation to another coroner if, in the opinion of the chief coroner, the conduct of a coroner or of a partner, associate, employee or employer of the coroner might be called into question during the investigation”.

Section 7 amended**8(1) Subsection 7(1) is amended:****(a) by repealing clause (f) and substituting the following:**

“(f) was a stillbirth that occurred without the presence of a duly qualified medical practitioner or a midwife who is entitled to practise midwifery pursuant to *The Midwifery Act*”;

(b) by striking out “or” after clause (g);**(c) by adding “or” after clause (h); and****(d) by adding the following clause after clause (h):**

“(i) if the chief coroner reasonably believes it is in the public interest that a category of deaths be reported and issues a notice in accordance with the regulations, occurred from a cause or circumstance set out in the notice”.

(2) The following subsections are added after subsection 7(2):

“(3) Any other category of person prescribed in the regulations who is notified of a death pursuant to subsection (1) shall immediately notify a coroner of the death.

“(4) Subject to subsection (5), subsection (1) does not apply with respect to a deceased person who died as a result of medical assistance in dying.

“(5) If a person dies as a result of medical assistance in dying, the duly qualified medical practitioner or nurse practitioner who provided the medical assistance in dying shall give notice of the death to the coroner if the underlying cause that led to medical assistance in dying was unnatural”.

Section 11 amended

9(1) Subsection 11(1) is repealed and the following substituted:

“(1) If a coroner is informed that there is a body of a deceased person in the coroner’s jurisdiction and the coroner has reason to believe that the death occurred under circumstances that require a coroner to be notified, the coroner:

- (a) may take possession of the body; and
- (b) shall conduct any investigation that the coroner considers necessary”.

(2) The following subsection is added after subsection 11(2):

“(3) A coroner may conduct an investigation without taking possession of the body if the body has been destroyed in whole or in part or is lying in a place from which it cannot be recovered or has been removed from Saskatchewan”.

Section 13 amended

10(1) Subsection 13(1) is amended:

(a) by adding the following clause after clause (c):

“(c.1) may take charge of or remove objects that are or might be items of personal property of the deceased and that are found in any place from which the coroner has reasonable grounds for believing the body was removed”;

(b) by striking out “and” after clause (d); and

(c) by adding the following after clause (e):

“(f) with the approval of the chief coroner, may take charge of any wreckage of a structure, vehicle, device, embankment or other thing, including taking charge of any land, area or thing connected with the wreckage and taking any necessary steps to prevent disturbance of the wreckage; and

“(g) seize anything the coroner has reasonable grounds to believe is material to the purposes of the investigation”.

(2) The following subsections are added after subsection 13(3):

“(4) Notwithstanding any other enactment and any claim of confidentiality or privilege, other than a claim based on solicitor-client privilege, a person who receives a request for records pursuant to clause (1)(b) must comply with the request as soon as is practicable.

“(5) At any time during an investigation or inquest, the chief coroner may make an order for the analysis of the blood of the deceased for the purpose of protecting the health and well-being of any person that may have had contact with or been exposed to the deceased at the time of death in a manner that may put the person’s health at risk”.

New section 13.1

11 The following section is added after section 13:

“Destruction of soiled clothing

13.1 A coroner may destroy any soiled or damaged clothing that:

- (a) was taken into possession with a body; and
- (b) is not required for the purposes of this Act or an investigation or proceeding conducted pursuant to any other statute in force in Saskatchewan”.

New section 16.1

12 The following section is added after section 16:

“Report if Act does not apply

16.1 The coroner shall notify and provide a report to the chief coroner if during or after an investigation, the coroner determines that the coroner did not need to be notified of the death pursuant to Part III”.

New sections 17 to 17.3

13 Section 17 is repealed and the following substituted:

“Report after investigation

17 If, after an investigation, the coroner is of the opinion that an inquest is not necessary, the coroner shall, as soon as is practicable:

- (a) send to the chief coroner a report respecting the investigation; and
- (b) file any information that may be required pursuant to *The Vital Statistics Act, 2009*.

“Release of body

17.1(1) If a body is no longer required for the purposes of this Act the coroner may release the body for burial or other disposition.

(2) If a body is unidentified and an investigation indicated that the body is likely to remain unidentified, the chief coroner may arrange for the burial or other disposition of the body.

“Direction to make or re-open investigation

17.2 If, after a report has been filed pursuant to section 16.1 or 17, new evidence has arisen or been discovered, the chief coroner may, on application or on the chief coroner’s own initiative, direct a coroner to make or re-open an investigation if:

- (a) the chief coroner considers that the new evidence:
 - (i) is substantial and material to the findings; and
 - (ii) did not exist at the time of the investigation, or did exist at the time but was not discovered or could not have been discovered through the exercise of due diligence; and
- (b) it is in the public interest.

