



Western Australia

Coroners Act 1996

Coroners Regulations 1997

As at 04 Jul 2016

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Coroners Regulations 1997

Contents

1.	Citation	1
2.	Commencement	1
3A.	Terms used	1
3.	Pathologist	2
4.	State Coroner — form of oath of office	2
5.	Restriction on delegation	2
6.	Form of record of investigation into a death	2
7.	Form of certificate of disposal of body	2
8.	Request that post mortem be performed	2
9.	Direction to perform post mortem	2
10.	Form of order for exhumation	3
11.	Request not to exhume	3
12.	Form of notice of restriction of access to area	3
13.	Form of agreement of coroner to restricted access to area	3
14.	Form of authorisation, form of undertaking and requests for release of things	3
15.	Request for an inquest into a death	4
16.	Form of summons and warrant, and service of summons	4
17.	Interested persons for the purposes of section 44(3)	4
18.	Form of order of exclusion from an inquest	5
19.	Access to records	5
20.	Form of oath or affirmation for witness	5
21.	Fees for post mortem services	5
22.	Other fees	6
23A.	Fee exemptions	6
23B.	Who is an eligible individual	6

Contents

23C.	Application to be recognised as eligible individual	7
23D.	Recognition as eligible individual	8
23E.	False or misleading statements	8
23.	Refunds	9
23A.	Waiving fee for copy of document or transcript	9
24.	Resolution of disputes as to fees	10
25.	Recovery of unpaid fees	10

Schedule 1 — Forms

Schedule 2 — Fees for post mortem services

Schedule 3 — Other fees

Notes

Compilation table	29
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Defined terms

Western Australia

Coroners Act 1996

Coroners Regulations 1997

1. Citation

These regulations may be cited as the *Coroners Regulations 1997*¹.

2. Commencement

These regulations come into operation on the day on which the *Coroners Act 1996* comes into operation¹.

3A. Terms used

In these regulations —

approved form means a form approved by the State Coroner;

eligible individual means an individual referred to in regulation 23B(2);

eligible individual fee, in relation to a matter specified in an item in Schedule 3, means the fee, if any, shown in column B for that item;

fee, except in regulation 21, means a fee set out in Schedule 3.

[Regulation 3A inserted in Gazette 4 Sep 2009 p. 3491;
amended in Gazette 14 Jun 2016 p. 1872.]

3. Pathologist

For the purposes of the Act a pathologist is a doctor with a qualification in pathology recognized by the Royal College of Pathologists of Australasia.

4. State Coroner — form of oath of office

The oath or affirmation of office for the State Coroner referred to in section 9 of the Act is to be in the form of Form 1 or 2.

5. Restriction on delegation

The State Coroner is not to delegate the power to conduct an inquest to a coroner's registrar.

[Regulation 5 amended in Gazette 11 Mar 2008 p. 816.]

6. Form of record of investigation into a death

A record of investigation into a death to be kept under section 26(1) of the Act is to be in the form of Form 3.

7. Form of certificate of disposal of body

A certificate permitting burial, cremation or other disposal to be issued under section 29(1) of the Act is to be in the form of Form 4.

8. Request that post mortem be performed

A request to a coroner under section 36(1) of the Act to direct that a post mortem be performed on a body is to be made in writing and is to specify the reason why the post mortem is sought.

9. Direction to perform post mortem

Before giving a direction to a pathologist or doctor to perform a post mortem on a body under section 34(1) of the Act, the coroner is to take into account all of the medical information

then available concerning the last illness of the deceased person, if it appears that the illness may be relevant to the death.

10. Form of order for exhumation

An order by the State Coroner under section 38(1) of the Act that a body be exhumed, is to be in the form of Form 5.

11. Request not to exhume

A request under section 38(3) of the Act to the State Coroner asking that a body not be exhumed is to be made in writing and is to specify reasons why the body should not be exhumed.

12. Form of notice of restriction of access to area

A notice under section 32(4) of the Act is to be in the form of Form 6.

13. Form of agreement of coroner to restricted access to area

Agreement by a coroner under section 32(2) of the Act to a restriction imposed by a coroner's investigator is to be in the form of Form 7.

14. Form of authorisation, form of undertaking and requests for release of things

- (1) An authorisation to a coroner's investigator under section 33(3) of the Act is to be in the form of Form 8.
- (2) A request to a coroner to release any thing under section 33(5) of the Act is to be in writing and is to specify reasons why the release of the thing is sought.
- (3) An undertaking given under section 33(5) of the Act is to be in the form of Form 9.

15. Request for an inquest into a death

A request under section 24 of the Act to a coroner to hold an inquest into a death is to be made in writing and is to specify the reason why the inquest is sought.

16. Form of summons and warrant, and service of summons

- (1) A summons issued under section 46(1) of the Act requiring a person to attend as a witness or to produce any document or other material is to be in the form of Form 10.
- (2) A summons under section 46(1) of the Act is to be —
 - (a) served personally; or
 - (b) left at the person's usual or last known place of abode with a person who is, or appears to be, over the age of 16 years.
- (3) A warrant of apprehension issued under section 46(4) of the Act is to be in the form of Form 11.

17. Interested persons for the purposes of section 44(3)

The following persons are interested persons for the purposes of section 44(3) of the Act —

- (a) a spouse, de facto partner, child, parent or other personal representative of the deceased person;
- (b) any of the deceased person's next of kin under section 37(5) of the Act;
- (c) a beneficiary under a policy of insurance issued on the life of the deceased person;
- (d) an insurer who issued such a policy of insurance;
- (e) a person whose act or omission, or the act or omission of an agent or servant of that person, may in the opinion of the coroner have caused, or contributed to, the death of the deceased person;

- (f) a person appointed by an organization of employees to which the deceased person belonged at the time of death, if the death of the deceased person may have been caused by an injury received in the course of employment or by an industrial disease;
- (g) the Commissioner of Police appointed under the *Police Act 1892*.

[Regulation 17 amended in Gazette 30 Jun 2003 p. 2600.]

18. Form of order of exclusion from an inquest

- (1) An order made under section 45(1) of the Act excluding persons from an inquest is to be in the form of Form 12.
- (2) Where a coroner makes an order under section 45(1) of the Act he or she is to notify the State Coroner that the order has been made.

19. Access to records

- (1) Before the completion of an investigation into a death, a coroner may direct that part or all of the record of the investigation of the death be made available to such persons or class of persons as the coroner directs.
- (2) After the completion of an inquest into a death the coroner's record of the investigation of the death is to be open to public access unless the coroner orders otherwise.

20. Form of oath or affirmation for witness

The oath or affirmation to be administered to witnesses at an inquest is to be in the form of Form 13 or 14.

21. Fees for post mortem services

- (1) The fee to be paid to a doctor who carries out a service referred to in an item of Schedule 2 is as set out opposite the relevant item in that schedule.

- (2) A doctor is not entitled to a fee set out in Schedule 2 if the doctor is in receipt of a salary from the State or is entitled to any other payment in respect of the service set out opposite the fee, unless the State Coroner agrees otherwise.

[Regulation 21 amended in Gazette 4 Sep 2009 p. 3491.]

22. Other fees

- (1) The fees set out in Schedule 3 are payable in respect of the matters specified in that Schedule.
- (2) In relation to a matter specified in an item in Schedule 3 —
- (a) the fee payable by an individual who is not an eligible individual is the fee shown in column A for that item; or
 - (b) the fee payable by an eligible individual is the eligible individual fee for that item.

[Regulation 22 inserted in Gazette 14 Jun 2016 p. 1872.]

23A. Fee exemptions

A person is not required to pay a fee in respect of a matter if —

- (a) a written law provides that the person is not required to pay a fee in respect of a matter of that type; or
- (b) the person has not reached 18 years of age on the day the fee would otherwise be payable.

[Regulation 23A inserted in Gazette 14 Jun 2016 p. 1873.]

