
NATIONAL ASSEMBLY

IRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 36

An Act respecting the determination of the causes and circumstances of death

First reading



Introduced by
Mr Marc-André Bédard
Minister of Justice

EXPLANATORY NOTES

This bill replaces the Coroners Act. Its object is to provide the mechanisms required for determining, where needed, the medical causes and the circumstances of any death that has occurred in Québec.

Chapter I confers on coroners jurisdiction over any death that occurred in Québec. It provides that in cases referred to a coroner, his function is to seek to establish, by an investigation or, if required, by an inquest, the identity of the deceased, and the date, place and medical causes and circumstances of the death. In no case, however, may the coroner make any judgment as to the civil or criminal responsibility of a person. Chapter I also includes provisions concerning the organizational structure of the office of coroner, particularly by providing for the appointment of permanent and part-time coroners, as well as a chief coroner and two associate chief coroners. Finally, Chapter I specifies the general duties and powers of the chief coroner and associate chief coroners.

Chapter II indicates the circumstances where the coroner must be notified, that is, firstly, the case where the probable causes of death cannot be established, any death that appears to have occurred in obscure or violent circumstances or the death of an unknown person; secondly, any death that has occurred in certain places, such as the death of a person in close treatment, in a house of detention, in a penitentiary or in a police station; thirdly, the case of a person whose body is to be cremated in Québec or transported in or out of Québec for burial or cremation; fourthly, the death of a person that has occurred in a disaster within the meaning of the Act respecting the protection of persons and property in the event of disaster.

Chapter III concerns the investigation which must take place in all cases which require a notice to the coroner or whenever the Minister of Justice or the chief coroner requires it. This chapter specifies the duties and powers of coroners in their conduct of an investigation, deals with the examinations, autopsies and other expert opinions that may be ordered and with the burial, cremation or exhumation of bodies under investigation. The report of the coroner which follows his investigation establishes, in particular, the causes and circumstances of the death that gave rise to the investigation.

Chapter IV provides that an inquest may be held following an investigation if ordered by the chief coroner or, also, if ordered by the Minister of Justice. After indicating the grounds for holding an inquest, this chapter specifies the powers and duties of the coroner at the inquest. It provides for the participation of third persons who wish to participate in the inquest as interested persons. It provides that inquests are public, subject to certain bans on the publication or release of evidence designed to protect the rights of the person, and provides rules relating to the hearing. As in the case of the investigation, the inquest is followed by a report on the causes and circumstances of death.

Chapter V provides for the regulations under the Act and Chapters VI and VII contain penal provisions and provisions concerning contempt of court. Chapter VIII contains general provisions, and Chapter IX transitional and final provisions.

ACTS AMENDED BY THIS BILL

- The Civil Code of Lower Canada;
- The Public Curatorship Act (R.S.Q., chapter C-80);
- The Deposit Act (R.S.Q., chapter D-5);
- The Fire Investigations Act (R.S.Q., chapter E-8);
- The Burial Act (R.S.Q., chapter I-11);
- The Jurors Act (R.S.Q., chapter J-2);
- The Public Health Protection Act (R.S.Q., chapter P-35);
- The Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- The Act respecting health services and social services (R.S.Q., chapter S-5);
- The Stamp Act (R.S.Q., chapter T-10);
- The Courts of Justice Act (R.S.Q., chapter T-16).

Bill 36

**An Act respecting the determination of
the causes and circumstances of death**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

CORONERS

DIVISION I

JURISDICTION OF CORONERS

1. The coroner is a public officer having jurisdiction in respect of any death that has occurred in Québec.

The coroner also has jurisdiction in respect of any burial, cremation or other mode of disposal in Québec of the body of a person who has died outside Québec.

2. The coroner's function is to determine by means of an investigation or, as the case may be, an inquest,

(1) the identity of the deceased person;

(2) the date and place of death;

(3) the probable causes of death, that is, the disease, pathological condition, trauma or intoxications having caused, led to or contributed to the death;

(4) the circumstances of death.

3. If pertinent, the coroner may also make any recommendation directed towards better protection of human life.

4. In no case may a coroner conducting an investigation make any finding of civil liability or criminal responsibility of a person.

DIVISION II

ORGANIZATION

§ 1.—*Appointment of coroners*

5. On the recommendation of the Minister of Justice, the Government shall appoint permanent coroners.

He may also, on the recommendation of the Minister of Justice, appoint part-time coroners.

6. Persons called to become coroners are selected in accordance with the regulations.

7. The Minister may, in special cases, appoint a person to be part-time coroner for the conduct of an investigation and, if need be, an inquest into deaths that have occurred in a series of similar events.

§ 2.—*Appointment of the chief coroner and associate chief coroners*

8. The Government shall appoint one of the permanent coroners to be the chief coroner for Québec.

The Government may also appoint two of the permanent coroners to be associate chief coroners, one of whom is designated to replace the chief coroner during his temporary absence or incapacity.

9. The chief coroner and associate chief coroners are appointed for not over five years.

The chief coroner and associate chief coroners remain in office after the expiry of their terms as such until they are replaced or reappointed.

10. The chief coroner's office is located at the place designated by the Government.

§ 3.—*Immunity and removal*

11. Before taking office, coroners shall make the oath or solemn affirmation set forth in Schedule I before the chief coroner, an associate

chief coroner, a judge of the Provincial Court or before any person authorized to administer oaths or receive solemn affirmations under the first paragraph of section 219 of the Courts of Justice Act (R.S.Q., chapter T-16).

12. Before taking office, the chief coroner and the associate chief coroners shall make the oath or solemn affirmation set forth in Schedule II before the chief judge, the senior associate chief judge or the associate chief judge of the Provincial Court.

13. The chief coroner, the associate chief coroners and the permanent coroners shall devote their time exclusively to their duties of office.

They hold office during good behaviour.