“Request by relative for inquest

17.3(1) If the coroner determines that an inquest is unnecessary, the spouse, parent, child, sibling or personal representative of the deceased may request, in writing, that the chief coroner hold an inquest.

(2) The person making the request shall have the opportunity to make representations to the chief coroner.

(3) The chief coroner shall advise the person requesting an inquest of the chief coroner’s final decision in writing within 60 days after the conclusion of the investigation respecting the deceased who is the subject of the request for an inquest.

(4) If the decision pursuant to subsection (3) is to not hold an inquest the chief coroner shall provide reasons in writing.

(5) The decision of the chief coroner is final”.

New section 18.1

14 The following section is added before section 19:

“Definition of coroner re inquests

18.1 In this Part and in Parts VI, VII, VIII and IX, ‘**coroner**’ means a coroner holding an inquest unless otherwise provided”.

Section 19 amended

15 Section 19 is amended in the portion preceding clause (a) by striking out “conducting”.

Section 26 amended

16 The following subsection is added after subsection 26(3):

“(4) No spouse of a coroner shall serve as a juror at an inquest”.

Section 27 amended

17(1) Subsection 27(2) is amended by adding “or any other person that the chief coroner designates” after “chief coroner”.

(2) Subsection 27(3) is amended by adding “or any other person that the chief coroner designates” after “chief coroner”.

(3) Subsection 27(4) is amended by adding “or any other person that the chief coroner designates” after “chief coroner”.

New section 31.1

18 The following section is added before section 32:

“Inquest rules

31.1(1) A coroner shall conduct an inquest in accordance with any rules established by the chief coroner.

(2) No person shall fail to comply with the rules mentioned in subsection (1)”.

Section 37 amended

19 Subsection 37(1) is repealed and the following substituted:

“(1) On application by any person before or during an inquest, a coroner may grant standing at an inquest if, in the opinion of the coroner, the person has a direct and substantial interest in the inquest”.

New section 39

20 Section 39 is repealed and the following substituted:

“Inquest counsel

39(1) The chief coroner may appoint counsel to attend at an inquest and to act as counsel to the coroner.

(2) On the request of the chief coroner, the minister may appoint counsel to attend at an inquest and to act as counsel to the coroner”.

Section 41 amended

21 Subsection 41(1) is amended in the portion preceding clause (a) by adding “, in person or by any other means the coroner considers appropriate,” after “summon”.

New section 45

22 Section 45 is repealed and the following substituted:

“Jury may question witnesses

45 Members of the jury may ask questions of the witnesses and shall:

(a) view the body, including by photograph, if directed by the coroner to do so; and

(b) view the scene where the death may have occurred if the coroner is of the opinion that it is practical to do so and will assist in the jury’s understanding of the circumstances of the death”.

Section 51 amended

23 Subsection 51(3) is repealed and the following substituted:

“(3) If a juror dies or, in the opinion of the coroner, becomes unable to continue to serve as a juror for any reason, the coroner may proceed with the inquest if at least five jurors are present”.

Section 55 amended

24 The following clause is added after clause 55(b):

“(b.1) any recommendations of the coroner”.

Section 57 amended

25 Section 57 is amended by striking out “investigation or”.

New sections 59 and 59.1

26 Section 59 is repealed and the following substituted:

“Immunity

59 No action lies or shall be commenced or instituted against the minister, the chief coroner, the deputy chief coroner, a coroner, any employee or officer of the chief coroner, or any agent acting on behalf of the minister, the chief coroner, the deputy chief coroner, a coroner, or any employee or officer of the chief coroner for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any responsibility imposed by this Act or the regulations.

“Chief coroner and others not compellable to give evidence

59.1 Except in the case of a prosecution respecting a contravention of this Act or the regulations, the chief coroner, the deputy chief coroner, a coroner, any employee or officer of the chief coroner, or any agent acting on behalf of the chief coroner, the deputy chief coroner, a coroner, or any employee or officer of the chief coroner is not compellable to give evidence in a court or in a proceeding of a judicial nature to which the chief coroner is not a party concerning any information obtained by that person or that came to that person’s attention in the exercise of the powers, carrying out of the responsibilities or carrying out of the functions of the chief coroner pursuant to this Act”.

Section 64 amended

27 Section 64 is amended by adding the following clauses after clause (d):

“(d.1) respecting notices pursuant to clause 7(1)(i);

“(d.2) prescribing categories of persons for the purposes of subsection 7(3);

“(d.3) respecting the retention, storage and disposal of organs and tissue samples during and after a post-mortem examination;

“(d.4) prescribing the oath of coroners”.

Coming into force

28 This Act comes into force by order of the Lieutenant Governor in Council.

FOURTH SESSION
Twenty-eighth Legislature
SASKATCHEWAN

B I L L

No. 189

An Act to amend *The Coroners Act, 1999*

Received and read the

First time

Second time

Third time

And passed

Honourable Don Morgan
