

This is an official version.

Copyright © 2014: Queen's Printer,
St. John's, Newfoundland and Labrador, Canada

Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

[Table of Public Statutes](#)

[Main Site](#)

[How current is this statute?](#)

[Responsible Department](#)

SNL1995 CHAPTER F-6.1

FATALITIES INVESTIGATIONS ACT

Amended:

1997 c23 s14; 2001 c42 s15; 2004 c36 s12; 2004 c47 s16; 2006 c40 s21; 2006 cM-9.1 s83 ; 2009
cV-6.01 s52; [2011 cC-37.00001 s50](#) (not in force - not included here); 2012 c27

CHAPTER F-6.1

AN ACT RESPECTING THE INVESTIGATION OF FATALITIES

(Assented to December 21, 1995)

Analysis

- [1. Short title](#)
- [2. Definitions](#)
- [3. Chief Medical Examiner](#)
- [4. Termination of office](#)
- [5. Notice of death](#)
- [6. Deaths that occur in a facility](#)
- [7. Institutional deaths](#)
- [8. Employment related deaths](#)
- [9. Possession and release of body](#)
- [10. Duties of medical examiner](#)
- [11. Duties of investigator](#)
- [12. Powers of medical examiner](#)
- [13. Directing an investigation](#)

- [13.1 Child Death Review Committee](#)
- [13.2 Review by committee](#)
- [13.3 Report of committee](#)
- [13.4 Minister to provide copy](#)
- [13.5 Recommendations to be made public](#)
- [13.6 No liability](#)
- [14. Conduct of autopsy](#)
- [15. Removal of tissue for research](#)
- [16. Notification where body not located](#)
- [17. Disposal of certain bodies](#)
- [18. Return of items seized](#)
- [19. Destruction of soiled clothing](#)
- [20. Interference with body prohibited](#)
- [21. Cremation or export of bodies](#)
- [22. Where body brought into province](#)
- [23. Disinterment](#)
- [24. Release of information](#)
- [25. Recommendation to the minister](#)
- [26. Powers and duties of minister](#)
- [27. Notification of possible offence](#)
- [28. Offence](#)
- [29. Regulations](#)
- [29.1 Regulations](#)
- [30. Consequential amendments](#)
- [31. Commencement](#)

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the *Fatalities Investigations Act*.

[1995 cF-6.1 s1](#)

[Back to Top](#)

Definitions

2. In this Act

- (a) "autopsy" means the dissection of a body for the purpose of examining organs and tissues to determine the cause of death or manner of death or the identity of the person and may include chemical, histological, microbiological or serological tests and other laboratory investigations;

- (b) "body" means a dead human body or the remains of a dead human body;
- (c) "cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference for that purpose and published by the World Health Organisation;
- (c.1) "child" means a person under the age of majority;
- (c.2) "committee" means the Child Death Review Committee appointed under section 13.1;
- (d) "investigator" means a medical examiner's investigator who acts as an assistant to the medical examiner in determining the manner and cause of death and who is appointed under section 3 or a person who is a medical examiner's investigator under section 10 of this Act;
- (e) "judge" means a Provincial Court judge;
- (f) "manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental or undeterminable;
- (g) "medical examiner" means a registered medical doctor appointed under section 3 of this Act;
- (h) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
- (i) "next of kin" means in order of priority the first named person on the following list:
- (i) the deceased's spouse,
 - (ii) the deceased's children,
 - (iii) the deceased's parents or guardian,
 - (iv) the deceased's siblings,
 - (v) the deceased's grandchildren,
 - (vi) the deceased's grandparents,
 - (vii) the deceased's uncles and aunts,
 - (viii) the deceased's nephews and nieces, or
 - (ix) another relative,
- and if one of the above named persons is unable or unwilling to act, the next of kin becomes the next available person or category of persons listed;
- (j) "pathologist" means a physician who is a specialist in pathology as recognized by the Newfoundland Medical Board or by the hospital of his or her employment;
- (k) "post-mortem examination" means the examination of an unclothed body with or without the removal of body tissues or fluids for the purpose of toxicological examinations;

- (l) public inquiry means an inquiry conducted under Part IV of the *Provincial Offences Act*;
- (1.1) "review" means a review by the committee under section 13.2; and
- (m) "spouse" means, with reference to a dead person, a person to whom the dead person was married or with whom the dead person lived in a conjugal relationship outside marriage immediately prior to that person's death.

