

Coroners Regulation 2015

Explanatory notes for SL 2015 No. 105

made under the

Coroners Act 2003

General Outline

Short Title

Coroners Regulation 2015

Authorising law

Sections 19, 23, 25, 37, 53, 54 and 99 of the *Coroners Act 2003*.

Policy objectives and the reasons for them

The *Coroners Regulation 2003* (2003 Regulation) will automatically expire on 31 August 2015 pursuant to section 56A(1) of the *Statutory Instruments Act 1992*. In order to support the operation of the Coroners Court in investigating particular deaths and providing the public with access to investigation documents, it is necessary that the 2003 Regulation be remade before this date.

The principle objective of the *Coroners Regulation 2015* (2015 Regulation) is to remake the 2003 Regulation with amendments prior to its expiry on 31 August 2015.

The *Coroners Act 2003* (the Act) provides the framework for coronial investigations into particular deaths. The purpose of the Act includes: establishing the position of the State Coroner; requiring the reporting of particular deaths; establishing the procedures for investigations, including by holding inquests, by coroners into particular deaths; and to help to prevent deaths from similar causes happening in the future by allowing coroners at inquests to comment on matters connected with deaths, including matters related to public health or safety, or the administration of justice.

The 2003 Regulation prescribes administrative matters that support the investigative framework of the Act. The 2003 Regulation provides:

- fees payable to a doctor for performing an autopsy; preparing an autopsy report; and giving evidence at an inquest in their professional capacity are located in the Schedule of Fees for Services to Government Agencies Part-time Government Medical Officers (GMO fee schedule);

- fees payable to other professional and non-professional witnesses giving evidence at an inquest are those approved by the Governor in Council (if any) for prosecution witnesses attending criminal proceedings in the Magistrates Court;
- fees payable by the public to the State for a copy of an investigation document accessed under the Act; and
- fee waivers for: a person accessing an investigation document for genuine research purposes under section 53 of the Act; a person in financial hardship accessing an investigation document under section 54 of the Act; and the first family member of a deceased person to access an investigation document in relation to the deceased person under section 54 of the Act.

The 2015 Regulation will remake the 2003 Regulation with the following amendments to:

- provide that no fee is payable by any family member of a deceased person who is given access to an investigation document in relation to the deceased person under section 54 of the Act;
- insert a schedule of fees payable by the State to: particular doctors and other persons providing services to a coroner investigating a death under the Act, and doctors attending an inquest to give evidence in their professional capacity; and
- define particular words used within the 2015 Regulation.

Achievement of policy objectives

The policy objectives of the 2015 Regulation are achieved by remaking the 2003 Regulation with amendments. The objective can only be achieved by remaking the 2003 Regulation.

Consistency with policy objectives of authorising law

The Act establishes the position of the State Coroner and provides the framework for coronial investigations into particular deaths. The 2015 Regulation is consistent with the main objectives of the Act in that it provides fees relevant to investigating deaths under the Act.

Inconsistency with policy objectives of other legislation

The 2015 Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The 2015 Regulation will ensure that regulations remain in place which are essential to support the effective operation of the Act.

There are no anticipated costs with the implementation of the 2015 Regulation.

Consistency with fundamental legislative principles

The 2015 Regulation does not breach fundamental legislative principles.

Consultation

The Office of Best Practice Regulation was consulted and advised that a Regulatory Impact Statement is not required.

The State Coroner has been consulted and supports the 2015 Regulation.

The Australian Medical Association Queensland was consulted on the new fees payable to doctors in Schedule 1 sections 1-3 of the 2015 Regulation and supports the proposed fees.