14. The chief coroner may reprimand a permanent coroner, for cause. The Government may, for cause, on the recommendation of the chief coroner, suspend a permanent coroner, with or without salary, or remove him.

15. The Government may remove or suspend, with or without salary, or reprimand the chief coroner or an associate chief coroner on a report of the chief judge of the Provincial Court made following an inquiry requested by the Minister of Justice.

16. No action may be instituted against the chief coroner, an associate chief coroner, a coroner or a person exercising any power conferred by this Act for any act performed in good faith in the discharge of his duties.

17. Except on a matter of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor any injunction granted against the chief coroner, an associate chief coroner or a coroner acting in his official capacity or against any person acting under the authority of a coroner.

18. In no case may the chief coroner, an associate chief coroner or a coroner, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with his duties of office.

However, forfeiture is not incurred if the interest devolves to him by succession or gift if he renounces or disposes of it with dispatch.

*§ 4.—Remuneration and other
conditions of employment of coroners*

19. The salary, social benefits and other conditions of employment of the chief coroner, associate chief coroners and permanent coroners are fixed by the Government.

20. The pension plan of the chief coroner, associate chief coroners and permanent coroners is that provided in the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

21. A coroner who ceases to hold the office of chief coroner or associate chief coroner after holding that office for two years or more and who remains a permanent coroner continues to receive the salary he received as chief coroner or associate chief coroner. However, his salary is not increased until the salary of a permanent coroner is equal to his salary.

22. Part-time coroners are remunerated according to the tariff adopted by government regulation.

DIVISION III

POWERS AND DUTIES OF THE CHIEF CORONER AND ASSOCIATE CHIEF CORONERS

23. The chief coroner shall coordinate, distribute and supervise the work of the coroners who shall, in that respect, comply with his orders and directives.

24. The chief coroner has, in respect of his personnel, the powers of a chief executive officer of an agency within the meaning of the Civil Service Act (R.S.Q., chapter F-3.1).

The personnel required for the application of this Act is appointed and remunerated in accordance with the Civil Service Act.

25. The chief coroner shall see to it that the coroners serve the whole territory of Québec.

26. The associate chief coroners shall assist the chief coroner in the performance of his duties.

27. The associate chief coroners shall exercise the powers of the chief coroner to the extent that he determines.

28. The chief coroner, by regulation, shall adopt a code of ethics for coroners and see to its application.

The code imposes, in particular, general and special duties toward the public, other coroners, persons involved in the circumstances of a death and persons called to participate in an investigation or inquest.

29. Not later than 31 March each year, the chief coroner shall transmit to the Minister of Justice an annual report of the activities of the coroners during the preceding calendar year.

The report may include the recommendations or a summary of the recommendations made following an investigation or an inquest.

The Minister of Justice shall table the report in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or after resumption.

30. The chief coroner has the custody of the records of the coroners.

The records of the coroners comprise the originals of reports of investigation or inquest and the accompanying documents that the coroners are required to transmit to the chief coroner.

31. The chief coroner may, on the conditions he determines, authorize a person to examine documents that are not public and are part of the records of the coroners but only for purposes of study, instruction or scientific research. However, in no case may the chief coroner allow the report of a peace officer to be examined unless it has been filed as evidence at an inquest or unless the Attorney General or the person he designates for that purpose has granted express authorization.

32. The chief coroner may

(1) adopt, by regulation, any form required for the application of this Act;

(2) adopt, by regulation, the norms, scales, conditions and rules of procedure relating to the identification, transportation, conservation, custody and return of dead bodies, objects and documents contemplated by this Act, and determine the provisions of the regulations contravention of which constitutes an offence;

(3) designate the morgues that are necessary for the application of this Act;

(4) devise and implement an instruction program for coroners;

(5) make directives necessary for the application of this Act.

33. The chief coroner may, according to law, enter into agreements with a person, a public agency or a department of the Government or of another government for the purposes of the application of this Act.

Any agreement entered into with a hospital centre within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5) has effect only from the date it is filed with the regional health and social service council where the hospital centre is situated.

CHAPTER II

NOTICE TO THE CORONER

34. Every physician who certifies a death for which he is unable to establish the probable causes or which appears to him to have occurred in obscure or violent circumstances shall immediately notify a coroner or peace officer.

35. Where a death occurs in a hospital centre, the director of professional services of the centre or a person under his authority may take measures to have the causes of death established by a physician.

However, in the case of a death contemplated in section 36, the director of professional services or a person under his authority shall obtain the coroner's authorization before taking measures to have the probable causes of death established.

36. Unless he has reasonable cause to believe that a coroner, a physician or a peace officer has already been informed, every person having knowledge of a death must immediately notify a coroner or a peace officer where it appears that the death has occurred in obscure or violent circumstances or where the identity of the deceased person is unknown to him.

37. The director of, or, in his absence, the person in authority in an establishment contemplated in this section shall immediately notify a coroner or peace officer where a death occurs

(1) in a reception centre within the meaning of the Act respecting health services and social services;

(2) in a sheltered workshop within the meaning of the Act to ensure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(3) in an establishment where a person is admitted for close treatment within the meaning of the Mental Patients Protection Act (R.S.Q., chapter P-41).

38. The director of, or, in his absence, the person in authority in an establishment contemplated in this section shall immediately notify a coroner where a death occurs

(1) in a house of detention within the meaning of the Act respecting probation and houses of detention (R.S.Q., chapter P-26);

(2) in a penitentiary within the meaning of Penitentiary Act (R.S.C., 1970, chapter P-6);

(3) in a security unit within the meaning of the Youth Protection Act (R.S.Q., chapter P-34.1);

(4) in a police station.

39. Where a child dies while he is in the custody of the holder of a permit issued by the Office des services de garde à l'enfance, the permit holder, or in his absence, the person in authority at the place where the child is in custody shall immediately notify a coroner or a peace officer.

