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# ELIZABETHAE II REGINAE

A.D. 1990

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No. 17 of 1990

An Act to amend the Coroners Act, 1975.

[Assented to 19 April 1990]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Coroners Act Amendment Act, 1990*.
- (2) The *Coroners Act, 1975*, is referred to in this Act as "the principal Act".

## Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

## Jurisdiction

3. Section 12 of the principal Act is amended by striking out paragraph *(db)* of subsection (1) and substituting the following paragraph:

*(db)* the death of any person where there is reason to believe that the death occurred, or the cause of death, or a possible cause of death, arose, or may have arisen, while the deceased was accommodated in an institution and that the deceased was suffering from mental illness or intellectual retardation or impairment (other than mental impairment consequent on the immediate cause of death), or was dependent on the non-therapeutic use of drugs;

## Power of inquiry of coroners in relation to inquests

4. Section 13 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) A person must not—

- (a)* hinder or obstruct a coroner exercising a power conferred by subsection (1) or a person executing a warrant issued pursuant to that subsection, or any assistant accompanying a coroner or person pursuant to subsection (2);

or

- (b)* fail to comply with a direction given pursuant to this section.

Penalty: Division 6 fine.

**Proceedings upon inquests**

5. Section 16 of the principal Act is amended by striking out from subsection (3) all the words appearing after paragraph (c) and substituting:

“the person is guilty of an offence.

Penalty: Division 6 fine or division 6 imprisonment.”

**Substitution of s. 31**

6. Section 31 of the principal Act is repealed and the following section is substituted:

**Offence to fail to notify death**

31. (1) A person knowing of, or becoming acquainted with, the finding of the body of a dead person, or the death of a person apparently by violent or unusual cause, must immediately notify a coroner, or a police officer, of that finding or death.

Penalty: Division 6 fine.

(2) It is a defence to a charge of an offence against subsection (1) if the person charged proves that he or she believed on reasonable grounds that a coroner, or a police officer, was aware of the finding or death.

(3) A police officer must, on being notified of a finding or death pursuant to this section, immediately notify a coroner of the finding or death and any information that the police officer has in relation to the matter.

(4) Where there is reason to believe that a death occurred, or a cause of death, or a possible cause of death, arose, or may have arisen, while the deceased was detained in custody within the State pursuant to an Act or law of the State, the person having the custody of the deceased must immediately report the death, or cause the death to be reported, to a coroner.

Penalty: Division 6 fine.

(5) Where there is reason to believe that a death occurred, or a cause of death, or a possible cause of death, arose, or may have arisen, while the deceased was accommodated in an institution and that the deceased was suffering from mental illness or intellectual retardation or impairment (other than mental impairment consequent on the immediate cause of death), or was dependent on the non-therapeutic use of drugs, the person in charge of the institution, or the part of the institution in which the deceased was accommodated, must immediately report the death, or cause the death to be reported, to a coroner.

Penalty: Division 6 fine.

(6) It is a defence to a charge of an offence against subsection (4) or (5) if the person charged proves that he or she believed on reasonable grounds that a coroner was aware of the death.

## SCHEDULE

The principal Act is further amended as follows:

Provision Amended	How amended
Long title	Strike out "to repeal the Coroners Act, 1935-1969;"
Section 2	Strike out this section.
Section 3	Strike out this section.
Section 4	Strike out this section.
Section 5	Strike out "shall" and substitute "are to".
Section 6	Strike out "of this Act" wherever it occurs. Strike out "Legal Practitioners Act, 1936-1972" and substitute " <i>Legal Practitioners Act, 1981</i> ".
Section 7 (2)	Strike out "shall" twice occurring and substitute, in each case, "is to".
Section 8 (2)	Strike out "shall" twice occurring and substitute, in each case, "is to".
Section 9 (1)	After "his" insert "or her".
Section 9 (2)	Strike out "of this section". Strike out "shall be" and substitute "is". Strike out "shall" and substitute "does".
Section 10 (1)	After "his" insert "or her".
Section 10 (2)	Strike out "of this section".
Section 10 (2) (a)	Strike out "shall have," and substitute "has".
Section 10 (2) (b)	Strike out "shall" and substitute "is to". After "his" insert "or her".
Section 11 (2)	Strike out "of this section". Strike out "shall" and substitute "is to".
Section 13 (1)	Strike out "he" wherever occurring and substitute, in each case, "the coroner". After "his" wherever occurring, insert, in each case, "or her".
Section 13 (2)	Strike out "of this section".
Section 13 (4)	Strike out "of this section". Strike out "shall" and substitute "may". Strike out "him" and substitute "the coroner".
Section 14 (1)	Strike out "shall" and substitute "must".
Section 14 (1) (c)	Strike out "him" and substitute "the State Coroner".
Section 14 (2)	Strike out "shall" and substitute "may". Strike out "him" and substitute "the coroner".
Section 15	Strike out "his capacity as such" and substitute "that capacity".
Section 16 (1)	Strike out "him" wherever occurring and substitute, in each case, "the coroner". After "he" wherever occurring, insert, in each case, "or she".
Section 16 (2)	Strike out "shall not be" and substitute "is not". Strike out "him" wherever occurring and substitute, in each case, "the person".
Section 16 (3)	Strike out "of this section" twice occurring.
Section 16 (4)	Strike out this subsection and substitute the following: (4) The coroner may immediately dispose of proceedings for an offence against subsection (3) that occurs in the coroner's presence and on conviction of the person may issue the coroner's warrant of commitment.

Section 16 (5)	Strike out "of this section". After "his" insert "or her". Strike out "him" and substitute "the coroner". After "he" insert "or she".
Section 17	Strike out "shall not be" and substitute "is not".
Section 18	Strike out "shall be" and substitute "is".
Section 19	Strike out "shall" and substitute "is to".
Section 21 (1)	Strike out "shall be" and substitute "is".
Section 21 (2)	Strike out "of this section".
Section 22	Strike out "shall" and substitute "must". Strike out "he shall not be" and substitute "is not". After "himself" insert "or herself". After "he" insert "or she".
Section 23 (2)	Strike out "of this section".
Section 24 (2)	Strike out "of this section".
Section 25 (1)	Strike out "shall" and substitute "must". After "his" insert "or her".
Section 25 (2)	After "his" twice occurring, insert, in each case, "or her".
Section 26 (1)	Strike out "shall" and substitute "must". Strike out "him" and substitute "the coroner".
Section 26 (3)	Strike out "shall" and substitute "must".
Section 27	Strike out "shall" and substitute "must".
Section 28a (4)	Strike out "and" where it appears between paragraphs (b) and (c).
Section 29	After "he" insert "or she". After "his" insert "or her".
Section 32	Strike out "shall attach" and substitute "attaches". Strike out "him" and substitute "the coroner". Strike out "his" twice occurring.
Section 33	Strike out "shall" and substitute "are to".
Section 34	Strike out "shall" and substitute "are to".
Section 35 (2)	Strike out "of this section".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor