



Queensland

# Coroners Regulation 2015

## Subordinate Legislation 2015 No. 105

made under the

*Coroners Act 2003*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Coroners Regulation 2015*.

### **2 Commencement**

This regulation commences on 1 September 2015.

### **3 Definitions**

The dictionary in schedule 2 defines particular words used in this regulation.

## **Part 2 Fees payable by the State to particular doctors, witnesses or other persons**

### **4 Fees payable by the State to particular persons**

Schedule 1 states fees payable under the Act by the State to particular persons.

## **Part 3 Fee payable to the State for copy of investigation document**

### **5 Fee for copy of investigation document—Act, 99(2)(b)(ii)**

The fees for copies of an investigation document are as follows—

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- (a) first copy—each page—\$2.50;
- (b) maximum fee for first copy—\$65.35;
- (c) additional copy—each page—\$0.65;
- (d) maximum fee for additional copy—\$26.05.

## **6 Waiver of fee for copy of investigation document—genuine research**

- (1) This section applies if—
  - (a) the State Coroner gives a person access to an investigation document under section 53 of the Act for research purposes; and
  - (b) the chief executive is satisfied—
    - (i) the research is not being conducted for profit; and
    - (ii) the fee for a copy of the document would impose an unreasonable financial burden on the person.
- (2) The chief executive may waive the fee for a copy of the investigation document.

## **7 Waiver of fee for copy of investigation document—financial hardship**

- (1) This section applies if a person in financial hardship is given access to an investigation document under section 54 of the Act.
- (2) For subsection (1), a person is in financial hardship if the person holds a concession card.
- (3) The chief executive must waive the fee for a copy of the investigation document.
- (4) In this section—

***concession card*** means—

  - (a) a health care card or pensioner concession card under the *Social Security Act 1991* (Cwlth); or

- 
- (b) a pensioner concession card issued by the Commonwealth department in which the *Veterans' Entitlements Act 1986* (Cwlth) is administered.

**8 No fee for copy of investigation document for family member of deceased person**

- (1) This section applies if a family member of a deceased person is given access to an investigation document under section 54 of the Act.

*Note—*

See the definition *family member* in schedule 2 of the Act.

- (2) No fee is payable by the family member for a copy of the investigation document.

**Part 4 Transitional provision**

**9 Fees—autopsy, or person's giving of evidence at inquest, started but not completed**

- (1) Subsection (2) applies if, immediately before the commencement, a doctor—
  - (a) had started to perform an autopsy as mentioned in the repealed regulation, section 4; and
  - (b) had not completed the autopsy.
- (2) The repealed regulation, section 4 continues to apply to the doctor in relation to the doctor's entitlement to fees as if this regulation had not been made.
- (3) Subsection (4) applies if, immediately before the commencement, a person—
  - (a) had started to give evidence at an inquest as mentioned in the repealed regulation, section 5; and
  - (b) had not completed giving the evidence.

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- (4) The repealed regulation, section 5 continues to apply to the person in relation to the person's entitlement to fees as if this regulation had not been made.
- (5) In this section—
- autopsy* includes the autopsy report.
- doctor* see the schedule of the repealed regulation.
- repealed regulation* means the repealed *Coroners Regulation 2003*.

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## **Schedule 1      Fees payable by the State to particular doctors, witnesses or other persons**

section 4

### **Part 1                      Autopsy fees and related fees**

#### **1      Fee payable to doctor for conducting particular pre-arranged autopsy or test or pre-arranged preliminary investigation of a body**

- (1) This section applies for each of the following services conducted by a doctor, if the provision of the service is arranged with a coroner in advance of the coroner requiring the doctor to conduct the service—
  - (a) an autopsy conducted under the Act that is 1 of the following—
    - (i) an external examination of a body not conducted as part of a preliminary investigation of a body;
    - (ii) an external and partial internal examination of a body;
    - (iii) an external and full internal examination of a body;
    - (iv) an examination of the cremated remains of a body;
  - (b) a preliminary investigation of a body;
  - (c) a test for an autopsy under section 23 of the Act.
- (2) The fee payable to the doctor for conducting the autopsy, preliminary investigation or test is—
  - (a) for each whole hour—\$269.34; and
  - (b) for a part of an hour—\$269.34 multiplied by the percentage representing the part of an hour.
- (3) However, time spent in taking a CT scan is to be disregarded in working out the fee under subsection (2).

*Note—*

See section 4 (Fee payable to doctor for taking CT scan)

(4) In this section—

***autopsy*** means—

- (a) an autopsy; and
- (b) preparing and giving an autopsy report for the autopsy under section 25(1) of the Act.

***preliminary investigation of a body***, by a doctor, means an investigation of a body, other than to the extent it is the taking of a CT scan, to decide whether the doctor can form a sufficient opinion as to the probable cause of death for the purpose of completing a cause of death certificate under the *Births, Deaths and Marriages Registration Act 2003*.

