

## Notes

- <sup>1</sup> This is a compilation of the *Coroners Act 1996* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Coroners Act 1996</i>	2 of 1996	24 May 1996	7 Apr 1997 (see s. 2 and <i>Gazette</i> 18 March 1997 p. 1529)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 42</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2)
<i>Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Act 1998 s. 8</i>	40 of 1998	30 Oct 1998	14 Apr 1999 (see s. 2 and <i>Gazette</i> 9 Apr 1999 p. 1433)
<i>Court Security and Custodial Services (Consequential Provisions) Act 1999 Pt. 4</i>	47 of 1999	8 Dec 1999	18 Dec 1999 (see s. 2 and <i>Gazette</i> 17 Dec 1999 p. 6175-6)
<i>Coroners Amendment Act 2000</i>	8 of 2000	12 May 2000	9 Jun 2000
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 36<sup>1a</sup></i>	43 of 2000	2 Nov 2000	s. 36(1): 17 Feb 2001 (see s. 2(2) and <i>Gazette</i> 16 Feb 2001 p. 903); s. 36(2) to be proc.
<b>Reprint of the <i>Coroners Act 1996</i> as at 3 Aug 2001</b> (includes amendments listed above)			
<i>Acts Amendment (Criminal Investigation) Act 2001 s. 3</i>	35 of 2001	7 Jan 2002	14 Jan 2002 (see s. 2)
<i>Coroners Amendment Act 2003<sup>4</sup></i>	15 of 2003	17 Apr 2003	16 Jul 2003 (see s. 2 and <i>Gazette</i> 15 Jul 2003 p. 2831)
<i>Acts Amendment (Equality of Status) Act 2003 Pt. 9</i>	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 s. 25</i>	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)
<i>Criminal Code Amendment Act 2004 s. 58</i>	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
<i>Coroners Amendment Act 2004</i>	22 of 2004	8 Sep 2004	6 Oct 2004

- 1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 36(2) <sup>3</sup>	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))
<i>Children and Community Services Act 2004</i> s. 251 <sup>5</sup>	34 of 2004	20 Oct 2004	To be proclaimed (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004</i> Pt. 8 <sup>6</sup>	59 of 2004	23 Nov 2004	To be proclaimed (see s. 2)

<sup>2</sup> Footnote no longer applicable.

<sup>3</sup> On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 36(2) had not come into operation. It reads:

“

(2) Section 6(5) of the *Coroners Act 1996* is repealed.

”

<sup>4</sup> The *Coroners Amendment Act 2003* s. 14(2) and (3) read as follows:

“

(2) Despite the amendment effected by subsection (1), the *Coroners Act 1920* continues to apply to any inquest part heard under that Act immediately before the commencement of this provision.

(3) In subsection (2) —

**“inquest part heard under that Act”** means an inquest which, immediately before the commencement of this provision —

(a) had commenced but had not concluded; and

(b) was in respect of a death to which the *Coroners Act 1920*, as in force immediately before the commencement of the *Coroners Act 1996*, applied.

”

<sup>5</sup> On the date as at which this compilation was prepared, the *Children and Community Services Act 2004* s. 251, which gives effect to Sch. 2 cl. 6, had not come into operation. It reads as follows:

“

**251. Other Acts amended**

Other Acts are amended as set out in Schedule 2.

”

Schedule 2 cl. 6 reads as follows:

“

## **Schedule 2 — Amendments to other Acts**

[s. 251]

### **6. Coroners Act 1996 amended**

- (1) The amendments in this clause are to the *Coroners Act 1996*.
- (2) Section 3 is amended in the definition of “person held in care” by deleting paragraph (a)(i) and inserting the following subparagraph instead —

“

- (i) the CEO as defined in section 3 of the *Children and Community Services Act 2004*;

”.

”.

6

On the date as at which this compilation was prepared, the *Courts Legislation Amendment and Repeal Act 2004* Pt. 8 had not come into operation. It reads as follows:

“

## **Part 8 — Coroners Act 1996 amended**

### **74. Act amended by this Part**

The amendments in this Part are to the *Coroners Act 1996*.

### **75. Section 12 replaced and transitional provision**

- (1) Section 12 is repealed and the following section is inserted instead —

“

### **12. Coroner’s registrars**

- (1) Coroner’s registrars are to be appointed under Part 3 of the *Public Sector Management Act 1994*.
- (2) A registrar of the Magistrates Court may act as a coroner’s registrar if an investigation is held at a court house where the Magistrates Court sits.

”.

- (2) If immediately before the commencement of this section a person holds office as a Coroner’s clerk, then on the commencement the person is to be taken to have been appointed as a Coroner’s registrar.

### **76. Other amendments**

The Act is amended as set out in the Table to this section.

**Table**

s. 3	Delete the definition of “coroner’s clerk” and insert instead — “ <b>“coroner’s registrar”</b> means a person referred to in section 12; ”.
s. 6(3)	Delete “Chief Stipendiary Magistrate appointed under the <i>Stipendiary Magistrates Act 1957</i> ” and insert instead — “ Chief Magistrate of the Magistrates Court ”.
s. 10 s. 13 s. 15 s. 26(1) s. 45(2)	In each provision delete “clerk” in each place it occurs and in each place insert instead — “ registrar ”.
Part 2 Division 3	In the heading to Division 3 delete “clerks” and insert instead — “ <b>registrars</b> ”.
s. 21(1)	Delete “Subject to section 10 of the <i>Stipendiary Magistrates Act 1957</i> ,” and insert instead — “ With the prior approval of the Chief Magistrate of the Magistrates Court, ”.
s. 46(4)	After “the person” insert — “ and bring him or her before a coroner ”.
s. 46(5)	Repeal the subsection and insert instead — “ (5) If under a warrant issued under subsection (4) a person is brought before a coroner, the coroner may order that the person be kept in custody until it is practicable to take or receive evidence from the person, but in any event for not longer than 7 days. ”.

”.