40. Where a person dies while in the care of a foster family within the meaning of the Act respecting health services and social services, the person in authority in the family shall immediately notify a coroner or a peace officer.

41. Every person who is required to cremate a dead body shall first notify a coroner.

42. Where a death occurs in a disaster within the meaning of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1), the person responsible for emergency measures shall immediately inform a coroner.

43. Every person who is required to transport into Québec the body of a person who died outside Québec shall first notify the coroner of the place where the body will be buried or incinerated.

Every person who is required to transport out of Québec the body of a person who died in Québec shall first notify the coroner of the place where the body was found.

44. Every coroner or peace officer who is notified or informed in accordance with sections 34 to 42 shall immediately notify the coroner having jurisdiction at the place where the dead body was found or the place where the dead body is presumed to be.

CHAPTER III

INVESTIGATION

DIVISION I

POWERS AND DUTIES OF THE CORONER FOR INVESTIGATION

45. An investigation must take place every time notice is given to the coroner under Chapter II.

The Minister of Justice or the chief coroner may also require an investigation.

46. The coroner having jurisdiction at the place where the dead body has been found or is presumed to be shall conduct the investigation. In the case of the first paragraph of section 43, the coroner serving the place where the body is to be buried or incinerated shall make the investigation.

The chief coroner may, however, designate another coroner to conduct the investigation or to complete it.

47. The coroner may require a peace officer to conduct an investigation or further investigation.

48. Every peace officer investigating a case notified to a coroner shall, with due diligence, transmit to him a copy of his report.

49. Where the coroner has reasonable and plausible cause to believe that the inspection of any place, taking possession of a dead body or examination or seizure of any object or document will be useful for the carrying out of his functions, he may, as the case may be,

(1) inspect a place and, where necessary, examine or seize there any object or pertinent document;

(2) enter any place to take possession of a dead body;

(3) enter any place to examine or seize there the object or document.

50. The coroner may prohibit access to a place to facilitate the gathering or preservation of items of evidence or to ensure the protection of the persons involved or their property.

51. The coroner may take the measures necessary for the identification of a dead body.

52. The coroner may photograph a dead body, a place inspected or an object examined or seized, or cause them to be photographed.

The coroner may also photocopy any document examined or seized or have it photocopied.

53. Where access to a place is prohibited, the coroner shall lift the prohibition as soon as it is no longer required for the administration of this Act.

54. Every coroner who enters a place shall, if so required, identify himself and state his function.

55. Every coroner who enters a place to inspect it or to examine or seize there any object or document shall do so at a reasonable hour unless it is necessary to do so at another time to gather or preserve items of evidence or to ensure the protection of the persons involved or their property.

56. Where the coroner takes possession of a dead body, he shall also seize the objects found on the body.

57. Where the coroner seizes an object or a document under this Act, he shall draw up minutes of the seizure.

58. The minutes of seizure indicate, in particular,

- (1) the date and place of the seizure;
- (2) the circumstances of and reasons for the seizure;
- (3) a description of the seized object or document;
- (4) the name of the person from whom the document or object was seized;
- (5) any information to permit the identification of the owner of or the person having a right to the seized object or document;
- (6) the identity and office of the person who made the seizure.

59. Where possible, a copy of the minutes of seizure is remitted to the owner of the seized object or document or to the person having a right to it.

60. The coroner shall ensure the safekeeping of any seized object or document.

61. The coroner shall return any seized object or document to the person who claims it and establishes to his satisfaction that he has a right to it.

62. Any seized object or document unclaimed within 60 days after the report provided for in section 89 shall be entrusted to the public curator, who shall administer it in accordance with the Public Curatorship Act (R.S.Q., chapter C-80).

63. Sections 61 and 62 apply only when the seized object or document is no longer required for the application of this Act or for the administration of justice.

64. The coroner may authorize in writing a person at the Laboratoire de médecine légale du Québec or the Laboratoire de police scientifique du Québec or a peace officer to exercise the powers conferred on him by sections 49 to 52 of this Act.

The authorization may be addressed to any peace officer generally, and in respect of persons in service at the laboratories referred to in the first paragraph, to any person previously designated by the chief coroner.

65. Every person contemplated in section 64 may, without the coroner's authorization, within 24 hours following the receipt of a notice given under Chapter II, exercise the following powers:

(1) enter any place where a dead body was found, any place where the body was when the death was notified to the coroner, any place where it is reasonable to believe the person died or any place where it is reasonable to believe death was caused, to inspect the place, take possession of the dead body or examine or seize any object or document found there which may be used as evidence by the coroner;

(2) prohibit access to the place to facilitate the gathering or preservation of items of evidence for the coroner or ensure the protection of the persons involved or their property;

(3) photograph the place or any object examined, or cause it to be photographed;

(4) photocopy any document examined or seized, or cause it to be photocopied.

The person may also, even after the expiry of the time prescribed under the first paragraph, take, without the coroner's authorization, the measures necessary for the identification of a dead body, photograph it or cause it to be photographed.

66. No person in the service of the Laboratoire de police scientifique du Québec nor any peace officer may seize a medical record, except with the coroner's authorization.

67. The coroner may authorize in writing a person to exercise, for the purposes of Division II, the powers conferred on a coroner by sections 49 to 52 of this Act. The authorization shall designate by name the person to whom it is addressed.

68. The coroner shall determine when and where the powers he authorizes to be exercised by virtue of section 64 or 67 may be exercised, and indicate the objects and documents contemplated in the authorization.

69. Authorizations remain effective for a period of not over 15 days.

The holder of a void authorization shall return it to the coroner, who may issue a new authorization.

70. Every person exercising the powers of a coroner under section 64, 65 or 67 is bound to comply with the obligations provided under sections 54 to 60.