[1995 cF-6.1 s2; 2004 c47 s16; 2006 c40 s21; 2012 c27 s1](#)

[Back to Top](#)

Chief Medical Examiner

3. (1) The Lieutenant Governor in Council shall appoint a Chief Medical Examiner who must be a pathologist with training or experience in forensic pathology.

(2) The Chief Medical Examiner shall hold office at pleasure.

(3) The Chief Medical Examiner may exercise and perform the powers and duties of a medical examiner.

(4) The Chief Medical Examiner is responsible to the minister for

- (a) the operation of this Act in relation to the reporting, investigating and recording of deaths;
- (b) the appointment of physicians as medical examiners and the supervision of the performance of their duties;
- (c) the appointment of medical investigators;
- (d) the appointment of an Acting Chief Medical Examiner who may act in the place of the Chief Medical Examiner;
- (e) the development and maintenance of facilities that may be required for the purpose of this Act; and
- (f) the education of persons required to perform functions under this Act.

[1995 cF-6.1 s3](#)

[Back to Top](#)

Termination of office

4. A medical examiner ceases to hold office upon

- (a) ceasing to hold a medical licence under the *Medical Act*;
- (b) resigning in writing; or
- (c) termination by the Chief Medical Examiner.

[1995 cF-6.1 s4](#)

[Back to Top](#)

Notice of death

5. A person having knowledge of or reason to believe that a person has died under one of the following circumstances shall immediately notify a medical examiner or an investigator:

- (a) as a result of violence, accident or suicide;
- (b) unexpectedly when the person was in good health;
- (c) where the person was not under the care of a physician;
- (d) where the cause of death is undetermined; or
- (e) as the result of improper or suspected negligent treatment by a person.

[1995 cF-6.1 s5](#)

[Back to Top](#)

Deaths that occur in a facility

6. (1) Where a person dies while in a health care facility, or another place where patients are received for treatment or care and there is reason to believe that

- (a) the death occurred as the result of violence, attempted suicide or accident, no matter how long the patient had been hospitalized;
- (b) the death occurred as a result of suspected misadventure, negligence or accident on the part of the attending physician or staff;
- (c) the cause of death is undetermined;
- (d) the death occurred during or following pregnancy in circumstances that might reasonably be related to pregnancy;
- (e) a stillbirth or a neonatal death has occurred where maternal injury has occurred or is suspected, either prior to admission or during delivery; or
- (f) the death occurred within 10 days of an operative procedure or the patient is under initial induction, under anaesthesia or during the recovery from anaesthesia,

the person responsible for that facility shall immediately notify a medical examiner or an investigator.

(2) Where a person is declared dead on arrival or dies in the emergency department of a health care facility as a result of a condition referred to in section 5, the person responsible for that facility shall immediately notify a medical examiner or an investigator.

[1995 cF-6.1 s6](#)

[Back to Top](#)

Institutional deaths

7. Where a person dies

- (a) while detained in a correctional institution, such as a jail, penitentiary, guard room, remand centre, detention centre, youth facility, lock-up or any other place where a person is in custody;

- (b) while an inmate or patient in treatment facilities or parts, or psychiatric divisions of treatment facilities or parts, or classes of treatment facilities designated under the *Mental Health Care and Treatment Act* ;
- (c) while in the custody of a manager under the *Children and Youth Care and Protection Act* ; or
- (d) while in the custody of a peace officer,

the person in charge of that institution or the person having the custody of that person shall immediately notify a medical examiner or an investigator.

[1995 cF-6.1 s7](#); [2001 c42 s15](#); [2006 cM-9.1 s83](#); [2012 c27 s2](#)

[Back to Top](#)

Employment related deaths

8. Where a person dies as the result of

- (a) a disease or ill-health;
- (b) an injury sustained by the person; or
- (c) a toxic substance introduced into the person,

probably caused by the person's employment or occupation or in the course of one or more of his or her former employments or occupations, the person attending the person shall immediately notify a medical examiner or an investigator.

[1995 cF-6.1 s8](#)

[Back to Top](#)

Possession and release of body

9. (1) When a medical examiner conducts an investigation into a death under this Act, he or she is considered to take possession of the body at the time he or she receives the notification.

(2) As soon as possible after taking possession of the body, the medical examiner shall sign a notice in the form prescribed by the Chief Medical Examiner and have it affixed to the body or the shroud, garment or container holding the body.

(3) Failure to sign or affix the notice under subsection (2) does not affect the right of the medical examiner to take possession of the body.

(4) A medical examiner may carry out examinations of the body.

(5) The medical examiner shall release a body for burial or other disposition when possession of the body is no longer required for the purpose of this Act.

[1995 cF-6.1 s9](#)

[Back to Top](#)

Duties of medical examiner

10. (1) Upon notification of a death, where the medical examiner is satisfied that the death occurred under a circumstance referred to in section 5, 6, 7 or 8, the medical examiner shall investigate the death and where possible establish

- (a) the identity of the person;
- (b) the date, time and place of death;
- (c) the cause of death; and
- (d) the manner of death.

(2) A medical examiner shall keep a record of all deaths of which he or she is notified under this Act and shall provide to the Chief Medical Examiner a record of all investigations that he or she or an investigator under his or her supervision makes into a death, including the reports, certificates and other documents prescribed by the Chief Medical Examiner.

(3) When a medical examiner is unable to investigate a death of which he or she receives notice, he or she shall

- (a) notify another medical examiner if the death occurred in a circumstance referred to in section 5, 6, 7 or 8; and
- (b) record why the death was not investigated by him or her.

(4) When a medical examiner has investigated a death and has determined the manner and cause of death, he or she shall immediately complete the medical certificate portion of the death registration form in accordance with the *Vital Statistics Act, 2009*.

(5) A medical examiner may consent to a physician or a nurse practitioner completing a medical certificate.

(6) Where a medical examiner has consented to a physician or a nurse practitioner completing a medical certificate of death for a person who has died in a circumstance referred to in section 5, 6, 7 or 8, the medical examiner shall establish and record

- (a) the identity of the person;
- (b) the date, time and place of death;
- (c) the cause of death;
- (d) the manner of death; and
- (e) the name of the physician who completed the medical certificate of death.

[1995 cF-6.1 s10; 1997 c23 s14; 2009 cV-6.01 s52](#)

[Back to Top](#)

Duties of investigator

11. (1) An investigator, when authorized by a medical examiner,

- (a) shall assist the medical examiner in carrying out his or her duties under this Act; and
- (b) may exercise the powers and duties of a medical examiner as enumerated in section 10.

(2) Every member of the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police is by virtue of his or her office, a medical examiner's investigator.

[1995 cF-6.1 s11](#)

[Back to Top](#)

Powers of medical examiner

12. (1) A medical examiner, or an investigator acting under his or her authorization, may without a warrant

- (a) enter a place where he or she believes on reasonable grounds that a body that is the subject of an investigation, or matters related to the body, is or has been located;
- (b) take possession of anything which he or she has reasonable grounds to believe may be directly related to the death; and
- (c) may cordon off or secure the scene or area in which the death under investigation occurred for a period not exceeding 48 hours or an extended period that the Chief Medical Examiner may authorize.

(2) A medical examiner, or an investigator acting under his or her authorization,

- (a) may inspect and make copies of a diagnosis, record or information relating to a person who has received diagnostic and treatment services; and
- (b) may, with the approval of the Chief Medical Examiner, obtain the services or retain expert assistance for a part of his or her investigation.

(3) The items seized under subsection (1), (2) or (4) may only be used by the medical examiner to establish the identification, cause and manner of death as required for the purpose of this Act, and where a peace officer requests those items in the course of a criminal investigation, a warrant shall be obtained.

(4) The Chief Medical Examiner shall apply to a judge for a warrant to enter premises where a body is not located but which he or she has reasonable grounds to believe may contain evidence related to the manner or cause of death and take possession of anything which he or she believes on reasonable grounds may be directly or indirectly related to the death.

