

Coroners and Other Acts Amendment Bill 2009

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Cameron Dick MP, Attorney-General and Minister for Industrial Relations

Title of the Bill

Coroners and Other Acts Amendment Bill 2009

Objectives of the Amendments

The objective of the amendments is to clarify that the State Coroner can be appointed to act as, and perform the functions and exercise the powers of the Deputy Chief Magistrate.

Achievement of the Objectives

The objective is achieved by making amendments to the legislation as outlined below.

Estimated Cost for Government Implementation

Nil

Consistency with Fundamental Legislative Principles

Amendment 3 amends Clause 59 by inserting new sections 114 and 115. While these provisions operate as retrospectively validating legislation, the purpose is simply to clarify the intended effect of the *Coroners Act* in relation to the appointment of the State Coroner to act as the Deputy Chief Magistrate. The amendments do not adversely affect the rights or liabilities of any person, or impose obligations on any person.

Consultation

The Chief Magistrate and the State Coroner have been consulted on the amendments.

Notes on Provisions

Clause 1 amends Clause 2 of the Bill by providing that the Act, other than sections 50(5) to (9) and section 59 (to the extent it inserts a new part 6, division 4 heading, and new sections 114 and 115) commences on a day to be fixed by proclamation.

Clause 2 amends Clause 50 of the Bill by stating that, despite subsections (4) and (5), the State Coroner may be appointed to act as, and perform the functions and exercise the powers of the Deputy Chief Magistrate. The clause also removes any doubt by declaring that section 14(b) of the *Magistrates Act 1991* applies to the State Coroner while acting as Deputy Chief Magistrate. Section 14(b) provides that the Deputy Chief Magistrate may act as the Chief Magistrate during a vacancy in the office or any period when the Chief Magistrate is absent from duty or from the State or is, for any other reason, unable to perform the duties of the office.

Clause 3 amends Clause 59 of the Bill by inserting new sections 114 and 115. Section 114 validates the purported appointment, at any time before the commencement of this section, of the State Coroner to act as Deputy Chief Magistrate and the purported acting, at any time before the commencement of this section, of the State Coroner as Chief Magistrate under section 14(b) of the *Magistrates Act 1991*, while purportedly acting as Deputy Chief Magistrate. The section also validates every decision or order made, sentence imposed or anything else done by the State Coroner while purportedly appointed or acting in these offices .

Section 115 validates the purported acting, at any time before the commencement of this section, of the Deputy State Coroner as State Coroner under section 74(6) because of the purported appointment or purported acting mentioned in section 114(1). The section also validates every decision or order made, or anything done by the Deputy State Coroner while purportedly acting as State Coroner.

© State of Queensland 2009