The person shall also,

(1) in accordance with the directives of the chief coroner or coroner, direct the dead body of which he has taken possession to a designated morgue;

(2) indicate in the minutes of seizure the number and date of issue of the authorization under which he is acting, where an authorization has been issued;

(3) transmit immediately to the coroner a copy of the minutes of seizure drawn up by him;

(4) remit to any person designated by the coroner any seized object or document in his custody.

DIVISION II

EXAMINATIONS, AUTOPSIES AND OTHER EXPERT'S OPINIONS

71. The coroner may make or order the examination or autopsy of a dead body or require an expert's opinion.

The Minister of Justice or the chief coroner may require the coroner to order an examination, autopsy or expert's opinion.

72. A physician may take from a dead body the specimens required for an expert's opinion ordered by the coroner.

73. Except where a coroner's directive provides otherwise, the examination or autopsy of a body or taking of specimens from a dead body by a coroner's order is made at the hospital centre where the death occurred.

Where the death occurred in a place other than a hospital centre, the examination, autopsy or taking of specimens may be made in the Laboratoire de médecine légale du Québec, in any hospital centre, by agreement between the centre and the chief coroner, or at any other place designated by the chief coroner.

74. The director of professional services of a hospital centre shall take the necessary measures to have the required examination, autopsy or taking of specimens at the centre carried out with due diligence.

The director of the Laboratoire de médecine légale du Québec and the director of the Laboratoire de police scientifique du Québec shall do likewise when the required examination, autopsy, taking of specimens or expert's opinion, as the case may be, is under their authority.

75. Every person who performs an examination or autopsy or gives an expert's opinion under this Act shall, with due diligence, draw up his report and transmit it to the coroner.

DIVISION III

BURIAL, CREMATION AND EXHUMATION

76. In no case where notice must be given to a coroner pursuant to Chapter II may a dead body be buried or cremated in Québec, transported out of Québec or remitted in accordance with Division IX of the Public Health Protection Act (R.S.Q., chapter P-35), except with the written authorization of the coroner.

77. The coroner shall give his written authorization if the body is claimed and is no longer required for the purposes of identification, examination, autopsy or expert's opinion.

78. Every body unclaimed within 30 days after it is found may be buried if it is no longer required by the coroner, unless it is disposed of in the manner prescribed in Division IX of the Public Health Protection Act.

79. Expenses incurred for the burial of unclaimed bodies are paid out of the appropriations allocated for the administration of this Act.

However, the Minister of Finance may require the estate of the deceased to reimburse expenses incurred for burial of the unclaimed body.

80. The coroner may order the exhumation of a dead body where he has reasonable grounds to believe an examination or autopsy of the body may be useful to the performance of his duties.

If the body was buried according to law, the coroner must be authorized by the chief coroner.

81. The Minister of Justice or the chief coroner may require the coroner to order the exhumation of a dead body.

82. Expenses incurred for exhumations made in application of this Act are paid out of the appropriations allocated for the administration of this Act.

The same applies to expenses incurred for a second burial following exhumation, if the first burial was made according to law.

83. Every examination or autopsy ordered by a coroner or following exhumation of a body must be made by a physician who has not previously examined or made an autopsy of the dead body.

DIVISION IV

BAN ON PUBLICATION OR RELEASE

84. No person may publish or release a photograph of a dead body contemplated in section 52 unless authorized in writing by the chief coroner or the coroner conducting the investigation.

The authorization may be granted by the chief coroner on his conditions, if required for the administration of justice or in the public interest, or for purposes of scientific research or instruction. It may be granted by the chief coroner or the coroner on his conditions, for purposes of identification of the body.

85. No person may publish or release anything whatsoever revealing the name or address of a person under 18 years of age implicated in the circumstances of a person's death, or allowing him to be identified.

86. Every person who, by deed or omission, contravenes section 84 or 85 is guilty of contempt of court.

87. A ban on publication or release of certain information under this division does not apply if the publication or release is made in accordance with section 97 or 99.

DIVISION V

INVESTIGATION REPORT

88. Following his investigation, the coroner shall promptly draw up a report.

89. The report must indicate

(1) the identity of the deceased person, or indications that may lead to it;

(2) the date and place of death;

(3) the probable causes of death;

(4) a description of the circumstances of death;

(5) any recommendation directed towards better protection of human life, as the case may be.

90. The coroner shall attach to his report a copy of the authorization to bury, cremate, transport or remit the body, granted under section 77 and, where such is the case,

(1) the examination and autopsy reports and the expert's opinion;

(2) the report of a peace officer who investigated the death;

(3) the exhumation order;

(4) the copy of the minutes of seizure;

(5) photographs of the body, of the place viewed and of the objects examined or seized and photocopies of documents examined or seized;

(6) every other document required by the chief coroner.

91. The coroner shall, with due diligence, transmit the original of the report and the accompanying documents to the chief coroner.

92. The coroner who prepared the report or the chief coroner may certify that a copy of the report or of the accompanying documents is in conformity with the report or the documents filed in the records of the coroners.

Every copy must be certified true before being transmitted.

93. The coroner's report, except the accompanying documents and the parts of the report that are subject to a ban on publication or release under this Act, is public and may be consulted by any person.

A certified true copy of the report may be obtained on payment of the charge prescribed by regulation.

94. The chief coroner, the coroner who conducted the investigation and every person under their authority shall, before allowing access to a report or transmitting a certified true copy of it, delete any passages banned from publication or release.

95. The chief coroner shall, if he considers it appropriate, transmit to the persons, associations, departments or agencies concerned the recommendations appearing in the report of an investigation or inquest.

96. At the request of the Minister of Justice or the Attorney General's prosecutor for the judicial district where the dead body was found, the coroner or the chief coroner shall forward to them a certified true copy of the unexpurgated report and accompanying documents.

97. Where required in the public interest, the Minister of Justice or the chief coroner may publish or release any information contained in the report and in the accompanying documents that is not public.

In no case however may the chief coroner publish or release the report of a peace officer without the express permission of the Attorney General or a person he authorized for that purpose.

98. Notwithstanding section 94, the chief coroner or a permanent coroner may allow consultation of the unexpurgated report or accompanying documents or, on payment of the charge fixed by regulation, transmit certified true copies of them

(1) to a person, association, department or agency establishing to his satisfaction that they will be used to learn or establish his or its rights;

(2) to a department or public agency establishing to his satisfaction that it will use them in the pursuit of the public interest.

However, in no case may a peace officer's report be transmitted except with the express permission of the Attorney General or a person authorized by him for that purpose.

99. Access to a report or accompanying document or its receipt does not constitute an authorization to publish or release information it contains that has not been made public, unless that is necessary in order for the person, association, department or agency to learn or establish his or its rights, or in the public interest, where the department or public agency has consulted or received it for that purpose.

100. If, during or following an investigation, the coroner is of opinion that an inquest is advisable, he shall immediately make a recommendation to that effect to the chief coroner, with a statement of the grounds for his recommendation.

CHAPTER IV

INQUESTS

DIVISION I

GROUNDS FOR HOLDING INQUESTS

101. The chief coroner may, following an investigation, order that an inquest be held into the probable causes and circumstances of a death if he has reason to believe that the inquest is necessary and will not impede the progress of any police investigation.

102. In determining whether it is necessary to hold an inquest, the chief coroner shall consider whether it is necessary to hear witnesses, particularly

(1) to obtain information for establishing the probable causes or circumstances of death;

(2) to enable a coroner to make recommendations directed to better protection of human life;

(3) to inform the public on the causes or circumstances of death.

103. The chief coroner shall order the holding of an inquest where required by the Minister of Justice.

104. The chief coroner may order a single inquest into several deaths which occurred in the same event or a series of similar events.

105. The chief coroner shall designate the coroner to preside at the inquest. He may also designate another coroner to complete an inquest already in progress.

106. Where the complexity of the events being the subject of the inquest so requires, the Government at the request of the chief coroner, may designate as an assessor a person who, owing to his knowledge and special competence, is in a position to provide useful or pertinent information to the coroner at the inquest. The Government shall also fix the remuneration and conditions of employment of the assessor.

DIVISION II

POWERS AND DUTIES OF THE CORONER FOR AN INQUEST

107. Subject to this chapter, sections 47 to 83 apply to an inquest, *mutatis mutandis*.

108. The coroner may summon any person to be examined at an inquest whom he believes in a position to provide useful or pertinent information for the inquest.

109. The person is summoned in writing, unless he is present at the place where the inquest is held and the summons may be accompanied with an advance of funds to cover the person's travel expenses.

110. The coroner may order a person summoned by him to bring with him any object or document he indicates.

The request is made in writing, unless the person is present at the place where the inquest is held.

111. Articles 120 to 146 of the Code of Civil Procedure apply, *mutatis mutandis*, to the service of a summons made by a coroner.

112. Where the coroner has reasonable and probable grounds to believe that a person he wishes to summon as a witness at the inquest is avoiding service of a summons or will not be present following a summons, the coroner may apply to a judge of the Court of the Sessions of the Peace for the issue of a warrant ordering a peace officer to arrest that person and cause him to appear.

The person arrested shall appear before a judge of the Court of the Sessions of the Peace without delay. The person arrested and the coroner who required the warrant must then have an opportunity to be heard before any judgment is rendered on the detention or release of the person.

113. Upon proof that a person duly summoned refuses or fails to appear as a witness, the coroner may issue a warrant ordering a peace officer to arrest or detain him.

The person so arrested shall without delay appear before the person who issued the warrant of arrest, a permanent coroner or a judge of the Court of the Sessions of the Peace.

114. The judge or the coroner before whom a person arrested appears may

(1) order that he be released on a cognizance, unconditional or with reasonable conditions, with or without sureties, to appear at the inquest and testify; or

(2) order that he be detained in a house of detention for a period of not over eight days or, if he is under 18 years of age, that he be confided to the care of the youth protection designated by the judge or the coroner for the same period.

115. The person detained under an order of the judge or coroner before whom he has appeared must be summoned as a witness at the inquest within eight days of his appearance.

116. The powers conferred by this division to a judge of the Court of the Sessions of the Peace may be exercised by a judge of the Provincial Court or a justice of the peace appointed under section 186 of the Courts of Justice Act if no judge of the Court of the Sessions of the Peace is available in the judicial district.

117. The coroner must receive the oath or solemn affirmation of every person summoned as a witness.

118. The coroner may admit, without the formality of an oath or solemn affirmation, the testimony of a person who, in his opinion, does not understand the nature of the oath or solemn affirmation, if he considers that he is sufficiently mature to report facts that came to his knowledge and that he understands his duty to tell the truth.

119. Every person summoned to testify before a coroner must, on pain of contempt of court, answer the questions put to him.

However, articles 307 and 308 of the Code of Civil Procedure apply.

120. Every person who testifies under this Act is deemed to have objected, within the meaning of section 5 of the Canada Evidence Act (R.S.C., 1970, chapter E-10), to answer any question tending to incriminate him.

121. In no case may a person under criminal prosecution for a death for which the coroner has, in accordance with section 147, obtained authorization to hold or proceed with an inquest, be compelled to testify before the coroner until the judgment in the criminal proceedings has acquired the status of *res judicata*.

122. The coroner and, as the case may be, the attorney or assessor who assists him may, during the inquest, put to the witnesses any question they deem advisable.

123. The coroner may have the depositions of witnesses taken down by stenography or recorded in any other manner authorized by the Government.

124. Depositions of witnesses must be transcribed if the coroner, the chief coroner, the Minister of Justice or an Attorney General's prosecutor so require.

125. The director of the record office of the judicial district where the inquest is to be held shall, at the request of the coroner, provide the premises, clerks, stenographers and interpreters necessary for the inquest and take the necessary measures to ascertain that the inquest is conducted in peacefully and in orderly manner.

