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CANADIAN CORONER LAW

*A legal study of coroner and
medical examiner systems in Canada*

by

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To Christine, Lesya, Paul and Mary,
who have had to live with a husband, father, and author,
and have done so astonishingly well.

Preface

In the course of working some years ago upon a problem in the area of the law governing coroner and medical examiner systems in Canada, I was quite surprised to find that there was no comprehensive up-to-date text upon the subject. (The latest editions of *Boysen Coroners* and of Johnson, *Coroner's Inquests and Investigations* were published twenty or more years ago and were hopelessly outdated.) With the encouragement of the Carswell Company, I set out to produce such a text. Although the project has taken much more time than I anticipated, and meanwhile a short guide to the area has been published (Marshall, *Canadian Law of Inquests*, 1980), the job has now been completed and this book is the result.

My main aim has been to collect and present the current law, federal and provincial, on the death inquiry systems of each law district in Canada. Inevitably, much of the law is statutory. I have also tried to place the law and the institutions involved in context in relation to their origins and historical development. Sometimes I have sacrificed brevity in the interests of detailed, comprehensive treatment, and the book is rather longer than originally anticipated. Whilst apologizing for this, I hope that the book will be the more useful to those for whom it has been written, that is, all persons who may have need of accurate information concerning the law of any jurisdiction in Canada in this area for whatever purpose.

Many institutions and individuals have provided assistance and encouragement in this project. Those responsible for the systems under study showed the utmost interest and co-operation and supplied a wealth of invaluable materials. I am particularly indebted to the office of the Chief Coroner of Ontario for permission to reproduce the Code of Ethics for Coroners and the Inquest Manual which appear as appendices to this text. The Common Law Section of the Faculty of Law of the University of Ottawa has lent continuing support to the venture. Special thanks are due to Joyce Lillegran, Daphne Fry, Almeida Sender, Roger Shorey and, in particular, Elaine D. Pollock, for research assistance and proofreading. I also want to express my gratitude to all those who typed the manuscript, including Mary Ahn, Mona Carkner, Sheri Dorion and Debbie Kauhanen, and to the staff of the law library at the University of Ottawa (especially Shin Tang and Patrick Bleskie) for their unfailing courtesy and diligence in tracking down materials. Finally, I would like to thank the staff at Carswell for their continued enthusiasm and assistance.

The law is stated as of November 1, 1983. At the time of writing, draft legislation intended to replace the Quebec Coroners Act and effect major reforms to the provincial coroner system is at first reading stage. The legislation in question (Bill 36, 1983, "An Act respecting the determination of the causes and circumstances of death") is reproduced in full as Appendix 3.

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