



Queensland

Coroners and Other Acts Amendment Bill 2008



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2008

A Bill

for

An Act to amend the Coroners Act 2003, the Births, Deaths and Marriages Registration Act 2003, the Cremations Act 2003 and the Residential Services (Accreditation Act) 2002 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *Coroners and Other Acts* 4
Amendment Act 2008. 5

Clause 2 Commencement 6
This Act commences on a day to be fixed by proclamation. 7

Part 2 Amendment of Coroners Act 2003 8
9

Clause 3 Act amended in pt 2 10
This part amends the *Coroners Act 2003*. 11

Clause 4 Amendment of s 7 (Duty to report deaths) 12
(1) Section 7(1)(b), ‘subsection (2)’— 13
omit, insert— 14
‘subsection (3)’. 15
(2) Section 7— 16
insert— 17
(1A) Despite subsection (1)(b), a relevant service provider who 18
becomes aware of a death in care as mentioned in section 19
9(1)(a) must report the death under subsection (3), regardless 20
of whether someone else has reported or may report the death. 21

Note—

Under section 9(3), a person's death is a death in care even if the deceased person died somewhere other than the place where the deceased person ordinarily lived for the purposes of being in care.'

(3) Section 7(2)(a) and (b)—

renumber as section 7(2)(b) and (c).

(4) Section 7(2)—

insert—

'(a) if the death happened in the course of or as a result of police operations—the State Coroner or the Deputy State Coroner; or'.

(5) Section 7—

insert—

'(5A) Nothing in this section prevents a person from reporting a death in the way mentioned in subsection (3) if the person considers the death may be a reportable death.'

(6) Section 7(6)—

insert—

relevant service provider, in relation to a death in care, means the provider of the residential service mentioned in section 9(1)(a) in which the deceased person ordinarily lived for the purposes of being in care.'

(7) Section 7(1A) to (6)—

renumber as section 7(2) to (8).

Clause 5 Amendment of s 8 (*Reportable death* defined)

(1) Section 8(3)(d)—

omit, insert—

'(d) the death was a health care related death; or'.

(2) Section 8(3)—

insert—

[s 6]

- ‘(h) the death happened in the course of or as a result of police operations. 1
2
- Examples of police operations— 3*
- a police motor vehicle pursuit for the purpose of apprehending a person 4
5
 - an evacuation’. 6
- (3) Section 8— 7
- insert— 8*
- ‘(5) For subsection (3)(b), an unnatural death includes the death of a person who dies at any time after receiving an injury that— 9
10
- (a) caused the death; or 11
- (b) contributed to the death and without which the person would not have died. 12
13
- Examples— 14*
- a person’s death resulting from injuries sustained by the person in a motor vehicle accident many months before the death 15
16
 - a person’s death from pneumonia suffered after fracturing the person’s neck or femur 17
18
 - a person’s death caused by a subdural haematoma not resulting from a bleeding disorder’. 19
20

- Clause 6 Amendment of s 9 (*Death in care defined*) 21**
- (1) Section 9(1)(a)(ii), ‘residential services’— 22
- omit, insert— 23*
- ‘services providing accommodation to persons with a disability and’. 24
25
- (2) Section 9(1)(a)(iii), ‘at a place’— 26
- omit, insert— 27*
- ‘in a residential service’. 28
- (3) Section 9(1)(b)(i)— 29
- omit, insert— 30*

-
- ‘(i) being taken to an authorised mental health service under section 25, 34, 39, 292 or 508 of that Act; or’.
- (4) Section 9(1)(b)(ii), ‘a place where there is’—
omit.
- (5) Section 9(1)(b)(iii), ‘detained’—
omit, insert—
‘taken to, or detained in, an authorised mental health service’.
- (6) Section 9(1)(d)—
omit, insert—
‘(d) the person was a child who was—
- (i) in the custody or guardianship of the chief executive (child safety) under the *Child Protection Act 1999*; or
- (ii) placed in care under an assessment care agreement; or
- (iii) the subject of a child protection order granting custody of the child to a person, other than a parent of the child, who is a member of the child’s family; or
- (iv) the subject of a child protection order granting long-term guardianship of the child to—
- (A) a suitable person, other than a parent of the child, who is a member of the child’s family; or
- (B) another suitable person, other than a member of the child’s family, nominated by the chief executive.’.
- (7) Section 9(4)—
insert—
‘**assessment care agreement** means an assessment care agreement as defined under the *Child Protection Act 1999*.’
-

[s 7]

authorised mental health service means an authorised mental health service as defined under the *Mental Health Act 2000*.

child protection order means a child protection order as defined under the *Child Protection Act 1999*.’.

Clause 7 Amendment of s 10 (*Death in custody* defined)

Section 10(2)—

omit, insert—

‘(2) In this section—

custody means detention, whether or not by a police officer, under—

(a) an arrest; or

(b) the authority of a court order; or

(c) the authority of an Act of the State, other than—

(i) the *Education (General Provisions) Act 2006*; or

(ii) the *Mental Health Act 2000*; or

(d) the authority of an Act of the Commonwealth.’.

Clause 8 Insertion of new s 10AA

After section 10—

insert—

‘10AA *Health care related death* defined

‘(1) A person’s death is a *health care related death* if, after the commencement, the person dies at any time after receiving health care that—

(a) either—

(i) caused or is likely to have caused the death; or

(ii) contributed to or is likely to have contributed to the death; and

-
- (b) immediately before receiving the health care, an independent person would not have reasonably expected that the health care would cause or contribute to the person's death.
- ‘(2) A person's death is also a **health care related death** if, after the commencement, the person dies at any time after health care was sought for the person and the health care, or a particular type of health care, failed to be provided to the person and—
- (a) the failure either—
- (i) caused or is likely to have caused the death; or
- (ii) contributed or is likely to have contributed to the death; and
- (b) when health care was sought, an independent person would not have reasonably expected that there would be a failure to provide health care, or the particular type of health care, that would cause or contribute to the person's death.
- ‘(3) For this section—
- (a) health care contributes to a person's death if the person would not have died at the time of the person's death if the health care had not been provided; and
- (b) a failure to provide health care contributes to a person's death if the person would not have died at the time of the person's death if the health care had been provided.
- ‘(4) For this section, a reference to an independent person is a reference to an independent person appropriately qualified in the relevant area or areas of health care who has had regard to all relevant matters including, for example, the following—
- (a) the deceased person's state of health as it was thought to be when the health care started or was sought;
- Example of a person's state of health—*
- an underlying disease, condition or injury and its natural progression
-

[s 9]

- (b) the clinically accepted range of risk associated with the health care; 1
2
- (c) the circumstances in which the health care was provided or sought. 3
4
- Example for paragraph (c)—* 5
- It would be reasonably expected that a moribund elderly patient with other natural diseases would die following surgery for a ruptured aortic aneurysm. 6
7
8
- ‘(5) In this section— 9
- commencement*** means the commencement of this section. 10
- health care*** means— 11
- (a) any health procedure; or 12
- (b) any care, treatment, advice, service or goods provided for or purportedly for the benefit of human health.’. 13
14