[1995 cF-6.1 s12; 2004 c36 s12](#)

[Back to Top](#)

Directing an investigation

13. The Chief Medical Examiner may direct a medical examiner to make an investigation into a death at any place in the province under a circumstance referred to in section 5, 6, 7 or 8.

[1995 cF-6.1 s13](#)

[Back to Top](#)

Child Death Review Committee

13.1 (1) The Lieutenant-Governor in Council shall establish a Child Death Review Committee to review the facts and circumstances of deaths referred to in subsection 13.2(1) for the purpose of

- (a) discovering and monitoring trends in those deaths; and

- (b) determining whether further evaluation of those deaths is necessary or desirable in the public interest.
- (2) The membership of the committee shall be determined by the Lieutenant-Governor in Council.
- (3) The Lieutenant-Governor in Council shall appoint one member as chairperson and one member as vice-chairperson who shall act as chairperson where the chairperson is absent or unable to act.
- (4) The chief medical examiner shall, by virtue of his or her office, be a member of the committee.
- (5) A committee member shall be appointed for the term prescribed by the Lieutenant-Governor in Council, and notwithstanding the expiration of a committee member's term, that person shall continue to serve on the committee until reappointed or replaced.
- (6) In the discretion of the chairperson of the committee, some or all of the members of the committee may perform a review.
- (7) Notwithstanding subsection (6), where a committee member wishes to participate in a review he or she shall not be prohibited from doing so except where, in the opinion of the chairperson, that committee member is in a position of conflict or potential conflict with respect to the review.
- (8) Notwithstanding subsection (6), all of the members of the committee shall meet at least annually.
- (9) The committee may, with the prior approval of the minister, obtain assistance or retain expert services in the course of a review, and a person providing that assistance or whose services are retained shall be considered to be a member of the committee for the purpose of that review.

[2012 c27 s3](#)

[Back to Top](#)

Review by committee

- 13.2 (1) The committee shall review the facts and circumstances of
- (a) child deaths; and
 - (b) deaths referred to in paragraphs 6(1)(d) and (e)
- where those deaths are required to be investigated by the medical examiner under subsection 10(1).
- (2) The committee may review one or more deaths during a review.
- (3) A review shall only begin after a medical examiner has completed his or her duties under section 10.
- (4) For the purpose of conducting a review, the committee may use any information acquired by a medical examiner or investigator in the course of an investigation under this Act.

[2012 c27 s3](#)

[Back to Top](#)

Report of committee

13.3 (1) After each review, the committee shall report to the minister

- (a) its findings with respect to the facts and circumstances surrounding deaths that were the subject of the review; and
- (b) the recommendations it may have respecting the prevention of similar deaths.

(2) The committee may base its report on an aggregate and multidisciplinary analysis of the deaths reviewed.

(3) In its report, the committee may

- (a) identify systemic problems;
- (b) promote prevention of deaths reviewed by it through education, protocol development and dissemination of information; and
- (c) make recommendations to the minister respecting the protection of the health, safety and well-being of children and pregnant women generally.

(4) The committee shall not, in its report, make a finding of legal responsibility or express a conclusion of law.

(5) After a report has been submitted to the minister under this section, the committee shall submit all records relevant to the review to the Chief Medical Examiner.

[2012 c27 s3](#)

[Back to Top](#)

Minister to provide copy

13.4 The minister shall as soon as practicable provide a copy of the report of the committee to the Child and Youth Advocate.

[2012 c27 s3](#)

[Back to Top](#)

Recommendations to be made public

13.5 Within 60 days after the minister has received a report under section 13.3, the minister shall make public those recommendations of the report relating to

- (a) relevant protocols, policies and procedures;
- (b) standards and legislation;
- (c) linkages and coordination of services; and
- (d) improvements to services affecting children and pregnant women.

[2012 c27 s3](#)

[Back to Top](#)

No liability

13.6 An action or other proceeding does not lie against the committee or a member of it for anything done or omitted to be done in good faith in the course of completing a review or carrying out a duty under this Act.

[2012 c27 s3](#)

[Back to Top](#)

Conduct of autopsy

14. (1) A medical examiner may authorize the autopsy of the body of a person who died under a circumstance referred to in section 5, 6, 7 or 8.

