

Coroners and Other Acts Amendment Bill 2009

Amendments agreed to during Consideration

1 Amendment of clause 2 (Commencement)—

Page 6, line 7, after ‘Act’—

insert—

‘, other than section 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),’.

2 Amendment of clause 50 (Amendment of s 71 (Functions and powers of State Coroner))—

(1) Page 37, line 28—

omit, insert—

‘(6) Despite subsections (4) and (5), the State Coroner—

(a) may be appointed to act as, and perform the functions and exercise the powers of, the Deputy Chief Magistrate; and’.

(2) Page 37, line 29, paragraph (a)—

renumber as paragraph (b).

(3) Page 38, line 4, paragraph (b)—

renumber as paragraph (c).

(4) Page 38, line 17, ‘subsection (7)(b)’—

omit, insert—

‘subsection (7)(c)’.

(5) Page 38, line 23—

omit, insert—

- ‘(10) However, if the State Coroner is acting as Deputy Chief Magistrate, the *Magistrates Act 1991*, section 41(1) applies to the extent it requires an acting Deputy Chief Magistrate to comply with every reasonable direction given to, or requirement made by, the Chief Magistrate.
- ‘(11) To remove any doubt, it is declared that the *Magistrates Act 1991*, section 14(b) applies to the State Coroner while acting as Deputy Chief Magistrate.
- ‘(12) The State Coroner may not perform the functions, or exercise the powers, of the State Coroner while the State Coroner acts as Deputy Chief Magistrate or, under the *Magistrates Act 1991*, section 14(b), as Chief Magistrate.
- ‘(13) In this section—’.

3 Amendment of clause 59 (Insertion of new pt 6, div 4)—

Page 43, line 19, ‘section.’—

omit, insert—

‘section.

‘114 Validation relating to State Coroner

- ‘(1) This section applies to—
 - (a) the purported appointment, at any time before the commencement of this section, of the State Coroner to act as Deputy Chief Magistrate; and
 - (b) the purported acting, at any time before the commencement of this section, of the State Coroner as Chief Magistrate under the *Magistrates Act 1991*, section 14(b) while purportedly appointed as Deputy Chief Magistrate.
- ‘(2) The purported appointment or purported acting is taken to have been valid and always to have been valid.
- ‘(3) Every decision or order made, sentence imposed or anything done by the State Coroner—

- (a) while purportedly appointed as Deputy Chief Magistrate; or
- (b) while purportedly acting as Chief Magistrate under the *Magistrates Act 1991*, section 14(b) while purportedly appointed as Deputy Chief Magistrate;

is taken to have been valid, and always to have been valid, to the same extent as would be the case if the purported appointment or purported acting were valid.

‘115 Validation relating to Deputy State Coroner

- ‘(1) This section applies to 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 a purported appointment or purported acting mentioned in section 114(1).
- ‘(2) The purported acting as State Coroner is taken to have been valid and always to have been valid.
- ‘(3) Every decision or order made or anything done by the Deputy State Coroner while purportedly acting as State Coroner is taken to have been valid, and always to have been valid, to the same extent as would be the case if the purported acting were valid.’.