DIVISION III

TIME AND PLACE OF INQUEST

126. The coroner shall conduct his inquest with diligence.

127. The inquest is held in the judicial district where the dead body was found or is presumed to be unless the coroner considers it advisable, in the interest of justice, to hold it in another district.

128. The coroner shall give reasonable notice of the place, date and time of the inquest

- (1) to a member of the family of the deceased;
- (2) to a person interested or who has requested to be notified thereof;
- (3) to the Attorney General's prosecutor for the judicial district where the inquests will be held or, as the case may be, to the advocate designated by the Attorney General to represent him;
- (4) to the Minister of Justice.

The coroner may also make the same information available to the public.

DIVISION IV

RECOGNITION OF THE RIGHTS OF INTERESTED PERSONS

129. A coroner may recognize as an interested person any person, association, government department or agency requesting to be acknowledged as such and that proves his or its interest in the inquest to the satisfaction of the coroner or whose name or activities are mentioned in the course of the inquest.

The coroner shall state his reasons for refusing the request.

130. At the request of an interested person, a coroner shall summon a witness if he believes that person in a position to furnish relevant information likely to enlighten him on his inquest.

The coroner shall state his reasons for refusing the request.

131. An interested person may examine the witness he requested be summoned by the coroner and cross-examine the other witnesses.

132. Upon payment of the charge required under the tariff established by regulation, an interested person may request a transcription of the depositions of the witnesses and obtain copy thereof.

DIVISION V

RESTRICTIONS PERTAINING TO THE PUBLIC NATURE OF INQUEST

133. Inquests are open to the public.

134. No person may publish or release a photograph of a dead body contemplated in section 52 except with the written authorization from the chief coroner or the coroner conducting the inquest.

Such authorization may be granted by the chief coroner, on his conditions, where the administration of justice or the public interest so requires or for purposes of scientific research or instruction. Authorization may be granted by the chief coroner, on his conditions, or the coroner for the purpose of identifying the dead body.

135. No person may publish or release anything whatsoever revealing the name or address or enabling the identification of a person under 18 years of age implicated in the circumstances of the death of a person or called on to testify at an inquest.

136. Where a coroner's inquest is authorized in accordance with section 147 at the same time criminal proceedings are being brought against a person in respect of the same death, no person may publish or release the proof presented at the inquest until the judgment on the criminal proceedings has acquired the status of *res judicata*.

137. If he considers it necessary in the public interest or for the protection of the privacy of a person, his reputation or right to a just and fair trial, the coroner may *ex officio* or on application, ban the publication or release of certain information given or likely to be given at the inquest.

138. Every person who, by act or omission, contravenes sections 134, 135 or 136 or an order made by the coroner under section 137 is guilty of contempt of court.

139. A ban on publication or release of certain information under this section does not apply if the publication or release is made in accordance with section 97 or section 99.

DIVISION VI

PROCEDURE AND PROOF

140. At the beginning of an inquest, the coroner shall inform the persons present of the object of the inquest and the reasons justifying it.

141. The Attorney General's prosecutor or the advocate representing the Attorney General may demand the coroner to summon any person he believes in a position to furnish useful or pertinent information on the inquest.

142. After having been sworn in, the witnesses shall testify out of each other's presence if the coroner so orders, *ex officio* or at the request of the Attorney General's prosecutor, the advocate representing the Attorney General or an interested person.

143. The Attorney General's prosecutor or the advocate representing the Attorney General may examine or cross-examine any witness.

144. A coroner may admit a medical report, an expert's opinion, an official police report in lieu of the testimony of the physician, expert or peace officer who prepared the report or opinion unless the Attorney General's prosecutor or the advocate representing the Attorney General proves to the coroner the relevance, for the purposes of the inquest, of examining the author of such report or opinion.

145. The coroner has authority over presentation of the proof and the conduct of the inquest.

He may admit any evidence he considers relevant to the purposes of the inquest.

146. Any person who disrupts the inquest is guilty of contempt of court.

DIVISION VII

STAY, ADJOURNMENT OR REOPENING OF INQUESTS

147. Where a person against whom criminal proceedings are brought in respect of a death, in no case may the coroner, except with the authorization of the Attorney General, hold or continue an inquest into the death until the judgment on those proceedings has acquired the status of *res judicata*.

The coroner shall then inform the chief coroner thereof.

148. The coroner may adjourn the inquest if the circumstances so require or on the motion of the chief coroner.

149. The coroner shall resume an adjourned inquest if the Minister of Justice so requires. The chief coroner may order a coroner to resume an adjourned inquest at his request.

150. The chief coroner may order the reopening of an inquest if justified by new facts. He shall do so if the Minister of Justice so requires.

The chief coroner may designate a new coroner to conduct the inquest.

DIVISION VIII

CLOSING OF INQUEST AND REPORT OF INQUEST

151. After having heard the witnesses, the coroner shall declare the inquest closed and draft his report with dispatch.

The report on the inquest must contain the information contemplated in section 89.

152. In addition to the documents mentioned in section 90, the coroner shall attach a copy of the summons of the witnesses and, where such is the case,

- (1) a copy of the warrant of arrest issued under section 112 or 113;
- (2) a copy of the warrant of detention issued under section 112, 113 or 114;
- (3) the original of the transcription of the depositions of the witnesses;
- (4) a copy of the order made under section 137.

153. Sections 91 to 99 apply, *mutatis mutandis*, to the report of inquest and any documents accompanying it; however, the report of the peace officer is public if it has been admitted as evidence at the inquest and when, upon request, the coroner or chief coroner transmits without delay a certified true copy of the unexpurgated report and the documents accompanying it to the advocate representing the Attorney General at the inquest.

Sections 98 and 99 also apply to an interested person within the meaning of section 129.