Clause 9 Amendment of s 10A (State Coroner to notify children’s commissioner of deaths) 15
16

Section 10A(1)(b), ‘section 7(3)’— 17

omit, insert— 18

‘section 7(4)’. 19

Clause 10 Amendment of s 11 (Deaths to be investigated) 20

Section 11(7), after ‘custody’— 21

insert— 22

‘, or a death mentioned in section 8(3)(h) that is not also a death in custody,’. 23
24

Clause 11 Insertion of new s 11A 25

After section 11— 26

insert— 27

‘11A	Reviewing coroner’s decision about whether death is a reportable death	1
		2
‘(1)	A person dissatisfied with a coroner’s decision about whether a death that happens after the commencement of this section is a reportable death may apply for an order about whether it is a reportable death.	3
		4
		5
		6
‘(2)	The application must be made to—	7
	(a) if the coroner is not the State Coroner—the State Coroner; or	8
		9
	(b) if the coroner is the State Coroner—the District Court.	10
‘(3)	A person dissatisfied with the State Coroner’s decision under subsection (2)(a) may apply to the District Court.	11
		12
‘(4)	An application under subsection (3) must be made within 14 days after the person receives written reasons for the decision.	13
		14
‘(5)	If the State Coroner or the District Court orders that the death is a reportable death, the coroner is taken to have considered the death to be a reportable death for section 11(2)(a).’.	15
		16
		17
Clause 12	Amendment of s 12 (Deaths not to be investigated or further investigated)	18
		19
(1)	Section 12(1), after ‘Minister’—	20
	<i>insert—</i>	21
	‘or by the State Coroner under section 11(4)(b)’.	22
(2)	Section 12(2)(b)—	23
	<i>omit, insert—</i>	24
‘(b)	each of the following applies—	25
	(i) the death was not a reportable death under section 8(3)(a) or (g);	26
		27
	(ii) the coroner’s investigation shows that an autopsy of the body is not necessary;	28
		29
	(iii) the coroner decides to authorise a doctor to issue a cause of death certificate; or’.	30
		31

[s 13]

Clause 13	Amendment of s 13 (Coroner's powers of investigation)	1
	(1) Section 13(3) and (4)—	2
	<i>renumber</i> as section 13(4) and (5).	3
	(2) Section 13—	4
	<i>insert</i> —	5
	‘(3) Without limiting subsection (2), the coroner may authorise a doctor or nurse to take a sample of the deceased person’s blood for testing.	6 7 8
	‘(6) In this section—	9
	<i>nurse</i> means a registered nurse under the <i>Nursing Act 1992</i> .’.	10
Clause 14	Amendment of s 14 (Guidelines and directions for investigations)	11 12
	(1) Section 14(4) to (6)—	13
	<i>renumber</i> as section 14(5) to (7).	14
	(2) Section 14—	15
	<i>insert</i> —	16
	‘(4) Without limiting subsection (1)(b) or (3), the State Coroner may also issue guidelines applying to all persons who carry out a function under this Act about the following—	17 18 19
	(a) the types of reportable death mentioned in section 8;	20
	(b) a preliminary investigation to decide whether a death is a reportable death;	21 22
	(c) the investigation of a suspected death;	23
	(d) any other matter that is relevant and desirable to ensure best practice in the coronial system.’.	24 25
Clause 15	Amendment of s 16 (Duty to help investigation)	26
	(1) Section 16(1)(b) and (2), after ‘information’—	27
	<i>insert</i> —	28

‘, a document or anything else’. 1

(2) Section 16(4) to (6), ‘give the information’— 2

omit, insert— 3

‘comply with the requirement’. 4

(3) Section 16(6), ‘giving the information’— 5

omit, insert— 6

‘complying with the requirement’. 7

Clause 16 Insertion of new s 16A 8

After section 16— 9

insert— 10

‘16A Tampering with a document or thing relevant to an investigation 11 12

‘A person must not tamper with a document or thing that the 13
person knows or ought reasonably to know may be relevant to 14
an investigation by a coroner into a person’s death. 15

Maximum penalty—100 penalty units.’. 16

Clause 17 Amendment of s 17 (Disclosure of confidential information to Coroners Court) 17 18

(1) Section 17, heading, ‘Coroners Court’— 19

omit, insert— 20

‘**coroner**’. 21

(2) Section 17(2)— 22

omit, insert— 23

‘(2) The provision is taken to enable the disclosure of the 24
information to a coroner investigating a death as if— 25

(a) a reference to the court is a reference to a coroner; and 26

(b) a reference to a proceeding is a reference to an 27
investigation; and 28

[s 18]

-
- (c) a reference to a party is a reference to—
 - (i) a police officer, lawyer or other person helping the coroner; or
 - (ii) a person who is to appear or is appearing at an inquest.’.
 - (3) Section 17(4)—
omit, insert—
 - ‘(4) A coroner may only disclose information obtained under this section for a purpose connected with the investigation being conducted by the coroner.’.
 - (4) Section 17(5), ‘Coroners Court’—
omit, insert—
‘coroner’.
 - (5) Section 17(5)(a), ‘inquest’—
omit, insert—
‘investigation’.

- Clause 18 Insertion of new s 17A**
- Part 3, division 1—
insert—
- ‘17A Protection from liability for giving information and other things to coroner**
- ‘(1) A person is not liable, civilly, criminally or under an administrative process, for giving a coroner any of the following—
 - (a) information, a document or anything else (the *required item*) in compliance with a requirement made under section 16;
 - (b) confidential information under section 17.
 - ‘(2) Also, merely because the person gives the required item or confidential information, the person can not be held to have—

[s 19]

-
- (a) breached any code of professional etiquette or ethics; or 1
 - (b) departed from accepted standards of professional 2
conduct. 3
 - ‘(3) Without limiting subsections (1) and (2)— 4
 - (a) in a proceeding for defamation, the person has a defence 5
of absolute privilege for publishing the required item or 6
confidential information; and 7
 - (b) if the person would otherwise be required to maintain 8
confidentiality about the required item or confidential 9
information under an Act, oath or rule of law or practice, 10
the person— 11
 - (i) does not contravene the Act, oath or rule of law or 12
practice by giving the required item or confidential 13
information; and 14
 - (ii) is not liable to disciplinary action for giving the 15
required item or confidential information.’. 16

- Clause 19 Insertion of new s 18A** 17
- After section 18— 18
- insert—* 19
- ‘18A Arrangements for and guidelines about assessing 20
suitability of body for Transplantation and Anatomy 21
Act 1979 22**
- ‘(1) This section applies if a prescribed tissue bank is a party to an 23
arrangement under section 54AA to access section 7(4) 24
reports. 25
 - ‘(2) Before an autopsy is performed on a body, the prescribed 26
tissue bank, or a person acting for the prescribed tissue bank, 27
may conduct an external examination of the body for the 28
purpose of assessing whether the body is suitable for the 29
removal of tissue for the *Transplantation and Anatomy Act* 30
1979. 31
 - ‘(3) However, subsection (2) does not apply if the State Coroner, 32
the coroner who is investigating the death, or a person acting 33

[s 20]

for the prescribed tissue bank is aware that the deceased
person had, during his or her lifetime, objected to the removal
after death of tissue from his or her body.