23B. Who is an eligible individual

- (1) In this regulation —
- Centrelink** means the Commonwealth agency known as Centrelink.
- (2) An eligible individual is —
- (a) an individual who holds one or more of the following cards issued by Centrelink —
 - (i) a health care card;

- (ii) a health benefit card;
 - (iii) a pensioner concession card;
 - (iv) a Commonwealth seniors health card;
- or
- (b) an individual who holds any other card issued by Centrelink or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions; or
 - (c) an individual who is in receipt of a youth training allowance, or an AUSTUDY allowance, as defined in the *Social Security Act 1991* (Commonwealth) section 23(1); or
 - (d) an individual who is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or
 - (e) an individual who has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or
 - (f) an individual who a coroner or a coroner's registrar has directed is an eligible individual under regulation 23D(1)(b).

[Regulation 23B inserted in Gazette 14 Jun 2016 p. 1873-4.]

23C. Application to be recognised as eligible individual

- (1) A person may apply for a direction under regulation 23D(1) that the person is an eligible individual in respect of a matter specified in Schedule 3.
- (2) An application is to be in the approved form and is to specify the matter in respect of which the individual is seeking to pay the eligible individual fee.

r. 23D

- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).
[Regulation 23C inserted in Gazette 14 Jun 2016 p. 1874.]

23D. Recognition as eligible individual

- (1) A coroner or a coroner's registrar may, on an application under regulation 23C(1) —
- (a) direct that a person is an eligible individual described in regulation 23B(2)(a) to (e) in respect of the matter if satisfied that the person meets one or more of the requirements set out in those paragraphs; or
 - (b) direct that a person is an eligible individual described in regulation 23B(2)(f) if satisfied that the person should be required to pay only an eligible individual fee in respect of the matter for either, or both, of the following reasons —
 - (i) financial hardship;
 - (ii) the interests of justice.
- (2) A coroner or a coroner's registrar may, before an application is determined, direct the applicant to provide to the coroner or the registrar further information relating to the application.
- (3) A direction to provide further information —
- (a) may be made in writing or orally; and
 - (b) may require that the information is provided either in writing or orally.

[Regulation 23D inserted in Gazette 14 Jun 2016 p. 1874-5.]

23E. False or misleading statements

- (1) A person who makes a statement or representation in an application made under these regulations, or provides further information in relation to an application, that the person knows or has reason to believe is false or misleading in a material particular commits an offence.

Penalty for this subregulation: a fine of \$1 000.

- (2) A coroner or a coroner's registrar may revoke a direction made under regulation 23D(1) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).
- (3) If a direction is revoked under subregulation (2), the coroner or coroner's registrar may —
 - (a) order that the person in respect of whom the direction was made pay the difference between the fee the person paid and the fee that would otherwise have been payable by the person; and
 - (b) make an order to enforce the order for the payment.
- (4) An order under subregulation (3)(b) may include orders relating to the future conduct of the matter to which the fees relate or the effect of anything that has been done in respect of the matter until the sum ordered to be paid has been paid.

[Regulation 23E inserted in Gazette 14 Jun 2016 p. 1875-6.]

23. Refunds

- (1) A coroner or a coroner's registrar presiding in a proceeding may order the refund of the difference between the amount of a fee paid by a person in respect of the proceeding and the amount of the fee that the person was entitled to be charged under these regulations in respect of the proceedings.
- (2) A coroner's registrar may direct the refund to a person of the amount of a fee, or part of a fee, paid by the person if the amount was paid in error.

[Regulation 23 inserted in Gazette 14 Jun 2016 p. 1876.]

23A. Waiving fee for copy of document or transcript

The Court or a registrar may waive a fee referred to in Schedule 3 item 1 or 4 if the Court or registrar is satisfied that

the waiving of the fee would assist in the efficient operation of the Court.

[Regulation 23A inserted in Gazette 14 Jun 2016 p. 1876.]

24. Resolution of disputes as to fees

- (1) If a question arises as to the fee payable or applicable in a particular case, the question is to be determined by the State Coroner.
- (2) An application for a determination under subregulation (1) is to be in an approved form.

[Regulation 24 inserted in Gazette 4 Sep 2009 p. 3492.]

25. Recovery of unpaid fees

Any unpaid fee is a debt due to the State and may be recovered by action in a court of competent jurisdiction.

[Regulation 25 inserted in Gazette 4 Sep 2009 p. 3492.]