CHAPTER V

REGULATIONS

154. The Government may, by regulation, establish criteria and procedure for selecting persons appointed to be permanent coroners or part-time coroners.

155. The Government shall publish in the *Gazette officielle du Québec* a draft regulation contemplated in section 154, with a notice indicating that it may be adopted, with or without amendments, on the expiry of 30 days from that publication.

Regulations come into force on the tenth day following that of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

156. The chief coroner shall publish in the *Gazette officielle du Québec* any regulation respecting the coroners' code of ethics with a notice indicating that it will be submitted to the Government for approval at the expiry of 30 days from publication. The Government may amend the regulations submitted to it for approval.

After approval, the regulations come into force on the tenth day following their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

157. Regulations made by the chief coroner under paragraph 1 of section 32 are submitted to the Minister of Justice for approval; those made under paragraph 2 of section 32 are submitted to the Government for approval.

The Minister of Justice or the Government, as the case may be, may amend regulations submitted to him or it for approval.

Regulations come into force on the tenth day following that of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

158. The Government may, by regulation, after consultation with the chief coroner, adopt tariffs

- (1) to remunerate part-time coroners;
- (2) to reimburse to the chief coroner, associate chief coroners or coroners any expenses made or incurred in the performance of their duties;
- (3) to establish the costs of transporting, keeping and preserving dead bodies which a coroner or another authorized person takes possession of;
- (4) to establish the cost of any other service required for the administration of this Act;
- (5) to indemnify the persons assigned to the inquest;
- (6) to fix the amount of the charge to be paid for transcribing the depositions of witnesses at the inquest or for obtaining copy of the depositions so transcribed;
- (7) to fix the amount of the charge to be paid to obtain a certified true copy of the report of investigation or inquest or any documents accompanying the reports.

The Government may also, by regulation, determine in which cases, on what conditions and to which categories of persons the tariffs apply.

159. The regulations contemplated in section 158 come into force on the tenth day following that of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

CHAPTER VI

PENAL PROVISIONS

160. Every person is guilty of an offence who, by act or omission,

- (1) contravenes section 34, the second paragraph of section 35, sections 36 to 43 or section 76;
- (2) does not comply with a regulation made under paragraph 2 of section 32 to contravene which is an offence;
- (3) does not comply with an order of the chief coroner, an associate chief coroner or a coroner, except where this Act stipulates that non-compliance with the order constitutes contempt of court;
- (4) hinders or attempts to hinder the chief coroner, an associate chief coroner, a coroner or a person authorized to act under this Act, in the performance of his duties.

161. Every person guilty of an offence contemplated under section 160 is liable to a fine of not less than \$100 and not more than \$2 500 and to costs.

In the event of a subsequent offence, the minimum fine is \$200 and the maximum \$5 000.

A subsequent offence is committed if the same offence is committed within two years of a condemnation for the first offence.

162. Proceedings under section 160 are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

CHAPTER VII

CONTEMPT OF COURT

163. A coroner may condemn any person who is guilty of contempt of court in his presence, provided that person was given the opportunity to be heard.

164. Where a person is guilty of contempt of court out of the presence of the coroner, the latter, the chief coroner or the Attorney General may, on a motion, apply to the Superior Court for an order enjoining that person to appear before the Court, on the day and at the time specified, to hear proof of the acts with which he is charged and to urge any grounds of defense he may have.

The motion for obtaining such order may be presented without being served. However, the order to appear must be served on the person summoned in accordance with the Code of Civil Procedure.

165. Judgment for contempt of court is rendered after summary hearing.

If the judgment contains a condemnation, it must state the penalty imposed and set forth the facts on which it is based; it is executory as a judgment rendered under the Summary Convictions Act.

166. Every person who is guilty of contempt of court under this Act is liable to the penalties mentioned in the first paragraph of article 51 of the Code of Civil Procedure.

167. An appeal lies to the Court of Appeal from any conviction or acquittal for contempt of court.

CHAPTER VIII

GENERAL PROVISIONS

168. This Act binds the Government, its departments and the agencies that are their mandataries.

169. This Act applies notwithstanding any inconsistent provision of a general law or special Act providing for the confidentiality or non-disclosure of certain information or documents.

However, no advocate may be compelled under this Act to disclose confidential information revealed to him in the exercise of his profession.

The same applies to a minister of religion in respect of confidential information revealed to him by reason of his position.

170. The provisions of this Act concerning reports of investigation or inquest and documents accompanying them apply notwithstanding the Act respecting access to documents held by public bodies and the Protection of personal information (1982, chapter 30).

171. The charges collected according to a tariff made under section 158 and fines collected pursuant to Chapters VI or VII are paid into the consolidated revenue fund.

172. Every examination or autopsy performed under this Act by a professional in the field of health is a service within the meaning of subparagraph *a* of the first paragraph of section 3 of the Health Insurance Act (R.S.Q., chapter A-29), provided it is performed in an establishment within the meaning of the Act respecting health services and social services, that the professional in the field of health is not a civil servant, within the meaning of the Civil Service Act, in the service of the Laboratoire de médecine légale du Québec or is not bound to the latter by a service contract. In other cases, the costs of the examination or autopsy are taken out of the sums required for the administration of this Act.

[[**173.** The sums required for the implementation of this Act are taken out of the appropriations granted annually for such purpose by Parliament.

Notwithstanding the first paragraph, where a coroner conducts an investigation and, where necessary, holds an inquest into the death of a person that has occurred in a disaster under emergency decree within the meaning of the Act respecting the protection of persons and property in the event of disaster, the sums required for the investigation and, where necessary, the inquest, may be taken out of the consolidated revenue fund.]]

174. The Minister of Justice is responsible for the administration of this Act.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

175. This Act replaces the Coroners Act (R.S.Q., chapter C-68).

176. Persons appointed coroners in accordance with the Civil Service Act and exercising the duties of coroner in accordance with the Coroners Act on the day of coming into force of the first paragraph of section 5 of this Act become permanent coroners within the meaning of this Act.

