Coroners (Reporting Restrictions on Police Identity)
Amendment Bill
Member’s Bill

Explanatory note

General policy statement
Currently there is no law that prevents media organisations from reporting the names of police officers involved in shootings that lead to the death of a member of the public. Rather it is by convention that media refrain from reporting the names of those officers involved. However as this is not prescribed in law, there may come a time in the future where a media organisation publishes the name of an officer involved in such a shooting before it has been through due process and the correct judicial systems.

Actions undertaken by police, particularly those which involve firearms and the death of a member of the public, are subject to immense public scrutiny and criticism. If a media organisation publishes the name of an officer involved in such an action, but following the court processes and independent conduct investigations the police officer is found not to be at fault, the officer’s name will have already been put in the public domain. This may have long-ranging impacts on the officer’s future which, particularly in the case of being cleared of any wrongdoing, could impact their employability, their public standing, and their wellbeing.

The amendments in the bill to provide reporting restrictions in respect of officers involved in such incidents will ensure no prejudice, malicious or otherwise, will be assumed by either the media, public, or others, prior to the incident being investigated through the independent police conduct authority and the correct judicial processes.

Clause by clause analysis

Clause 1 is the Title clause.
Clause 2 is the commencement clause and provides for the Bill to come into force on the day after the date on which it receives the Royal assent.
Clause 3 identifies the Coroners Act 2006 as the Act being amended (the principal Act).

Clause 4 amends section 60 of the principal Act to insert a requirement that a coroner must open and conduct an inquiry into a death that may have occurred as a result of the use of a firearm by a constable.

Clause 5 inserts new sections 72A and 72B to provide for restrictions on the publication of identifying details of constables in respect of deaths that occur as a result of the use of a firearm by Police. These provisions are based on equivalent provisions in the principal Act about publishing details of suicides.

Part 2 makes various consequential amendments to the principal Act to take account of new sections 72A and 72B.
**Coroners (Reporting Restrictions on Police Identity) Amendment Bill**

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The Parliament of New Zealand enacts as follows:

1 Title
This Act is the Coroners (Reporting Restrictions on Police Identity) Amendment Act 2019.

2 Commencement
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act
This Act amends the Coroners Act 2006 (the principal Act).

Part 1
Reporting restrictions in relation to deaths from Police use of firearms

4 Section 60 amended (Deaths into which inquiries must be opened)
After section 60(1)(a), insert:

(aa) the death appears to have occurred as a result of the use of a firearm by a constable; or

5 New sections 72A and 72B inserted
After section 72, insert:

72A Restrictions on making public details of deaths from Police use of firearms
(1) This section applies in respect of a death if—
(a) the death occurred in New Zealand or on or from an aircraft or a ship specified in section 14(1); and
(b) the death occurred, or there is reasonable cause to suspect that the death occurred, as a result of the use of a firearm by a constable acting in the execution of their duty.

(2) No person may, unless the person is granted an exemption under section 72B, make public—
(a) the name, address, or other identifying details of any constable involved or suspected to be involved in the incident in which the death occurred; or
(b) any information the disclosure of which will identify, or is reasonably likely to identify, any constable involved or suspected to be involved in the incident in which the death occurred.

(3) Nothing in subsection (2) prevents—
(a) a person making public that the fact that the death occurred during an incident in which a constable (without identifying the constable) used a firearm; or

(b) a person describing a death as having been caused by a constable’s use of a firearm (without identifying the constable), but only if the coroner has completed a certificate of findings under section 94 stating that the death occurred in those circumstances.

72B Chief coroner may grant exemption from restrictions in section 72A

(1) A person may apply to the chief coroner for an exemption from the restrictions specified in section 72A(2).

(2) On receiving an application under subsection (1), the chief coroner—

(a) must, so far as practicable, give priority to the consideration of the application; and

(b) may request advice from the Chief District Court Judge; and

(c) may request further information from the applicant.

(3) The chief coroner may grant an applicant an exemption from all or any of the restrictions in section 72A(2) only if the chief coroner is satisfied that—

(a) suppressing the information may endanger the safety of any person or the public at large; or

(b) the information is already publicly available; or

(c) in the specific circumstances of the case, the publication of the information is in the public interest.

(4) To ensure an application is dealt with promptly, the chief coroner may carry out any communications necessary for processing the application in person or by way of remote access (such as by telephone, video, or Internet link).

(5) The chief coroner must keep a written record of—

(a) every application received under subsection (1); and

(b) whether the chief coroner granted an exemption to the applicant under subsection (3); and

(c) the reasons in each case for granting, or declining to grant, the exemption.

Part 2

Consequential amendments

6 Section 28 amended (Any person may access specified certificates and notices)

In section 28(2), after “section 71”, insert “, 72A,”
Section 29 amended (Access to other documents given to Secretary)

After section 29(3)(a), insert:

(ab) the publication of any information in contravention of section 72A (which relates to restrictions on the making public of identifying details of constables); or

Section 73 amended (Definitions for sections 71 and 74)

(1) In the heading to section 73, after “sections 71”, insert “, 72A,”.

(2) In section 73, after “sections 71”, insert “, 72A,”.

Section 75 amended (Review of decisions relating to publication of details, evidence, etc)

Replace section 75(1)(a), with:

(a) a refusal by the chief coroner to grant an exemption under section 71A or section 72B; or

Section 139 (Publication of information in contravention of section 71)

(1) In the heading to section 139, after “section 71”, insert “or 72A”

(2) In section 139(1), after “section 71 (which relates to restrictions on the making public of details of self-inflicted deaths)”, insert “section 72A (which relates to restrictions on the making public of identifying details of constables)”.