(2) When a medical examiner authorizes an autopsy, the autopsy shall be carried out by a pathologist.

(3) A person who performs an autopsy shall provide the medical examiner who ordered the autopsy with autopsy reports.

[1995 cF-6.1 s14](#)

[Back to Top](#)

Removal of tissue for research

15. (1) Where the removal of the tissue or organs does not interfere with an investigation or proceeding and appropriate consent has been obtained under the *Human Tissue Act*, a medical examiner may remove or allow the removal of organs or tissues for therapeutic, medical education or scientific research.

(2) For persons declared legally dead but where their organ functions are sustained by artificial means and the appropriate written consent was given or where the next of kin has given permission for live organ donation, the medical examiner shall be notified and shall determine whether the removal of those tissues or organs will interfere with an investigation or proceeding.

[1995 cF-6.1 s15](#)

[Back to Top](#)

Notification where body not located

16. Where a person knows or believes that a death has occurred in the province but no body has been located that person shall immediately notify a medical examiner or an investigator who shall notify the Chief Medical Examiner.

[1995 cF-6.1 s16](#)

[Back to Top](#)

Disposal of certain bodies

17. (1) Where a body is unidentified or unclaimed and an investigation indicates that the body is likely to remain unidentified or unclaimed, the Chief Medical Examiner shall arrange for the storage of the body for a period of 7 days from the completion of the investigation.

(2) Where on the expiry of the 7 day period, the body remains unidentified or unclaimed, the Chief Medical Examiner may notify the nearest university under the *Human Tissue Act* and may deliver the body to a university or arrange for the disposition of the body.

[Back to Top](#)**Return of items seized**

18. Where a medical examiner or an investigator seizes anything under subsection 12(1), except prescription medicines, illegal drugs or other dangerous or illegal items or substances, he or she shall retain it until the conclusion of an investigation or public inquiry into the death and then shall return it to the person from whom it was seized or, if that person is deceased, to that person's next of kin.

[1995 cF-6.1 s18](#)[Back to Top](#)**Destruction of soiled clothing**

19. The medical examiner may destroy soiled or damaged clothing that was taken into possession with a body and which is not required for the purpose of this Act or an investigation or proceeding conducted under another Act of the province.

[1995 cF-6.1 s19](#)[Back to Top](#)**Interference with body prohibited**

20. (1) A person who has reason to believe that a person died under a circumstance referred to in section 5, 6, 7 or 8, shall not, except under a direction of the medical examiner or the Chief Medical Examiner,

- (a) clean or make alterations to the body or clothing on the body or objects attached to the body; or
- (b) apply a chemical or other substance to the body internally or externally.

(2) Subsection (1) does not apply to a person who makes alterations or applies a chemical or other substance to a body for the purpose of resuscitation.

[1995 cF-6.1 s20](#)[Back to Top](#)**Cremation or export of bodies**

21. A person shall not

- (a) cremate a body or otherwise dispose of a body where the body is not available for future examination; or
- (b) ship or take a body from a place in the province to a place outside of the province,

until a medical examiner issues a certificate in the form prescribed by the Chief Medical Examiner stating that he or she has examined the medical certificate of death.

[1995 cF-6.1 s21](#)[Back to Top](#)

Where body brought into province

22. Where a body is brought into the province for ultimate disposal and it is determined that the body will not be required for future examination, a person shall not dispose of the body until a medical examiner or investigator has been notified and has

- (a) inspected the medical certificate of death or other documents which accompany the body;
- (b) made the investigation that may be necessary to establish or confirm the cause of death; and
- (c) issued a certificate as prescribed by the Chief Medical Examiner.

[1995 cF-6.1 s22](#)

[Back to Top](#)

Disinterment

23. (1) Notwithstanding the *Exhumation Act*, the Chief Medical Examiner may order a body disinterred for the purpose of an investigation under this Act.

(2) Copies of an order under subsection (1) shall be sent by registered mail at least 48 hours before the disinterment to

- (a) the spouse or, if there is no spouse, to another of the adult next of kin of the deceased who resides in the province;
- (b) the Director of Vital Statistics; and
- (c) the owner or the person in charge of the cemetery or mausoleum where the body is buried or stored.