- ‘(4) A person who conducts the examination must comply with—
- (a) any directions of the coroner; and
 - (b) any guidelines issued by the State Coroner about the
conduct of the process by which donor suitability for the
removal of tissue under the *Transplantation and
Anatomy Act 1979* is assessed.
- ‘(5) However, to the extent that a direction conflicts with the
guidelines, the person must comply with the direction.
- ‘(6) In this section—
tissue see the *Transplantation and Anatomy Act 1979*, section
4(1).’.

- Clause 20 Replacement of s 21 (Observing an autopsy)**
- Section 21—
omit, insert—
- ‘21 Observing an autopsy**
- ‘(1) The coroner, or a police officer who is investigating a death
under this or another Act, is entitled to observe and participate
in the autopsy.
- ‘(2) If the coroner considers it appropriate, a person may observe
and participate in an autopsy for his or her vocational or
clinical education or training with the consent of the doctor
who is conducting the autopsy.
- Examples—*
- an attending doctor, medical students, mortuary staff, nurses and police
officers
- ‘(3) The coroner may allow a person, or the person’s
representative, to observe the autopsy if the coroner
considers—
- (a) the person has a sufficient interest in the autopsy; and

[s 21]

- (b) the attendance of the person, or the person's representative, at the autopsy would not compromise the integrity of the coronial investigation or any other investigation into the death; and
- Example of other investigation—*
- a criminal investigation, workplace health and safety investigation or disciplinary investigation
- (c) the attendance of the person, or the person's representative, at the autopsy is otherwise appropriate.
- ‘(4) Before allowing a person to observe an autopsy under subsection (3), the coroner—
- (a) must, whenever practicable, consult with and consider the views of—
- (i) a family member of the deceased person; and
- (ii) the doctor who is to conduct the autopsy; and
- (b) may consult with, and consider the views of, anyone else the coroner considers appropriate.
- ‘(5) If the coroner allows a person to observe an autopsy under subsection (3), the coroner must give the person notice of the time and place of the autopsy before it is conducted.’.

- Clause 21 Amendment of s 22 (Extra medical evidence for autopsy)**
- (1) Section 22(1)(a)(ii), after ‘conduct’—
- insert—*
- ‘, or conducted,’.
- (2) Section 22(1)(b) and example—
- omit, insert—*
- ‘(b) a person who has any medical records of the deceased person, or tissue samples from the deceased person, to give them to the doctor who is to conduct, or conducted, the autopsy.

[s 22]

	<i>Example—</i>	1
	The coroner may require the person in charge of the nursing	2
	home in which the deceased person died to release the deceased	3
	person's medical records.'	4
(3)	Section 22(3), after 'means'—	5
	<i>insert—</i>	6
	‘, unless the notice requires the original copy of the written	7
	report or medical records to be given’.	8
Clause 22	Amendment of s 23 (Autopsy testing)	9
(1)	Section 23(2) to (5)—	10
	<i>renumber</i> as section 23(3) to (6).	11
(2)	Section 23—	12
	<i>insert—</i>	13
‘(2)	The coroner may make the order on an application under	14
	section 23A or on the coroner's own initiative.’.	15
Clause 23	Insertion of new s 23A	16
	After section 23—	17
	<i>insert—</i>	18
‘23A	Applying for an order for autopsy testing	19
‘(1)	A person may apply to the coroner in writing for an order that	20
	the doctor who has been ordered to conduct an autopsy, or	21
	who conducted an autopsy, also conduct a test for any or all of	22
	the following as stated in the application—	23
	(a) an infectious condition;	24
	(b) a notifiable condition;	25
	(c) an emergency notifiable condition;	26
	(d) a controlled notifiable condition.	27
‘(2)	The coroner may grant the application only if the coroner is	28
	satisfied the applicant has a sufficient interest in the test result.	29

- ‘(3) In this section— 1
- conduct**, a test, includes arrange for a test to be conducted. 2
- controlled notifiable condition** means a controlled notifiable 3
condition as defined in the *Public Health Act 2005*, section 4
63. 5
- coroner** means the coroner who ordered the doctor to conduct 6
an autopsy or the State Coroner. 7
- emergency notifiable condition** means an emergency 8
notifiable condition as defined in the *Public Health Act 2005*, 9
section 315. 10
- notifiable condition** means a notifiable condition as defined 11
in the *Public Health Act 2005*, section 64.’. 12

- Clause 24 Amendment of s 24 (Removing tissue for autopsy testing) 13**
- (1) Section 24(2), from ‘the tissue’ to ‘foetus’— 14
- omit, insert— 15*
- ‘prescribed tissue is removed’. 16
- (2) Section 24(5) to (10)— 17
- renumber* as section 24(6) to (11). 18
- (3) Section 24(4)— 19
- omit, insert— 20*
- ‘(4) However, if prescribed tissue has been removed, the coroner 21
must not order the release of the body unless satisfied that— 22
- (a) if practicable, a family member of the deceased person 23
has been informed of the removal of the prescribed 24
tissue; and 25
- (b) the retention of the prescribed tissue is necessary for the 26
investigation of the death, despite any concerns raised 27
with the coroner about the retention of the prescribed 28
tissue. 29

[s 25]

-
- ‘(5) If the coroner is not satisfied as mentioned in subsection (4)(a) and (b), the coroner must order the doctor to return the prescribed tissue to the body before the body is released.’. 1
2
3
- (4) Section 24(6), as renumbered, ‘an organ or foetus’— 4
omit, insert— 5
‘prescribed tissue’. 6
- (5) Section 24(9)(a), as renumbered— 7
omit, insert— 8
‘(a) if a family member of the deceased person has told the 9
coroner that he or she wishes to test, or use, the tissue 10
for a lawful purpose or to bury the tissue—release the 11
tissue to the family member, or the family member’s 12
representative, for the test, use or burial; or’. 13
- (6) Section 24(11), as renumbered— 14
insert— 15
‘***prescribed tissue*** means— 16
(a) a whole organ or foetus; or 17
(b) an identifiable body part. 18
Example for paragraph (b)— 19
a limb, digit or jaw’. 20

Clause 25 Amendment of s 24A (Autopsy certificate) 21

- (1) Section 24A(2)(b)— 22
omit, insert— 23
‘(b) give a signed copy of the notice to— 24
(i) the registrar under the *Births, Deaths and* 25
Marriages Registration Act 2003; and 26
(ii) the coroner who ordered the conduct of the 27
autopsy.’. 28
- (2) Section 24A(3)(b), other than example— 29

- omit, insert—* 1
- ‘(b) give a signed copy of the certificate to— 2
- (i) the registrar under the *Births, Deaths and 3*
Marriages Registration Act 2003; and 4
- (ii) the coroner who ordered the conduct of the 5
autopsy.’. 6

- Clause 26 Amendment of s 25 (Autopsy reports) 7**
- (1) Section 25(1)(b)— 8
omit, insert— 9
- ‘(b) give the report to the coroner.’. 10
- (2) Section 25(2) to (5)— 11
renumber as section 25(3) to (5) and (7). 12
- (3) Section 25— 13
insert— 14
- ‘(2) If an investigating police officer asks for a copy of the autopsy 15
report, or a copy of a test report, the doctor who conducted the 16
autopsy or the person who did the test must give a copy of the 17
report to the police officer.’. 18
- (4) Section 25(3), as renumbered, after ‘subsection (1)’— 19
insert— 20
‘or (2)’. 21
- (5) Section 25— 22
insert— 23
- ‘(6) However, subsections (4) and (5) do not apply if the State 24
Coroner has given the chief executive or health chief 25
executive written notice stating— 26
- (a) that the reports mentioned in the subsections are not to 27
be given to— 28
- (i) the chief executive or the health chief executive; or 29

[s 27]

- (ii) a public service employee, health service employee or health executive; and 1
2
- (b) the reasons why the reports are not to be given.’. 3

Clause 27 Amendment of s 26 (Control of body) 4

- (1) Section 26(2)— 5
omit, insert— 6
- ‘(2) The coroner stops having control of the body when the 7
coroner— 8
 - (a) if the coroner stops investigating the death under section 9
12(2)(a)—orders the release of the body to the Minister 10
responsible for administering the *Aboriginal Cultural 11*
Heritage Act 2003 and the *Torres Strait Islander 12*
Cultural Heritage Act 2003; or 13
 - (b) if the coroner stops investigating the death under section 14
12(2)(b)—authorises a doctor to issue a cause of death 15
certificate for the deceased person; or 16
 - (c) if the coroner stops investigating the death under section 17
12(2)(c) or (d)—orders the release of the body for 18
burial; or 19
 - (d) if the coroner stops investigating the death under section 20
12(2)(e)—orders the release of the body to the other 21
jurisdiction; or 22
 - (e) transfers control of the body to another coroner; or 23
 - (f) decides that it is not necessary for the coroner’s 24
investigation to keep the body after an autopsy and the 25
coroner orders the release of the body for burial.’. 26
- (2) Section 26(5), penalty, ‘for subsection (5)’— 27
omit. 28
- (3) Section 26— 29
insert— 30

[s 28]

- ‘(6) For subsection (2)(a), (c), (d) and (f), a reference to the coroner, in relation to an order for the release of a body, includes, if the coroner investigating the death is not available, another coroner.’.

Clause 28	Amendment of s 27 (When inquest must be held)	5
	(1) Section 27(1)(a)—	6
	<i>insert—</i>	7
	‘(iii) a death mentioned in section 8(3)(h) that is not also a death in custody, unless the coroner is satisfied the circumstances of the death do not require the holding of an inquest; or’.	8 9 10 11
	(2) Section 27(2)—	12
	<i>renumber</i> as section 27(3).	13
	(3) Section 27—	14
	<i>insert—</i>	15
	‘(2) For subsection (1)(a)(i), a death in custody—	16
	(a) includes a death that is also another type of reportable death under section 8; but	17 18
	<i>Example—</i>	19
	A death in custody may also be a death in care under section 8(3)(f) or a death in the course of police operations under section 8(3)(h).	20 21
	(b) does not include the death of a person if, when the person died, the person was detained under the <i>Public Health Act 2005</i> .’.	22 23 24

Clause 29	Amendment of s 28 (When inquest may be held)	25
	(1) Section 28(1), from ‘considers’—	26
	<i>omit, insert—</i>	27
	‘is satisfied it is in the public interest to hold the inquest.’.	28
	(2) Section 28(2), ‘desirable’—	29

[s 30]

omit, insert— 1
‘in the public interest’. 2

Clause 30	Amendment of s 30 (Applying for inquest to be held)	3
(1)	Section 30(1), ‘, in the approved form,’—	4
	<i>omit.</i>	5
(2)	Section 30(2) to (7)—	6
	<i>renumber</i> as section 30(3) to (8).	7
(3)	Section 30—	8
	<i>insert—</i>	9
‘(2)	The application must—	10
	(a) be written; and	11
	(b) outline why the applicant considers it is in the public interest for an inquest to be held.’.	12 13
(4)	Section 30(3), as renumbered, ‘6 months after receiving the application’—	14 15
	<i>omit, insert—</i>	16
	‘the prescribed period’.	17
(5)	Section 30—	18
	<i>insert—</i>	19
‘(9)	In this section—	20
	<i>prescribed period</i> , for the coroner to decide the application, means—	21 22
	(a) 6 months after the coroner receives the application; or	23
	(b) the longer period the coroner considers necessary to enable the coroner to obtain relevant information for making the decision.’.	24 25 26

Clause 31	Amendment of s 32 (Notice of inquest)	1
	(1) Section 32(1)(b)—	2
	<i>renumber</i> as section 32(1)(c).	3
	(2) Section 32(1)—	4
	<i>insert</i> —	5
	‘(b) the issues to be investigated at the inquest; and’.	6
	(3) Section 32(2), ‘14’—	7
	<i>omit, insert</i> —	8
	‘28’.	9
	(4) Section 32(3)—	10
	<i>omit, insert</i> —	11
	‘(3) Subsections (1) and (2) do not apply—	12
	(a) to an adjourned inquest; or	13
	(b) if the State Coroner directs that a notice not be	14
	published; or	15
	(c) if the Coroners Court has published a notice about a	16
	conference for the inquest under section 34(2).	17
	‘(4) The Coroners Court must publish a statement of the issues to	18
	be investigated at the inquest and the date, time and place of	19
	the inquest on an appropriate website of the Office of the State	20
	Coroner.	21
	<i>Editor’s note</i> —	22
	At the commencement of this subsection, the website is	23
	<www.courts.qld.gov.au/129.htm>.’.	24
Clause 32	Amendment of s 34 (Pre-inquest conferences)	25
	(1) Section 34(2)—	26
	<i>renumber</i> as section 34(4).	27
	(2) Section 34—	28
	<i>insert</i> —	29

[s 33]

- ‘(2) The Coroners Court may publish, in a daily newspaper circulating generally in the State, a notice of—
- (a) the matter to be investigated at the inquest; and
 - (b) the proposed issues to be investigated at the inquest; and
 - (c) the date, time and place of the conference set by the coroner.
- ‘(3) If the Coroners Court decides to publish a notice as mentioned in subsection (2), the notice must be published at least 28 days before the conference is to be held.’.

Clause 33 Amendment of s 35 (Directions or orders about inquests)

- (1) Section 35, heading, after ‘inquests’—
insert—
‘and pre-inquest conferences’.
- (2) Section 35, after ‘inquest’—
insert—
‘or pre-inquest conference’.
- (3) Section 35—
insert—
- ‘(3) In this section—
pre-inquest conference means a conference mentioned in section 34.’.

Clause 34 Amendment of s 36 (Right to appear etc.)

