

CORONERS (MISCELLANEOUS AMENDMENTS) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Coroners Act 1980:

- (a) to extend the class of persons required to report the death, or suspected death, of a person in circumstances examinable by a coroner; and
- (b) to ensure that a coroner is informed of the death of a person that occurs while the person is temporarily absent from a custodial institution of which the person is an inmate; and
- (c) to specify the cases in which a coroner is not authorised to dispense with an inquest; and
- (d) to confer on a coroner a discretion to terminate or, with certain safeguards, to continue, an inquest (into a death) or an inquiry (into a fire) where an indictable offence may be involved but no charge has been laid; and
- (e) to effect consequential amendments.

The Bill also proposes related amendments to the Registration of Births, Deaths and Marriages Act 1973.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 gives effect to the proposed amendments to the Coroners Act 1980 in Schedule 1.

Clause 4 gives effect to the proposed amendments to the Registration of Births, Deaths and Marriages Act 1973 in Schedule 2.

Clause 5 is a transitional provision.

Coroners (Miscellaneous Amendments) 1989

SCHEDULE 1 - AMENDMENT OF CORONERS ACT 1980

Schedule 1 (1) inserts proposed section 12A which would require any person to report a death, or a suspected death, to a member of the police force, or to a coroner, if the person has reasonable grounds to believe that the death or suspected death would be examinable by a coroner. A requirement to inform a coroner is also imposed on a member of the police force to whom a report is made under the proposed section or under the Registration of Births, Deaths and Marriages Act 1973.

Schedule 1 (2) would add to the deaths examinable by a coroner the death of an inmate of a custodial institution who is temporarily absent from the institution. It also provides for an exception to examinable deaths under anaesthetic.

Schedule 1 (3) specifies the cases in which the authority of a coroner to dispense with an inquest may not be exercised.

Schedule 1 (4) deals with the jurisdiction and duty of a coroner in relation to a fire.

Schedule 1 (5) deals with the powers of a coroner to give directions to a member of the police force in relation to investigations for the purposes of an inquest or inquiry.

Schedule 1 (6) would amend section 19 of the Coroners Act 1980 which at present requires a coroner to terminate an inquest or inquiry if it appears that an indictable offence may be involved. Unless a person has been charged with the indictable offence, the proposed amendments would confer a discretion on the coroner either to terminate or continue the inquest or inquiry. The findings of the coroner (or the verdict of a jury) would not be permitted to include any suggestion that a person had committed an offence.

Schedule 1 (7) and (8) make consequential amendments.

Schedule 1 (9), (10) and (11) provide for the expression of penalties in terms of penalty units instead of currency.

SCHEDULE 2 - AMENDMENT OF REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1973

Schedule 2 (1) proposes amendments of the Registration of Births, Deaths and Marriages Act 1973 as a consequence of amendments proposed by Schedule 1 in relation to:

- (a) the exception of certain deaths under local anaesthetic; and
- (b) the obligations of a member of the police force to whom an examinable death is reported.

Schedule 2 (2) makes a consequential amendment.
