



## **CORONIAL INQUIRIES INTO MASJID ATTACKS ON 15 MARCH 2019**

### **AID TO MINUTE OF JUDGE MARSHALL AS TO SCOPE OF INQUIRY**

The Minute confirms a coronial inquiry has now been opened into each of the 51 deaths. Opening an inquiry is a formal step under the Coroners Act which means that further investigation into the deaths will be undertaken. An inquest hearing may be held as part of the inquiry.

The Minute also sets out:

- the background of legal processes that have already taken place i.e. the criminal prosecution and the Royal Commission of Inquiry
- a summary of what families and organisations have asked the coronial inquiry to look into
- the relevant parts of the Coroners Act and caselaw that helps a Coroner to decide what the coronial inquiry can and should look at; and
- a preliminary view of what issues the coronial inquiry will look at.

The Coroners Act sets out the purposes of a coronial inquiry. Those purposes are fundamental to deciding what a coronial inquiry should look into. The relevant purposes are:

- to establish (if possible) who the people were who died, what the cause of death of each person was, and in what circumstances did they die; and
- to make comments or recommendations to reduce the chances of future deaths in similar circumstances.

The Coroner can decide which issues should be looked into. Not every matter related to a death will be a matter for a Coroner to look into; a line has to be drawn at some point. Some matters will not have caused or contributed in any significant way to the death. A Coroner must decide what is necessary, desirable and proportionate in determining the scope of the coronial inquiry.

Many of the issues that have been suggested for the coronial inquiry to look into relate to the wider circumstances of the deaths.

Some issues that have been suggested are not able to be looked into by a coronial inquiry because they are outside the legal jurisdiction of a Coroner. This includes issues that relate to matters following the deaths.

Other specific issues that have been suggested may be addressed by way of information being provided to the relevant requestor. This may be information that already exists or may be new information obtained by the Coroner to address the specific issue that is raised. Work is underway to gather and relay information in response to these specific issues. If those specific issues are not able to be addressed in this way, consideration will be given to whether there needs to be further inquiry undertaken into that specific issue.

Some of the issues that have been asked to be included in the coronial inquiry are issues which the Royal Commission of Inquiry has already looked into. Some families and organisations have



expressed concern with the fact that the inquiry was largely undertaken in private. There is concern about whether the findings of the Royal Commission can be relied upon because of that. It is suggested that a number of the same issues should therefore be looked at again by the Coroner.

It is not clear how a coronial inquiry could practically provide more transparency than the Royal Commission was able to provide given the sensitivity of some evidence. There is also a need to avoid unnecessary duplication of investigations. A Coroner can decide not to look into aspects of the circumstances of death which have been adequately established by other inquiries. The key question is whether there are aspects of the circumstances of the deaths that have been adequately established by the Royal Commission of Inquiry (or the criminal prosecution). At this stage, it is proposed that the issues that were looked into by the Royal Commission of Inquiry will not be looked into again in the coronial inquiry.

Issues related to the first response efforts and how that response may have affected survivability of the deceased are matters that were not considered by the Royal Commission of Inquiry. These issues are proposed to be looked into as part of the coronial inquiry.

It is important to understand that no final decision has yet been made as to what issues the coronial inquiry will ultimately look at. The Minute sets out a starting point. There will be further opportunity for families and organisations to make submissions on what issues the coronial inquiry should look at. These submissions can be made (through their lawyer if they have one) in writing and in person at a court hearing that Coroner Windley will hold in Christchurch. This hearing is not an inquest hearing, it is only to hear submissions on scope. Coroner Windley will then make a final decision on the issues the coronial inquiry will look into.

**Some important dates to note:**

- Any further written submissions on the issues for inquiry must be received no later than **26 November 2021**. Submissions can be sent to [coronial.response@justice.govt.nz](mailto:coronial.response@justice.govt.nz).
- The court hearing on the issues for inquiry will take place in Christchurch on **14-15 December 2021**
- If interested parties (or their lawyer if they have one) wish to make submissions in person at the court hearing, they must tell us no later than **26 November 2021** so arrangements can be made. This can be advised by sending an email to [coronial.response@justice.govt.nz](mailto:coronial.response@justice.govt.nz)