- (1) Section 36(2) and (3)—
renumber as section 36(4) and (5).
- (2) Section 36—
insert—
- ‘(2) Subsection (3) applies if the Coroners Court considers a person mentioned in subsection (1)(c) has a sufficient interest

only because it is in the public interest, and consistent with the purposes of this Act, that the person appear and make submissions at the inquest about a matter on which the coroner may comment under section 46(1).

Example of a person for subsection (2)—

a specialist advocacy group with particular expertise in a matter on which a coroner may comment under section 46(1)

‘(3) Despite subsection (1), the person—

(a) may not examine witnesses at the inquest without the court’s leave; and

(b) may only make submissions about a matter on which the coroner may comment under section 46(1).’.

Clause 35 Amendment of s 41 (Prohibited publications relating to inquests)

(1) Section 41, heading, after ‘inquests’—

insert—

‘and pre-inquest conferences’.

(2) Section 41(1), (3) and (4), after ‘inquest’—

insert—

‘or pre-inquest conference’.

Clause 36 Amendment of s 43 (Excluding persons from inquest)

Section 43, after ‘inquest’—

insert—

‘or pre-inquest conference’.

Clause 37 Amendment of s 45 (Coroner’s findings)

Section 45(3)(b), ‘section 12(1)’—

[s 38]

omit, insert— 1
‘section 12(2)’. 2

Clause 38 Amendment of s 46 (Coroner’s comments) 3
Section 46(2)(d)(i) and (ii)— 4
omit, insert— 5
‘(i) the Attorney-General; and 6
(ii) the Minister administering the entity; and 7
(iii) the chief executive officer of the entity; and’. 8

Clause 39 Amendment of s 47 (Coroner’s comments and findings for deaths in care or custody) 9
(1) Section 47, heading— 10
omit, insert— 11
‘47 Coroner’s comments and findings for particular deaths’. 12
(2) Section 47(1), from ‘care’— 13
omit, insert— 14
‘care, death in custody or death that happened in the course of 15
or as a result of police operations.’. 16
(3) Section 47(3), definition *relevant Act*, paragraph (b)(vi)— 17
omit, insert— 18
‘(vi) for the death of a person in custody under the 19
Juvenile Justice Act 1992—that Act; or 20
(c) for a death that happened in the course of or as a result 21
of police operations—the *Police Powers and* 22
Responsibilities Act 2000.’. 23
24

Clause 40 Amendment of s 50 (Reopening inquests etc.) 25
Section 50, heading, after ‘etc.’— 26

insert—

‘—on application’.

Clause 41 Insertion of new ss 50A and 50B

After section 50—

insert—

‘50A Reopening inquests on coroner’s initiative

‘(1) The coroner who held an inquest, or the State Coroner, may on his or her own initiative, reopen the inquest to re-examine a finding, or hold a new inquest, if satisfied—

(a) new evidence casts doubt on the finding; or

(b) it is otherwise in the public interest.

‘(2) A coroner who has reopened an inquest, or is holding a new inquest, under this section may accept any of the evidence given, or findings made, at the earlier inquest as being correct.

‘50B Reopening investigations, other than inquests

‘(1) The State Coroner may, on his or her own initiative—

(a) reopen an investigation into a death; or

(b) direct the coroner who conducted an investigation into a death, or another coroner, to reopen the investigation.

‘(2) The State Coroner may take the action mentioned in subsection (1) if the State Coroner considers—

(a) the circumstances of the death warrant further investigation; or

(b) the coroner’s findings could not be reasonably supported by the evidence; or

(c) new evidence casts doubt on the findings.

‘(3) The coroner who conducted an investigation into a death may, on his or her own initiative, reopen the investigation.

[s 42]

-
- ‘(4) The coroner may take the action mentioned in subsection (3) if the coroner considers—
 - (a) the circumstances of the death warrant further investigation; or
 - (b) new evidence casts doubt on the findings.
 - ‘(5) The State Coroner, or another coroner, who has reopened an investigation under this section may accept any of the evidence given at the earlier investigation as being correct.
 - ‘(6) In this section—
investigation does not include an inquest.’.

- Clause 42 Amendment of s 52 (Documents that can not be accessed)**
- Section 52(1)(c), from ‘unless’—
omit, insert—
‘unless—
- (i) the information is the result of a test ordered to be done by the coroner on application under section 23A and the person wanting access is the applicant for the order; or
 - (ii) the information is relevant to a matter mentioned in section 45(2), whether or not the coroner has made the findings mentioned in that subsection; or’.

- Clause 43 Amendment of s 53 (Access to investigation documents for research purposes)**
- (1) Section 53(2)(a), from ‘relates’—
omit, insert—
‘relates, unless the State Coroner considers it appropriate having regard to—
- (i) the importance of the research; and

[s 44]

-
- (ii) the public interest in allowing the access before the
investigation has finished; or’.
 - (2) Section 53(3), ‘another investigation document’—
omit, insert—
‘an investigation document, other than a document mentioned
in subsection (2)(b),’.
 - (3) Section 53(4)(d), ‘police document’—
omit, insert—
‘document mentioned in paragraph (c)’.
 - (4) Section 53(5) to (7)—
renumber as section 53(6), (7) and (9).
 - (5) Section 53—
insert—
 - ‘(5) The State Coroner’s consent allows the person to access 1 or
more stated types of investigation documents—
 - (a) for the period stated in the consent; or
 - (b) until the State Coroner withdraws the consent;
whichever happens first.’.
 - (6) Section 53(9), as renumbered, definition *genuine researcher*,
paragraph (c)—
omit, insert—
‘(c) another person who is conducting genuine research.’.

-
- Clause 44 Amendment of s 54 (Access to investigation documents
for other purposes)**
- (1) Section 54(2)(b), after ‘available’—
insert—
‘and has not delegated his or her power to the registrar under
section 86(4)(c)’.
-

[s 45]

- | | |
|--|---|
| (2) Section 54(3), example, paragraph (b)— | 1 |
| <i>omit.</i> | 2 |
| (3) Section 54(3), example, paragraph (c)— | 3 |
| <i>renumber</i> as paragraph (b). | 4 |

Clause 45	Insertion of new s 54AA	5
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After section 54—	6
<i>insert—</i>	7

'54AA Access to information in section 7(4) report by prescribed tissue banks	8
	9

- | | |
|---|----|
| (1) The State Coroner may enter into an arrangement with a person who owns a prescribed tissue bank about giving the prescribed tissue bank, or a person acting for the prescribed tissue bank, access to documents that are section 7(4) reports for the purpose of ascertaining the following information about a deceased person from the documents— | 10 |
| | 11 |
| | 12 |
| | 13 |
| | 14 |
| | 15 |
| (a) the deceased person's name; | 16 |
| (b) the deceased person's age; | 17 |
| (c) a brief description of the circumstances of the deceased person's death; | 18 |
| | 19 |
| (d) the deceased person's previous medical information; | 20 |
| <i>Examples for paragraph (d)—</i> | 21 |
| • details of the deceased person's recent hospitalisation | 22 |
| • the name and contact details of a doctor the deceased person consulted | 23 |
| | 24 |
| • the deceased person's medical history | 25 |
| (e) the name of the deceased person's senior available next of kin; | 26 |
| | 27 |
| (f) an address, telephone number or other contact details of the deceased person's senior available next of kin. | 28 |
| | 29 |

