



## CORONER'S COURT OF WESTERN AUSTRALIA

OUR REF:

YOUR REF:

Ms M M Quirk, MLA  
Chair  
Community Development and Justice Standing Committee  
Legislative Assembly Committee Office  
11 Harvest Terrace  
WEST PERTH WA 6005

Dear Ms Quirk

### Clarification of terms

Thank you for your letter dated 15 November 2016 to the State Coroner, regarding the two further questions from the Committee related to questions 2 and 3 of the questions on notice.

The State Coroner has asked me to respond on her behalf.

The two further questions are reproduced below immediately followed by the answer.

**1. The response to question 2 says that Mr Hope issued a direction to police pursuant to section 14(3) of the *Coroners Act 1996* not to provide access to coronial evidence without the approval of a coroner. Could you please provide the Committee with the exact terms of Mr Hope's direction?**

"I hereby direct that officers of WA Police acting as coroner's investigators not provide access to evidence obtained to other officers of WA Police or other organisations or individuals other than in accordance with normal investigative and criminal procedures and the supervision necessary to carry out the proper investigation of the circumstances of the deaths except with the approval of a coroner (this direction is made pursuant to section 14(3) of the *Coroners Act 1996*)."<sup>1</sup>

**2. In relation to question 3, WA Police has advised the Committee that CCTV of Ms Julieka Dhu's final days, taken at South Hedland Police Station and Hedland Health Campus, was seized by police acting as**

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<sup>1</sup> Letter from State Coroner to Commissioner of Police dated 27 May 2011



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Coroner's investigators under Section 33 of the *Coroners Act 1996*, and surrendered to the Coroner as part of the Coroner's brief. We are seeking clarification from you of the terms of the Coroner's brief.

The CCTV was provided to the court by police after they took possession under section 33(2a)(c) of the *Coroners Act 1996*. This subsection provides that a coroner's investigator may – *"take possession of anything which the coroner's investigator reasonably believes is directly relevant to an investigation of the death"*.

Pursuant to Section 33(2b) – *"anything taken by a coroner's investigator under section (2a) is to be kept and dealt with in accordance with the regulations, until the investigation of the death is finished, or it is decided that there is no jurisdiction under this Act to investigate the death."*

Please note: there is no provision under the *Coroners Regulations 1997* for the release of anything seized under Section 33(2a)(c).

I trust the above answers to the questions are satisfactory to the Committee and please do not hesitate to contact me if you require any further information or clarification regarding any aspect of this response.

Thank you for seeking the State Coroner's clarification.

Yours faithfully

Gary Cooper

**PRINCIPAL REGISTRAR**

16 November 2016