

# **CORONERS (AMENDMENT) ACT 1986 No. 29**

**NEW SOUTH WALES**



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**CORONERS (AMENDMENT) ACT 1986 No. 29**

**NEW SOUTH WALES**



**Act No. 29, 1986**

An Act to amend the Coroners Act 1980 to make further provision with respect to the holding by coroners of inquests and inquiries. [Assented to 6 May 1986.]

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See also Registration of Births, Deaths and Marriages (Coroners) Amendment Act 1986.

*Coroners (Amendment) 1986*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Coroners (Amendment) Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

- (2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 27, 1980**

3. The Coroners Act 1980 is amended in the manner set forth in Schedules 1 and 2.

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**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE CORONERS ACT 1980**

- (1) Section 6 (**Age qualification for coroners and deputy coroners**)—

- Section 6 (2)—

- Omit the subsection.

- (2) Section 6A—

- After section 6, insert:

**Vacation of office of coroners and deputy coroners**

- 6A. (1) A coroner or deputy coroner ceases to hold office on attaining the age of 70 years.

*Coroners (Amendment) 1986*

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SCHEDULE 1—*continued*AMENDMENTS TO THE CORONERS ACT 1980—*continued*

(2) A coroner or deputy coroner who is employed in the Local Courts Administration, Attorney General's Department, ceases to hold office as a coroner or deputy coroner on ceasing, after the commencement of this section, to be so employed.

(3) A coroner or deputy coroner who was, immediately before the commencement of this section, a public servant but was not employed in the Local Courts Administration, Attorney General's Department, ceases to hold office as a coroner or deputy coroner on ceasing, after that commencement, to be a public servant.

(4) A Magistrate who is a coroner by reason of the operation of section 10 ceases to hold office as a coroner on ceasing to be a Magistrate.

(5) The amendments made to this Act by the Coroners (Amendment) Act 1986 do not revive the appointment of a person who previously ceased to be a coroner or deputy coroner on attaining the age of 70 years or ceasing to be a public servant.

(3) Section 12 (**Delegation by Magistrates**)—

(a) Section 12 (1) (c)—

Omit "or".

(b) Section 12 (1) (d), (e)—

Omit section 12 (1) (d), insert instead:

(d) to dispense with the holding of an inquiry where the fire involved only a motor vehicle; or

(e) in relation to any prescribed matters,

(4) Section 17 (**Time and place of inquest or inquiry**)—

(a) Section 17 (1) (b)—

Omit "and" where lastly occurring.

*Coroners (Amendment) 1986*

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SCHEDULE 1—*continued*AMENDMENTS TO THE CORONERS ACT 1980—*continued*

## (b) Section 17 (1) (b1)—

After section 17 (1) (b), insert:

- (b1) in the case of an inquest concerning the death or suspected death of a person—shall give particulars of the time and place to the person's next-of-kin if the coroner has been informed of the name and address of the next-of-kin; and

## (c) Section 17 (2)—

After “(b)”, insert “, (b1)”.

(5) Section 18 (**Inquests and inquiries with or without juries**)—

Section 18 (2A)—

After section 18 (2), insert:

(2A) A person is not entitled, without the leave of the coroner, to make a request under subsection (2) (b) for an inquest to be held before the coroner with a jury if—

- (a) the request is made on or after the commencement of the inquest or within 14 days before that commencement; and
- (b) the person had, at least 7 days before making the request, been given particulars of the commencement of the inquest under section 17.

(6) Section 20 (**Further inquest or inquiry after previous inquest or inquiry terminated under section 19**)—

Section 20 (1) (a)—

After “in issue”, insert “(including where a person has been so charged after the coroner has terminated the inquest or inquiry after coming to the opinion that a prima facie case for an indictable offence has been established against a known person)”.

## (7) Section 33A—

After section 33, insert:

*Coroners (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE CORONERS ACT 1980—*continued***Fresh inquest or inquiry—admission of previous depositions**

33A. (1) A coroner holding a fresh inquest or inquiry may admit in evidence the depositions taken at any previous inquest or inquiry.

(2) Subsection (1) is subject to the terms of an order made by a court for the holding of the fresh inquest or inquiry.

**(8) Section 34 (Depositions to be taken)—****Section 34 (5)—**

After section 34 (4), insert:

(5) Depositions which have been recorded by a means other than writing may be filed under subsection (3) without being transcribed.

**(9) Section 37 (Manner of service of summons)—****(a) Section 37 (1)—**

Omit “by a member of the police force”.

**(b) Section 37 (1A)—**

After section 37 (1), insert:

(1A) A summons issued under section 35 (1) shall be served by—

(a) a member of the police force; or

(b) where the coroner issuing the summons so directs—the sheriff or a person employed in the office of the sheriff.

**(c) Section 37 (2)—**

Omit “member of the police force”, insert instead “person”.

*Coroners (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE CORONERS ACT 1980—*continued*

(10) Section 47 (**Powers of Supreme Court to order inquest or inquiry**)—

Section 47 (2A)–(2C)—

After section 47 (2), insert:

(2A) Except where an application for an order under subsection (1) or (2) is made by or under the authority of the Minister, notice of an application under subsection (1) or (2) shall be served on the Minister in accordance with the rules of the Supreme Court.

(2B) The Minister is entitled to be heard on the hearing of any application under subsection (1) or (2).

(2C) Where the Supreme Court makes an order under subsection (1) or (2), the order shall, within 21 days after it is made, be served on the Minister in accordance with the rules of that Court or any directions given by that Court in making the order.

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SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE CORONERS ACT 1980 BY WAY OF STATUTE LAW  
REVISION

(1) Section 3—

Omit the section.

(2) Section 20 (2)—

Omit “or of Her Majesty in Council”.

*Coroners (Amendment) 1986*

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SCHEDULE 2—*continued*

AMENDMENTS TO THE CORONERS ACT 1980 BY WAY OF STATUTE LAW  
REVISION—*continued*

- (3) Section 22 (1) (c)—  
Omit “or 21”.
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