- ‘(2) Without limiting what may be included in an arrangement, the arrangement may provide for how and where the prescribed tissue bank or person may access the documents. 1
2
3
- ‘(3) The State Coroner may provide access to a document to the prescribed tissue bank or person under the arrangement. 4
5
- ‘(4) Sections 52(1)(c), 53, 54 and 55 do not apply in relation to access to a document under the arrangement. 6
7
- ‘(5) However, access to a document under the arrangement is otherwise subject to this division. 8
9
- ‘(6) A fee prescribed under a regulation for access to an investigation document does not apply to a document accessed under this section. 10
11
12
- ‘(7) A person who has been given access to a document under this section must not directly or indirectly disclose information in the document. 13
14
15
- Maximum penalty—100 penalty units. 16
- ‘(8) A person does not contravene subsection (7) if the disclosure— 17
18
- (a) is made in the performance of a function under the *Transplantation and Anatomy Act 1979*, including as a person acting for a prescribed tissue bank under the arrangement; or 19
20
21
22
- (b) is permitted or required under this or another Act. 23
- ‘(9) In this section— 24
- access* a document does not include obtain a copy of the document.’. 25
26

- Clause 46 Amendment of s 54A (Access to investigation documents by the children’s commissioner)** 27
28
- Section 54A(1)(a) and (b), ‘section 7(3)’— 29
- omit, insert—* 30
- ‘section 7(4)’. 31

[s 47]

Clause 47	Amendment of s 56 (Refusing access in the public interest)	1 2
	Section 56(5)—	3
	<i>omit.</i>	4
Clause 48	Amendment of s 60 (Returning physical evidence)	5
	Section 60(2), from ‘if’—	6
	<i>omit, insert—</i>	7
	‘if—	8
	(a) it is not lawful for the owner to possess the physical evidence; or	9 10
	(b) under the guidelines issued by the State Coroner, it is not desirable that the physical evidence be returned to its owner because of its nature, condition and value.	11 12 13
	<i>Example of physical evidence for paragraph (b)—</i>	14
	a cracked safety helmet that a deceased person was wearing when killed’.	15 16
Clause 49	Replacement of pt 3, div 6, hdg (Transferring investigation to another coroner)	17 18
	Part 3, division 6, heading—	19
	<i>omit, insert—</i>	20
	‘Division 6 Transferring, or continuing, jurisdiction of coroner’.	21 22
Clause 50	Insertion of new s 63A	23
	Part 3, division 6, after section 63—	24
	<i>insert—</i>	25
	‘63A Continuation of jurisdiction on retirement etc.	26
	‘(1) This section applies if—	27

- (a) a person stops being a coroner for any reason, other than death or removal from office; and
 - (b) the person has not made all the findings of an investigation into a death conducted by the person before the person stopped being a coroner (the *existing investigation*).
- ‘(2) If the person agrees, the person is taken to continue to be a coroner for the existing investigation so far as it is necessary to make findings for matters the State Coroner, in consultation with the Chief Magistrate, decides are matters for which the coroner should make findings.’.

- Clause 51 Amendment of s 71 (Functions and powers of State Coroner)**
- (1) Section 71(1)(f), after ‘deaths’—
insert—
‘and for other matters’.
 - (2) Section 71(1)(g)—
renumber as section 71(1)(h).
 - (3) Section 71(1)—
insert—
‘(g) to promote public awareness of the coronial system; and’.
 - (4) Section 71—
insert—
 - ‘(2A) Without limiting subsection (2), the State Coroner may enter into an arrangement with a government entity to facilitate the entity’s relationship with the coronial system.
Example—
a memorandum of understanding between the State Coroner and a government entity with functions including the investigation of deaths’.
 - (5) Section 71(5), ‘subsection (4)’—

[s 51]

- omit, insert—* 1
- ‘subsection (5)’. 2
- (6) Section 71(6)— 3
- omit, insert—* 4
- ‘(6) Despite subsection (5), the State Coroner— 5
- (a) may be appointed as, and perform the functions and 6
exercise the powers of, a member of the Child Death 7
Case Review Committee under the *Commission for* 8
Children and Young People and Child Guardian Act 9
2000; and 10
- (b) may be appointed to, and perform the functions and 11
exercise the powers of, another office if— 12
- (i) holding the office, performing the functions and 13
exercising the powers are compatible with the 14
office of State Coroner; and 15
- (ii) the Attorney-General, after consulting with the 16
Chief Magistrate, approves of the State Coroner 17
holding the office, performing the functions and 18
exercising the powers. 19
- Example of another office—* 20
- appointed member of the Police Education Advisory Committee 21
- ‘(6A) The State Coroner must immediately stop holding an office, 22
performing a function or exercising a power mentioned in 23
subsection (7)(b) if required to do so by the 24
Attorney-General.’. 25
- (7) Section 71(2A) to (7)— 26
- renumber* as section 71(3) to (9). 27
- (8) Section 71— 28
- insert—* 29
- ‘(10) In this section— 30
- government entity** means a government entity as defined in 31
the *Public Service Act 2008*, section 24.’. 32

Clause 52 Insertion of new s 71A

After section 71—

insert—

‘71A Assistance to and from coroners in other jurisdictions

‘(1) The State Coroner may request in writing the person holding a corresponding office in another State to provide assistance in connection with the exercise by the State Coroner or another coroner of any power under this Act.

‘(2) The State Coroner, at the written request of the person holding a corresponding office in another State, may provide assistance to that person or a coroner of that State in connection with the exercise of a power under the law of that State.

‘(3) If the Attorney-General so directs, the State Coroner must provide assistance in response to a request of a kind referred to in subsection (2).

‘(4) For the purpose of providing assistance, the State Coroner or another coroner may exercise any of his or her powers under this Act irrespective of whether he or she would, apart from this section, have authority to exercise that power.

Note—

The State Coroner has, in addition to all the powers of a coroner, a general function of overseeing and coordinating coronial services and ensuring that inquests and other investigations are held. The assistance provided may involve the exercise of administrative powers by the State Coroner or the exercise by him or her or another coroner of coronial powers.

‘(5) For this section, this Act applies as if the matter that is the subject of the request or direction were the subject of an investigation under this Act.

‘(6) In this section—

corresponding office means an office that corresponds to the officer of the State Coroner.’.

