



New South Wales

## Coroners Regulation 2000

under the

Coroners Act 1980

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Coroners Act 1980*.

BOB DEBUS, M.P.,

Attorney General

### Explanatory note

The object of this Regulation is to repeal and remake, with minor changes in substance, the provisions of the *Coroners Regulation 1994* under the *Coroners Act 1980*. The new Regulation deals with the following matters:

- (a) prescribing matters relating to the composition and summoning of juries for inquests into deaths caused by accident or explosion in mines at Broken Hill,
- (b) enabling the Director-General of the Department of Health to appoint Coronial Medical Officers for the purposes of the Act,
- (c) prescribing the fees payable to medical practitioners conducting post mortem examinations for the purposes of the Act (including providing for the goods and services tax (GST) component of such fees).

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 sections 18, 47A, 52 and 58 (the general regulation-making power).

This Regulation is made in connection with the staged repeal of statutory rules under Part 3 of the *Subordinate Legislation Act 1989*.

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## Coroners Regulation 2000

### 1 Name of Regulation

This Regulation is the *Coroners Regulation 2000*.

### 2 Commencement

This Regulation commences on 1 August 2000.

### 3 Definitions

In this Regulation:

*normal working hours* means the period between 9 am and 6 pm on any day that is not a Saturday, Sunday or public holiday.

*the Act* means the *Coroners Act 1980*.

### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

### 5 Composition of juries for inquests concerning mining accidents at Broken Hill: section 18

- (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 comply with the summons.

Maximum penalty: 5 penalty units.

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### **6 Coronial Medical Officers: section 47A**

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.

### **7 Fees for medical practitioners: section 52**

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.

### **8 Repeal**

- (1) The *Coroners Regulation 1994* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Coroners Regulation 1994*, had effect under that Regulation continues to have effect under this Regulation.

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## Schedule 1 Fees payable to medical practitioners

(Clause 7)

Service performed	Fee
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, for each kilometre travelled to that place	\$0.97
5 In addition to any such specified amount, the fee is to include the amount of any GST that is payable in respect of the service concerned.	
6 Item 5 does not permit the payment of an amount that is greater than:	
(a) 10% of the amount of the fee payable (apart from that item), or	
(b) the amount permitted under the New Tax System Price Exploitation law,	
whichever is the lesser.	

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### Service performed

### Fee

7 In items 5 and 6:

*GST* has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

*New Tax System Price Exploitation law* means:

- (a) the *New Tax System Price Exploitation Code*, as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*, or
- (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.

BY AUTHORITY

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