



New South Wales

Coroners Regulation 2005

under the

Coroners Act 1980

Her 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object of this Regulation is to remake, with minor changes, the provisions of the *Coroners Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes matters relating to the composition and summoning of juries for inquests into deaths caused by accident or explosion in mines at Broken Hill, and
- (b) enables the Director-General of the Department of Health to appoint Coronial Medical Officers for the purposes of the *Coroners Act 1980*, and
- (c) prescribes the fees payable to medical practitioners conducting post mortem examinations for the purposes of the *Coroners Act 1980*.

This Regulation is made under the *Coroners Act 1980*, including sections 18 (3), 47A, 52 and 58 (the general regulation-making power).

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.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Composition of juries for inquests concerning mining accidents at Broken Hill: section 18	3
5 Coronial Medical Officers: section 47A	4
6 Fees payable to medical practitioners and odontologists: section 52	5
7 Savings	5
Schedule 1 Fees payable to medical practitioners and odontologists	6

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1 Name of Regulation

This Regulation is the *Coroners Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Coroners Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) 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*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 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 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 randomly 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.

2005 No 476

Clause 4 Coroners Regulation 2005

- (3) The coroner may direct that jury summonses be issued at any time after the death, suspected death, explosion or accident has been reported to the coroner and before the commencement of an inquest.
- (4) If the coroner considers that it is necessary in the interests of justice that the jury view a location as soon as practicable after the death, suspected death, explosion or accident has occurred, the coroner may direct a police officer to serve summonses upon prospective jurors immediately.
- (5) The number of summonses issued to prospective jurors must be not less than the number that, in the opinion of the coroner, will ensure the attendance of 6 jurors at the inquest.
- (6) Any person summoned to serve on the jury must notify the coroner if the person is employed in, or involved in the management of, a mine.
- (7) The final jury must include at least 3 persons who are not employed in, or involved in the management of, a mine.
- (8) The coroner may, on good cause being shown, excuse a person from attending an inquest in pursuance of a summons.
- (9) If more than 6 prospective jurors are summoned, the jury for the inquest is to be selected by ballot, being a process in which the coroner, or a person appointed by the coroner:
 - (a) places in a box provided for that purpose separate cards, each card being as nearly as is practicable of equal size, containing the identification numbers of the persons liable to serve as jurors, and
 - (b) draws out of that box those cards, one after another, and calls out the identification numbers on those cards, until 6 persons appear.
- (10) If during the ballot a person is called who, if selected to serve in the jury, would be the fourth juror who is employed in, or involved in the management of, a mine, that person is disqualified from serving and another juror is to be selected by ballot.
- (11) A person who is summoned for jury service in accordance with this clause must not, without lawful excuse, fail to comply with the summons.

Maximum penalty: 5 penalty units.

Note. Clause 2 (g) of Schedule 1 to the Act provides that any person having a personal interest in, or employed in, or in the management of, a mine in which an explosion or accident has occurred must, if summoned to serve on the jury at the inquest, notify the sheriff of that fact and is not qualified or liable to serve on that jury.

5 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.

6 Fees payable to medical practitioners and odontologists: section 52

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

7 Savings

Any act, matter or thing that, immediately before the repeal of the *Coroners Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

2005 No 476

Coroners Regulation 2005

Schedule 1 Fees payable to medical practitioners and odontologists

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(Clause 6)

Service performed	Fee
1 For carrying out, and preparing a report on, an external examination of a dead person's body by a medical practitioner, or a dental examination of a dead person by an odontologist:	
(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 a dead person's body by a medical practitioner	\$500.00
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.	

Coroners Regulation 2005

Fees payable to medical practitioners and odontologists

Schedule 1

Service performed	Fee
<p>7 In items 5 and 6:</p> <p><i>GST</i> has the same meaning as in the <i>A New Tax System (Goods and Services Tax) Act 1999</i> of the Commonwealth.</p> <p><i>New Tax System Price Exploitation law</i> means:</p> <p>(a) the <i>New Tax System Price Exploitation Code</i>, as applied as a law of New South Wales by the <i>Price Exploitation Code (New South Wales) Act 1999</i>, or</p> <p>(b) Part VB of the <i>Trade Practices Act 1974</i> of the Commonwealth.</p>	