[s 53]

Clause 53	Amendment of s 74 (Acting as State Coroner)	1
	Section 74(6)(b), from ‘but’—	2
	<i>omit, insert—</i>	3
	‘but is not available to perform the State Coroner’s functions because of absence or another reason.’.	4
		5
Clause 54	Amendment of s 77 (Annual report)	6
	(1) Section 77(2)—	7
	<i>insert—</i>	8
	‘(d) the names of the persons given access to investigation documents as genuine researchers under section 53.’.	9
		10
	(2) Section 77—	11
	<i>insert—</i>	12
	‘(4) The Attorney-General must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.’.	13
		14
		15
Clause 55	Insertion of new s 79A	16
	After section 79—	17
	<i>insert—</i>	18
	‘79A Resignation of Deputy State Coroner	19
	‘(1) The person appointed as Deputy State Coroner may, by written notice to the Minister, resign as Deputy State Coroner.	20
		21
	‘(2) However, on resigning as Deputy State Coroner, the person does not stop being a magistrate.’.	22
		23
Clause 56	Amendment of s 86 (Delegation of powers to registrar or deputy registrars)	24
		25
	(1) Section 86, heading, after ‘of’—	26
	<i>insert—</i>	27

‘duties or’.

- (2) Section 86(4) and (5)—
renumber as section 86(7) and (8).
- (3) Section 86—
insert—
- ‘(4) Also, without limiting subsection (1) or (2), a coroner may delegate any or all of the following duties or powers to the registrar—
 - (a) the act of ordering the disposal of tissue under section 24;
 - (b) the act of ordering the release of a body for burial under section 26;
 - (c) the power to consent to a person accessing an investigation document under section 54(2), if the investigation to which the document relates is finished.
- ‘(5) However, a coroner who is not the State Coroner may only delegate a duty or power as mentioned in subsection (4) with the State Coroner’s consent.
- ‘(6) In performing a duty or exercising a power delegated under subsection (4), the registrar must consult with the coroner who delegated the duty or power.’.

Clause 57 Amendment of s 88 (Immunity)
Section 88(2), ‘A’—
omit, insert—
‘A person mentioned in section 36(1)(a) or a’.

Clause 58 Amendment of s 96 (Application of Act to stillborn child)
Section 96, ‘19(1)(b),’—
omit, insert—
‘19, 25(1) to (3),’.

[s 59]

Clause 59	Amendment of pt 6 hdgs	1
	Part 6, division 1 heading and division 2 heading, ‘Transitionals’—	2 3
	<i>omit, insert</i> —	4
	‘ Transitional provisions ’.	5
Clause 60	Insertion of new pt 6, div 4	6
	Part 6—	7
	<i>insert</i> —	8
‘Division 4	Transitional provisions for the Coroners and Other Acts Amendment Act 2008	9 10 11
‘109	Definitions for div 4	12
	‘In this division—	13
	<i>amendment</i> means amendment under the <i>Coroners and Other Acts Amendment Act 2008</i> .	14 15
	<i>previous</i> , followed by a provision number, means the provision of that number as in force before its amendment.	16 17
‘110	Continued application of particular provisions	18
	‘Despite the <i>Coroners and Other Acts Amendment Act 2008</i> , each of the following provisions continues to apply to the death of a person who died before the provision’s amendment commenced—	19 20 21 22
	• previous section 8	23
	• previous section 9	24
	• previous section 10.	25

‘111	Application of s 12	1
	‘Section 12 applies in relation to the death of a person whether the person died before or after the commencement of this section.	2 3 4
‘112	Notice of inquest	5
	‘A notice of inquest complying with previous section 32 and given before the commencement of this section is taken to comply with section 32.	6 7 8
‘113	Application of s 36	9
	‘(1) This section applies if—	10
	(a) before the commencement, the Coroners Court considered a person had a sufficient interest in an inquest; and	11 12 13
	(b) on the commencement, the person had not exercised the person’s rights under section 36(1).	14 15
	‘(2) Previous section 36 continues to apply in relation to the person for the inquest.	16 17
	‘(3) In this section—	18
	<i>commencement</i> means the commencement of this section.’.	19
Clause 61	Amendment of sch 2 (Dictionary)	20
	(1) Schedule 2, definitions <i>coronial document</i> , <i>family member</i> , <i>indigenous burial remains</i> and <i>investigation</i> —	21 22
	<i>omit</i> .	23
	(2) Schedule 2—	24
	<i>insert</i> —	25
	‘ <i>autopsy certificate</i> means an autopsy certificate mentioned in section 24A(3)(a).	26 27

[s 61]

autopsy notice means an autopsy notice mentioned in section 24A(2)(a).

coronial document means a document prepared for an investigation, other than a record, or a copy of a record, of an inquest made under the *Recording of Evidence Act 1962*.

Examples—

- an autopsy certificate, autopsy notice or autopsy report
- a report from a police officer helping a coroner about the investigation into a reportable death
- a record of the coroner’s findings and comments

family member, of a deceased person, means—

- (a) if the coroner investigating the death becomes aware of a document satisfying the coroner that the deceased person’s wish would have been that a particular person be the deceased person’s family member for this Act—the particular person; or

Example of document for paragraph (a)—

an advance health directive under the *Powers of Attorney Act 1998* appointing the particular person as the deceased person’s attorney

- (b) if paragraph (a) does not apply—

- (i) a spouse of the deceased person; or
- (ii) if a spouse is not reasonably available—an adult child of the deceased person; or
- (iii) if a spouse or adult child is not reasonably available—a parent of the deceased person; or
- (iv) if a spouse, adult child or parent is not reasonably available—an adult sibling of the deceased person; or
- (v) if a spouse, adult child, parent or adult sibling is not reasonably available—an adult who, immediately before the deceased person’s death, had a relationship with the deceased person that the coroner investigating the death considers is

sufficient for being a family member of the deceased person for this Act; or	1 2
(vi) if the deceased person was an Aboriginal person or Torres Strait Islander and a spouse, adult child, parent or adult sibling is not reasonably available—an ATSI family member.	3 4 5 6
health care related death see section 10AA.	7
indigenous burial remains means—	8
(a) Aboriginal human remains as defined in the <i>Aboriginal Cultural Heritage Act 2003</i> ; or	9 10
(b) Torres Strait Islander human remains as defined in the <i>Torres Strait Islander Cultural Heritage Act 2003</i> .	11 12
investigation includes—	13
(a) a preliminary investigation by a coroner to decide, for section 11(2)(a), whether a death is a reportable death; and	14 15 16
(b) the holding of an inquest.	17
owns , in relation to a prescribed tissue bank, see the <i>Transplantation and Anatomy Act 1979</i> , section 42A(6).	18 19
prescribed tissue bank means a tissue bank prescribed under the <i>Transplantation and Anatomy Act 1979</i> .	20 21
residential service see the <i>Residential Services (Accreditation) Act 2002</i> , section 4.	22 23
section 7(4) report means a report given under section 7(4) by a police officer to a coroner.	24 25
senior available next of kin see the <i>Transplantation and Anatomy Act 1979</i> , section 4(1).	26 27
tissue bank see the <i>Transplantation and Anatomy Act 1979</i> , section 42A(6).’.	28 29

[s 62]

Part 3	Amendment of Births, Deaths and Marriages Registration Act 2003	1
		2
		3

Clause 62	Act amended in pt 3	4
	This part amends the <i>Births, Deaths and Marriages Registration Act 2003</i> .	5
		6

Clause 63	Amendment of s 42 (Correcting the register)	7
	Section 42(1)—	8
	<i>insert—</i>	9
	‘(c) subject to section 41(5), to reflect a coroner’s findings if the findings differ from the information entered on a register.’.	10
		11
		12