*Examples of things that may be done by a doctor on a preliminary investigation of a body—*

- considering the circumstances of death
- reviewing medical records
- an external examination of the body, including, for example, using an X-ray

## **2 Fee payable to doctor attending scene of a death, for conducting external examination or for autopsy report, that is not pre-arranged**

- (1) This section applies for each of the following services conducted by a doctor, if the provision of the service is not arranged with a coroner in advance of the coroner requiring the doctor to conduct the service—
  - (a) attending the scene of a death and conducting an autopsy under the Act that is the external examination of a body;
  - (b) preparing and giving an autopsy report for the autopsy under section 25(1) of the Act.
- (2) The fee payable to the doctor for conducting the examination or preparing and giving the autopsy report, and for any time reasonably spent travelling to or from the scene—



- (a) during the period from 8a.m. to midnight is—
  - (i) for each whole hour—\$291.45; and
  - (ii) for a part of an hour—\$291.45 multiplied by the percentage representing the part of an hour; or
- (b) during the period from midnight to 8a.m. is—
  - (i) for each whole hour—\$388.60; and
  - (ii) for a part of an hour—\$388.60 multiplied by the percentage representing the part of an hour.
- (3) However, time spent in taking a CT scan is to be disregarded in working out the fee under subsection (2).

### **3 Fee payable to doctor for conducting particular urgent autopsy, or test, that is not pre-arranged**

- (1) This section applies for each of the following services conducted by a doctor, if the provision of the service is required urgently by a coroner and is not arranged with a coroner in advance of the coroner requiring the doctor to conduct the service—
  - (a) an autopsy conducted under the Act that is 1 of the following, other than an external examination of a body to which section 2(1)(a) applies—
    - (i) an external examination of a body;
    - (ii) an external and partial internal examination of a body;
    - (iii) an external and full internal examination of a body;
  - (b) a test for an autopsy under section 23 of the Act.
- (2) The fee payable to the doctor for conducting the autopsy or test—
  - (a) during the period from 8a.m. to midnight is—
    - (i) for each whole hour—\$291.45; and
    - (ii) for a part of an hour—\$291.45 multiplied by the percentage representing the part of an hour; or

- (b) during the period from midnight to 8a.m. is—
  - (i) for each whole hour—\$388.60; and
  - (ii) for a part of an hour—\$388.60 multiplied by the percentage representing the part of an hour.
- (3) However, time spent in taking a CT scan is to be disregarded in working out the fee under subsection (2).
- (4) In this section—

*autopsy* means—

  - (a) an autopsy; and
  - (b) preparing and giving an autopsy report for the autopsy under section 25(1) of the Act.

#### **4 Fee payable to doctor for taking CT scan**

The fee payable to a doctor for taking a CT scan for the Office of the State Coroner, including a CT scan done wholly or partly by another person under the doctor's direction, is \$250.

## **Part 2 Scientific, technical or administrative support fees**

#### **5 Fee payable to laboratory scientist or laboratory technician**

- (1) The fee payable to a laboratory scientist for providing scientific support, or to a laboratory technician for providing technical support, to a doctor investigating a death for the Office of the State Coroner is—
  - (a) for each whole hour—\$60; and
  - (b) for a part of an hour—\$60 multiplied by the percentage representing the part of an hour.
- (2) In this section—

*laboratory scientist* means a scientist who is working in a laboratory as a scientist.

*laboratory technician* means a technician who is working in a laboratory as a technician.

## **6 Fee payable to person for providing administrative support**

The fee payable to a person for providing administrative support to a doctor investigating a death for the Office of the State Coroner is—

- (a) for each whole hour—\$50; and
- (b) for a part of an hour—\$50 multiplied by the percentage representing the part of an hour.

## **Part 3 Witness fees for attending inquest**

### **7 Fee payable to doctor for attending inquest to give evidence**

- (1) The fee payable to a doctor for attending an inquest to give evidence is—
  - (a) for each whole hour— \$269.34; and
  - (b) for a part of an hour— \$269.34 multiplied by the percentage representing the part of an hour.
- (2) For subsection (1), time spent by the doctor in attending the inquest includes—
  - (a) any time spent by the doctor in waiting to give evidence at the inquest; and
  - (b) any time reasonably spent by the doctor in travelling to or from the inquest.
- (3) Subsection (1) applies whether or not the doctor gives evidence at the inquest.

**8 Fee for other persons for attending inquest to give evidence**

- (1) The fee payable to a person for attending an inquest to give evidence, other than a person to whom section 7 applies, is the fee that is equal to the prosecution witness allowances that would be payable to the person if—
- (a) the inquest were a criminal proceeding in a Magistrates Court; and
  - (b) the person were a witness attending the proceeding.
- (2) For subsection (1), ***prosecution witness allowances*** are the allowances (if any) approved by the Governor in Council for prosecution witnesses attending criminal proceedings in a Magistrates Court.

*Editor's note—*

For the prosecution witness allowances as at 1 September 2015, see the gazette published on 5 December 1997 at pages 1513–14.

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## Schedule 2      Dictionary

### section 3

***doctor*** means a doctor who is neither a health service employee nor a public service employee.

*Note—*

See also definitions *doctor* and *medical practitioner* in the *Acts Interpretation Act 1954*, schedule 1.

***fee***, for part 2 and schedule 1, includes an allowance and an amount payable for an expense.

***health service employee*** means a health service employee appointed under the *Hospital and Health Boards Act 2011*, section 67.

***investigation document*** has the meaning given by section 100(4) or schedule 2 of the Act.

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#### ENDNOTES

- 1 Made by the Governor in Council on 27 August 2015.
- 2 Notified on the Queensland legislation website on 28 August 2015.
- 3 The administering agency is the Department of Justice and Attorney-General.

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Authorised by the Parliamentary Counsel