

CORONERS ACT 1980—REGULATION

(Coroners Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Coroners Act 1980, has been pleased to make the Regulation set forth hereunder.

J.P. HANNAFORD, M.L.C.
Minister for Justice.

Citation

1. This Regulation may be cited as the Coroners Regulation 1994.

Commencement

2. This Regulation commences on 12 December 1994.

Definitions

3. In this Regulation:

“**normal working hours**” means the period between 9 a.m. and 6 p.m. on any day that is not a Saturday, Sunday or public holiday;

“**the Act**” means the Coroners Act 1980.

Direction to deputy coroner: sec. 9

4. A direction referred to in section 9 (b) of the Act that requires a deputy coroner to hold an inquest or inquiry must be in writing.

Composition of juries for inquests concerning mining accidents at Broken Hill: sec. 18

5. (1) For the purposes of section 18 (3) of the Act, the 6 persons summoned for jury service at an inquest concerning a death or suspected death caused (or suspected by the coroner of having been caused) by an explosion or accident in or about a mine situated wholly or partly in the Broken Hill Jury District are to be summoned for jury service by the coroner.

(2) The persons to be summoned for jury service:

- (a)** are to be selected from the persons who are qualified and liable to serve as jurors within the Broken Hill Jury District; and
- (b)** must include at least 3 persons who are not employed in, or in the management of, a mine.

(3) A person who is summoned for jury service in accordance with this clause must not fail to comply with the summons.

Maximum penalty: 5 penalty units.

Endorsement by deputy coroner as to authority: sec. 34

6. A deputy coroner who signs depositions as referred to in section 34 (2) of the Act in the course of an inquest or inquiry held in accordance with a direction under section 9 (b) of the Act must endorse the depositions with a statement to the effect that the inquest or inquiry is being held by the deputy coroner in accordance with such a direction.

Coronial medical officers: sec. 47A

7. The Director-General of the Department of Health may appoint such medical practitioners as the Director-General is satisfied are suitably qualified to be Coronial Medical Officers for the purposes of the Act.

Fees for medical practitioners: sec. 52

8. For the purposes of section 52 of the Act, the fees payable to a medical practitioner who performs a service in accordance with an order or request referred to in that section are as set out in Schedule 1.

Repeal

9. (1) The Coroners Regulation 1980 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Coroners Regulation 1980, had effect under that Regulation continues to have effect under this Regulation.

**SCHEDULE 1—FEES PAYABLE TO MEDICAL
PRACTITIONERS**

| Service performed | Fee |
|---|------------|
| | (Cl. 8) |
| 1. For carrying out, and preparing a report on, an external examination of a dead person's body: | |
| (a) during normal working hours | \$53.60 |
| (b) outside normal working hours | \$69.70 |
| 2. For carrying out, and preparing a report on, an internal examination of the 3 cavities of a dead person's body .. | \$236.80 |
| 3. For travelling to and from, and attending and giving evidence at, a place at which an inquest is being held with respect to an examination referred to in item 1 or 2: | |
| (a) for the first 2 hours or part of 2 hours | \$177.90 |
| (b) for each subsequent half hour or part of a half hour | \$26.80 |
| (c) the maximum amount payable under paragraphs (a) and (b) for any one day | \$547.40 |
| 4. For using a private motor vehicle for the purpose of travelling to a place to carry out an examination referred to in item 1 or 2, or to give evidence at an inquest with respect to the examination, per kilometre travelled to that place | \$0.97 |

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SCHEDULE 1—FEES PAYABLE TO MEDICAL PRACTITIONERS

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor changes in substance, the provisions of the Coroners Regulation 1980 under the Coroners Act 1980. The new Regulation deals with the following matters:

- (a) requiring directions to a deputy coroner to hold an inquest or inquiry to be in writing (clause 4);
- (b) prescribing matters relating to the composition and summoning of juries for inquests into deaths caused by accident or explosion in mines at Broken Hill (clause 5);
- (c) requiring a deputy coroner conducting an inquest or inquiry by direction from a coroner to endorse depositions to indicate that fact (clause 6);
- (d) enabling the Director-General of Health to appoint Coronial Medical Officers for the purposes of the Act (clause 7);
- (e) prescribing the fees payable to medical practitioners conducting post mortem examinations for the purposes of the Act (clause 8);
- (f) providing for citation, commencement, definitions and repeal (clauses 1, 2, 3 and 9).

This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the Coroners Act 1980, including section 58 (the general regulation making power) and sections 18, 47A and 52.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