Part 4	Amendment of Cremations Act 2003	13
		14

Clause 64	Act amended in pt 4	15
	This part amends the <i>Cremations Act 2003</i> .	16

Clause 65	Amendment of s 4 (Cremations this Act does not apply to)	17
		18
	Section 4(c)—	19
	<i>omit, insert—</i>	20
	‘(c) Aboriginal human remains as defined in the <i>Aboriginal Cultural Heritage Act 2003</i> or Torres Strait Islander human remains as defined in the <i>Torres Strait Islander Cultural Heritage Act 2003</i> .’.	21
		22
		23
		24

Part 5	Amendment of Residential Services (Accreditation) Act 2002	1
		2
		3

Clause 66	Act amended in pt 5	4
	This part amends the <i>Residential Services (Accreditation) Act 2002</i> .	5
		6

Clause 67	Amendment of s 4 (Meaning of <i>residential service</i>)	7
	Section 4(2)—	8
	<i>omit, insert—</i>	9
	‘(2) Also, a service is a <i>residential service</i> —	10
	(a) if—	11
	(i) subsection (1)(a) and (b) apply to the service; and	12
	(ii) in the course of the service, each of the residents—	13
	(A) has a right to occupy 1 or more rooms; and	14
	(B) does not have a right to occupy the whole of the premises in which the rooms are situated; and	15
		16
		17
	(C) is provided with a food service or personal care service; or	18
		19
	<i>Example for subparagraph (ii)—</i>	20
	a service, providing rental accommodation to older persons, in which each of the residents occupies a self-contained unit and is provided with a food service or personal care service	21
		22
		23
	(b) if the service is provided under an aged rental scheme.’.	24

Clause 68	Amendment of s 6 (Meaning of <i>service provider</i>)	25
	Section 6(b)(i), from ‘conducted’—	26
	<i>omit, insert—</i>	27

[s 69]

	‘conducted—	1
	(A) and it is conducted under an aged rental scheme—the scheme operator; or	2 3
	(B) but it is conducted other than under an aged rental scheme—the person conducting the service; or’.	4 5 6
Clause 69	Insertion of new s 6A	7
	Part 1, division 2—	8
	<i>insert—</i>	9
‘6A	Meaning of <i>aged rental scheme</i> and <i>scheme operator</i>	10 11
	‘(1) An <i>aged rental scheme</i> is a scheme under which—	12
	(a) accommodation, in return for the payment of rent, is mainly provided to older members of the community or retired persons; and	13 14 15
	(b) the accommodation is provided to at least 4 persons who have a right to occupy 2 or more self-contained units either jointly or separately; and	16 17 18
	(c) a food service or personal care service is provided to the persons mentioned in paragraph (b).	19 20
	‘(2) The person who, under the aged rental scheme, must provide both of the following is the <i>scheme operator</i> of the scheme—	21 22
	(a) the accommodation;	23
	(b) the food service or personal care service.	24
	‘(3) For subsection (2), a person provides accommodation and a food service or a personal care service if—	25 26
	(a) the person—	27
	(i) owns or leases all or any of the self-contained units used in the aged rental scheme; and	28 29
	(ii) lets those units directly to residents in the course of the residential service; and	30 31

-
- (iii) provides, or arranges for the provision of, the food service or personal care service; or 1
2
 - (b) the person (the *letting agent*), on behalf of the owners or lessees of all or any of the self-contained units used in the aged rental scheme— 3
4
5
 - (i) lets or sub-lets those units to residents in the course of the residential service, regardless of whether the letting contract with the residents states the owner (or lessee) or the letting agent as a party to the letting contract; and 6
7
8
9
10
 - (ii) provides, or arranges for the provision of, the food service or personal care service.’. 11
12

Clause 70 Amendment of pt 13 hdg (Transitional) 13

Part 13, heading, after ‘Transitional’— 14

insert— 15

‘**provisions for Residential Services (Accreditation) Act 2002**’.

Clause 71 Insertion of new pt 14 18

After part 13— 19

insert— 20

**‘Part 14 Transitional provisions for
Coroners and Other Acts
Amendment Act 2008**

‘Division 1 Preliminary 24

‘199 Definitions for pt 14 25

‘In this part— 26

[s 71]

apply for accreditation, of a part 14 continuing service, 1
means apply under part 3 for accreditation of the service. 2

apply for registration, of a part 14 continuing service, means 3
apply under part 2 for registration of the service. 4

commencement day means the day this part commences. 5

part 14 continuing service means an aged rental scheme that 6
was being conducted immediately before the commencement 7
day. 8

‘Division 2 Registration of part 14 continuing 9 services 10

‘200 Due day for applying for registration 11

‘The due day for applying for registration of a part 14 12
continuing service is the day that is 6 months after the 13
commencement day. 14

‘201 Application of pt 13, div 2 provisions 15

‘Sections 187 to 192 (the *applied provisions*) apply to a part 16
14 continuing service as if, in the applied provisions— 17

(a) a reference to a continuing service were a reference to a 18
part 14 continuing service; and 19

(b) a reference to the commencement day were a reference 20
to the commencement day under this part; and 21

(c) a reference to the due day were a reference to the due 22
day under section 200; and 23

(d) a reference in section 192 to 2 years after the 24
commencement day were a reference to 6 months after 25
the commencement day under this part. 26

‘Division 3	Accreditation of part 14 continuing services	1 2
‘202	Due day for applying for accreditation	3
	‘For section 35, 36 or 38, the due day for applying for level 1, level 2 or level 3 accreditation of a part 14 continuing service is the day that is 1 year after the commencement day.	4 5 6
‘203	Compliance with building and fire safety requirements	7 8
	‘An application for level 1 accreditation of a part 14 continuing service must be accompanied by—	9 10
	(a) a building compliance notice for the registered premises issued within the previous 12 months; and	11 12
	(b) the prescribed fire safety document for the registered premises.’.	13 14
Clause 72	Amendment of sch 1 (Reviewable decisions)	15
	Schedule 1, fifth entry, ‘applicant for registration of a continuing service under part 13’—	16 17
	<i>omit, insert—</i>	18
	‘applicant for registration of a continuing service under part 13 or a part 14 continuing service under part 14’.	19 20
Clause 73	Amendment of sch 2 (Dictionary)	21
	Schedule 2—	22
	<i>insert—</i>	23
	‘aged rental scheme see section 6A.	24
	<i>apply for accreditation—</i>	25
	(a) of a continuing service, see section 185; or	26
	(b) of a part 14 continuing service, see section 199.	27

[s 73]

<i>apply for registration—</i>	1
(a) of a continuing service, see section 185; or	2
(b) of a part 14 continuing service, see section 199.	3
<i>commencement day—</i>	4
(a) for part 13, see section 185; or	5
(b) for part 14, see section 199.	6
<i>continuing service</i> , for part 13, see section 185.	7
<i>due day</i> , for part 13, see section 185.	8
<i>part 14 continuing service</i> see section 199.	9
<i>scheme operator</i> see section 6A.’.	10