



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Inquest into the deaths of David and Nelda Edwards

Ruling

Introduction

1. The issue addressed by this ruling is whether, as the coroner conducting this inquest, I have the power to compel a witness to answer questions where the answer or answers may tend to incriminate him.

Background

2. David Edwards died on the morning of 2 March 2016. His wife Nelda died two days later. Their deaths were the subject of an extensive investigation under the *Coroners Act 1995* as well as with a view to identifying whether any crimes had been committed in relation to their deaths. In the event, Stephen Edwards, their son, and at the time a medical practitioner (he is no longer) was charged with the murder of his mother. He was also charged with the crime of conspiracy along with his brother Robert Edwards.
3. Prior to trial, the Director of Public Prosecutions discharged both men on what the Director described as 'public interest grounds'.¹
4. On 16 October 2023, I commenced an inquest into the deaths of Mr and Mrs Edwards. On 19 October 2023, the inquest was adjourned until 15 January 2024 for further evidence. One of the witnesses to be called then is Stephen Edwards. He has been represented at the inquest and served with a summons to give evidence. His counsel submits that he 'wishes to exercise his right to silence'. I take this to mean that he contends that he should be able to lawfully refuse to answer any questions, the answers to which may tend to incriminate him.
5. This issue requires me to decide whether the common law right of privilege against self-incrimination has been abrogated by the *Coroners Act 1995* ("the Act") which governs the conduct of this inquest and the coronial functions in this state.

¹ Statement DG Coates SC, 26 March 2020.

Conclusion

6. On 7 December 2023, Coroner McTaggart ruled in the Matter of Patricia Iliev² that the provisions of the *Coroners Act 1995* abrogate the common law rule of privilege against self-incrimination. Principles of judicial comity require I follow that ruling, unless satisfied that it is wrong. I am in fact satisfied that it is correct. The consequence of that conclusion is that Stephen Edwards is not entitled to invoke a claim of privilege as a reason to refuse to answer questions at the inquest.
7. Moreover, although no submissions were received in relation to the point on behalf of Stephen Edwards, I do not consider that it would be unfair to Stephen Edwards to require him to answer questions at the continuation of the inquest, noting that a residual discretion is reposed in any coroner in such circumstances. There are several reasons for reaching such a conclusion. First, any jeopardy to him in a criminal sense is, in my view, illusory. He has been charged, indicted and discharged. The chance of him being the subject of a fresh indictment is in reality non-existent. Second, he is uniquely positioned to assist me to answer the question as to 'how' his mother died.³ Third, it is in my view absurd to call loudly and publicly for an inquest as Stephen Edwards has repeatedly done⁴ and then invoke a right to silence (or against self-incrimination). Finally, I note Stephen Edwards has written and published a book (publicly available for sale). The book – "*Evil Conjectures – Accused of Murder, a Nursing Home Doctor Argues to Clear his Name*"⁵ – deals at length with the circumstances surrounding the deaths of his parents.
8. I will order, pursuant to section 53(1)(c) of the *Coroners Act 1995*, Stephen Edwards to answer questions when he is called as a witness at the continuation of the inquest.

Dated: 22 December 2023 at Hobart in the State of Tasmania.



Simon Cooper
CORONER

² In Re Patricia Iliev Ruling Number 1, 7 December 2023 (2023 TASCD).

³ Section 28(1)(b) of the *Coroner Act 1995*.

⁴ See for example *The Australian* 20 June 2023 and *The Mercury* 21 November 22.

⁵ *A Sense of Place Publishing* 2022.