[1995 cF-6.1 s23](#)

[Back to Top](#)

Release of information

24. (1) All reports, certificates and other records made by a person under this Act are the property of the government of the province and shall not be released without the permission of the Chief Medical Examiner.

(2) On completion of an investigation and on receipt of a request from the next of kin, the executor or executrix of the deceased or other interested party, considered valid by the Chief Medical Examiner, a report shall be completed and sent by the Chief Medical Examiner to the person making the request.

[1995 cF-6.1 s24](#)

[Back to Top](#)

Recommendation to the minister

25. (1) Where the Chief Medical Examiner is of the view that it is necessary for the protection of the public interest or in the interest of public safety that an inquiry be held regarding one or more deaths that occurred under a circumstance referred to in section 5, 6, 7 or 8, he or she may recommend to the minister that a public inquiry be held.

(1.1) The committee may, either in the course of a review under this Act or on completion of a review, where the committee is of the view that it is necessary for the protection of the public interest or in the interest of public safety, recommend to the minister that a public inquiry be held.

(2) A recommendation under this section shall be in writing and be accompanied by all reports, documents and certificates that may be relevant to the death.

[1995 cF-6.1 s25; 2012 c27 s4](#)

[Back to Top](#)

Powers and duties of minister

26. Where the minister receives

- (a) a recommendation by the Chief Medical Examiner under subsection 25(1); or
- (b) a recommendation by the committee under subsection 25(1.1)

and the minister is satisfied that an inquiry is necessary for the protection of the public interest or in the interest of public safety, the minister may order that a judge conduct an inquiry and the inquiry shall be conducted within the parameters set out in Part IV of the *Provincial Offences Act*.

[2012 c27 s5](#)

[Back to Top](#)

Notification of possible offence

27. Where during the course of his or her investigation, a medical examiner is of the opinion that an offence under the *Criminal Code* related to the death being investigated may have been committed, he or she shall immediately notify the Chief Medical Examiner and the peace officer in charge of the nearest police detachment or station.

[1995 cF-6.1 s27](#)

[Back to Top](#)

Offence

28. A person who hinders, obstructs or interferes with a medical examiner or an investigator in the performance of his or her duties under this Act is guilty of an offence and is liable on summary conviction to a fine of up to \$1,000 and to imprisonment for up to 6 months or to both a fine and imprisonment.

[1995 cF-6.1 s28](#)

[Back to Top](#)

Regulations

29. The minister may make regulations to give effect to the purpose of this Act.

[1995 cF-6.1 s29](#)

[Back to Top](#)

Regulations

29.1 The Lieutenant-Governor in Council may make regulations respecting the policies and procedures of the Child Death Review Committee.

[2012 c27 s6](#)

[Back to Top](#)

Consequential amendments

30. (1) Section 2 of the *Exhumation Act* is amended by adding immediately after the words "Minister of Justice" the words "or Chief Medical Examiner in accordance with the duties of the Chief Medical Examiner".

(2) Sections 178 to 181 of the *Health and Public Welfare Act* are repealed.

(3) Section 23 of the *Summary Proceedings Act* is deleted and the following substituted:

[Back to Top](#)

Minister may order inquiry

23. Where a person dies and there is reasonable cause to suspect that that person died under a circumstance referred to in section 5, 6, 7 or 8 of the *Investigation of Fatalities Act* and the minister is of the opinion that it is necessary for the protection of the public interest or in the interest of public safety that an inquiry be held, the minister may order a judge to hold an inquiry.

(4) Section 24 of the *Summary Proceedings Act* is repealed.

(5) Subsection 13(1) of the *Vital Statistics Act* is amended by adding immediately after the words "Schedule A" the phrase preceded by a comma ", and to the Chief Medical Examiner for deaths reportable under the *Investigation of Fatalities Act*".

(6) Subsection 16(1) of the *Vital Statistics Act* is amended by deleting the period at the end of the sentence, by substituting a comma and by adding the words "and in addition comply with the requirements of the *Investigation of Fatalities Act*".

[1995 cF-6.1 s30](#)

[Back to Top](#)

Commencement

31. This Act shall come into force on September 1, 1996 .

[1995 cF-6.1 s31](#)

©Queen's Printer