Other persons appointed coroners in accordance with the Coroners Act and who are in office on the day of coming into force of the second paragraph of section 5 of this Act become part-time coroners within the meaning of this Act.

Notwithstanding sections 19 and 20, a permanent coroner contemplated in the first paragraph shall receive the same salary and benefit by the same pension plan and social benefits to which he was entitled before the coming into force of this section.

177. The chief coroner may change the territory in which coroners in office on the day of coming into force of this section may exercise their duties, notwithstanding any special clause in that respect in their deed of appointment.

178. Any investigation or inquest in progress under the Coroners Act at the coming into force of section 175 is completed in accordance with the said Act, but no coroner may find on a person's civil liability or criminal responsibility nor undertake to hold an inquest.

Sections 84 to 87 and 134 to 139 and Chapter VII apply to such an investigation or inquest if they are then in force.

179. Regulations made under the Coroners Act remain in force until they are replaced or repealed under this Act.

180. Article 23 of the Civil Code, replaced by section 6 of chapter 84 of the statutes of 1971 and amended by section 439 of chapter 70 of the statutes of 1974, is again amended by adding after the words "required by", in the second paragraph, the following: "a coroner,".

181. Article 69 of the said Code, amended by section 4 of chapter 38 of the statutes of 1913-1914 and section 2 of chapter 57 of the statutes

of 1951-1952, is again amended by striking out, at the end, the following: "or other officer whose duty it is to inspect the body in such case".

182. Article 72 of the said Code, enacted by section 1 of chapter 79 of the statutes of 1969, is amended by adding, after the third paragraph, the following paragraph:

"A copy of the judgment must be transmitted without delay to the chief coroner."

183. Section 12 of the Public Curatorship Act (R.S.Q., chapter C-80) is amended by replacing paragraph *b* by the following paragraph:

"(b) of the property found on the body of an unknown person or on an unclaimed body, subject to the Act respecting the determination of the causes and circumstances of death (1983, chapter *insert here the chapter number of this Act*)."

184. Section 9 of the Deposit Act (R.S.Q., chapter D-5) is repealed.

185. Section 3 of the Fire Investigations Act (R.S.Q., chapter E-8) is repealed.

186. Section 6 of the said Act is amended by striking out, at the beginning of the first paragraph, the following: "Unless he has already taken an oath as coroner or deputy coroner,".

187. The said Act is amended by inserting, after section 34, the following section:

"**34.1** This Act does not apply where a death has occurred in a fire or explosion."

188. Section 3 of the Burial Act (R.S.Q., chapter I-11) is amended by replacing the third paragraph by the following paragraph:

"However, no incineration or cremation may be carried out before a coroner has been notified and authorized it in accordance with the Act respecting the determination of the causes and circumstances of death (1983 chapter *insert here the chapter number of this Act*)."

189. Section 16 of the said Act is amended by adding the following subsection after subsection 5:

"(6) Every order or permission of a judge authorizing the exhumation of a body must be served on the chief coroner."

190. Section 4 of the Jurors Act (R.S.Q., chapter J-2) is amended by inserting, after the word "judges" in the last line of paragraph *d*, the following: ", a coroner".

191. Section 47 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by replacing the third paragraph by the following paragraph:

“In the case of a death which is the object of an investigation and, where such is the case, an inquest under the Act respecting the determination of the causes and circumstances of death (1983, chapter *insert here the chapter number of this Act*), the declaration of death must be made by the coroner.”

192. Section 52 of the said Act is replaced by the following section:

“**52.** A dead body is transported into or out of Québec in accordance with the conditions fixed by regulation and after authorization by the coroner. »

193. Section 61 of the said Act is replaced by the following section:

“**61.** This division does not apply in cases which are subject to a notice to the coroner in accordance with the Act respecting the determination of the causes and circumstances of death.”

194. Section 160 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing the second paragraph by the following paragraph:

“A person designated to make an inquiry shall not disclose information obtained during the inquiry except in the performance of his duties or with the authorization of the Commission or a tribunal, or upon the order of a coroner exercising his duties.”

195. Section 7 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended by inserting after the word “court” in the fifth line of the first paragraph, the words “or the coroner exercising his duties”.

196. Section 118 of the said Act is amended by adding, after paragraph 4, the following paragraph:

“(5) take all means to ensure that an examination, autopsy or expert’s opinion required under the Act respecting the determination of the causes and circumstances of death (1983, chapter *insert here the chapter number of this Act*) is performed or given.”

197. Section 5 of the Stamp Act (R.S.Q., chapter T-10) is amended by striking out, in the second line of the first paragraph, the following: “coroners,”.

198. Section 4 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out, in the third line of the first paragraph, the following: "the coroner,".

199. Section 70 of the said Act is amended by striking out the words "and coroners" in the last line of the fourth paragraph.

200. Section 174 of the said Act is amended by replacing the words "of an inquest" in the third line of the second paragraph by the words "of an investigation or an inquest".

201. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

202. This Act will come into force on the date fixed by proclamation of the Government, except those provisions excluded by such proclamation, which will come into force on such later dates as are fixed by proclamation of the Government.

SCHEDULE I

OATH OR SOLEMN AFFIRMATION OF THE CORONER

I swear (or solemnly declare), that I will discharge the duties of my office of coroner honestly, impartially and justly, and I will not accept any sum of money or other consideration for what I may do in discharging the duties of my office apart from what will be allowed to me by law.

SCHEDULE II

OATH OR SOLEMN AFFIRMATION OF THE CHIEF CORONER
AND ASSOCIATE CHIEF CORONERS

I swear (or solemnly declare), that I will discharge the duties of my office of chief coroner (or associate chief coroner) honestly, impartially and justly, and I will not accept any sum of money or other consideration for what I may do in discharging the duties of my office apart from what will be allowed to me by law.

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