Schedule 1 — Forms

Form 1

[Reg. 4]

Coroners Act 1996

(Section 9)

OATH FOR STATE CORONER

I (person's name)
do solemnly, sincerely and truly swear that I will well and truly serve the State,
according to law, in the office of State Coroner, and I will do right to all manner
of people after the laws and usages of this State, without fear or favour,
affection or ill will.

So help me God!

[Form 1 amended in Gazette 19 Apr 2005 p. 1295.]

Form 2

Form 2

[Reg. 4]

Coroners Act 1996

(Section 9)

AFFIRMATION FOR STATE CORONER

I (person's name)
do solemnly, sincerely and truly declare and affirm that I will well and truly
serve the State, according to law, in the office of State Coroner, and I will do
right to all manner of people after the laws and usages of this State, without fear
or favour, affection or ill will.

[Form 2 amended in Gazette 19 Apr 2005 p. 1295.]

Form 3

[Reg. 6]

Coroners Act 1996

(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

Ref. No.

I,, Coroner, having investigated:

- 1. The death of
- 2. *Without holding an inquest.
*With an inquest held at
on 20.....
- 3. *Find that —
*The identity of the deceased person was and that death
occurred on / / at
from (*state cause of death*) in the following circumstances:
.....
.....
.....
.....
.....

Comments:

Coroner.

* Delete those not required.

Form 4

Form 4

[Reg. 7]

Coroners Act 1996

(Section 29(1))

**CERTIFICATE PERMITTING BURIAL, CREMATION OR OTHER
DISPOSAL**

I,, Coroner, PERMIT

*Burial.

*Cremation.

*Other disposal, namely

..... of the body of
.....

Dated at the day of 20.....

Coroner.

* Delete those not required.

Form 5

[Reg. 10]

Coroners Act 1996

(Section 38(1))

ORDER FOR EXHUMATION OF BODY

Ref. No.

To:

Postcode:

Information about the deceased person

Name of	
------------	--

Information about the death

When Where	Time	Day	Month	Year
---------------	------	-----	-------	------

Information about the burial of the body

When Where	Day	Month	Year Postcode
---------------	-----	-------	------------------

Information about the making of this order

The body must be exhumed and taken to and held until I order that it may be buried again.

Information about the order

Made by When Signature	Day	Month	State Coroner Year
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Form 6

Form 6

[Reg. 12]

Coroners Act 1996

(Section 32(4))

NOTICE RESTRICTING ACCESS TO AREA

RESTRICTED AREA

NO ENTRY WITHOUT CORONER'S AUTHORITY

PENALTY: \$2 000 FINE

Form 7

[Reg. 13]

Coroners Act 1996

(Section 32(2))

RESTRICTION OF ACCESS

Investigation into the death of

.....

Description of area to which access has been restricted by Coroner's
investigator —

.....

.

.....

.

Reasons for seeking restriction of access —

.....

.

.....

.

.....

.

.....

.

.....

.

Is access being restricted at the present time: Yes No

If Yes, specify the time and date when the restriction first imposed

Period for which restriction is sought

Restriction agreed with

Restriction not agreed with

.....
Signature of Coroner

Form 7

Date: / / .

Form 8

[Reg. 14(1)]

Coroners Act 1996

(Section 33(3))

AUTHORISATION OF CORONER'S INVESTIGATOR

I,, Coroner, reasonably believing it necessary for investigating —

the death of

.....

AUTHORISE, a coroner's investigator —

- * to enter (*specify place*)
- * to inspect (*specify place*) and anything in it.
- * to take a copy of (*specify documents or classes of documents*)
- * to take possession of (*specify things or classes of things*) at or between the hours of and during the period commencing the day of 20..... and concluding on the day of 20..... (*such period not to exceed one month after the date of this authority*).

Dated at the day of 20.....

Coroner.

* Delete those not applicable.

Form 9

Form 9

[Reg. 14(3)]

Coroners Act 1996

(Section 33(5))

UNDERTAKING TO COMPLY WITH CONDITIONS OF RELEASE

I,, Coroner, having taken possession of the certain things, or classes of things, pursuant to section 33 of the *Coroners Act 1996* for the purpose of an investigation into the death of

.....

Authorise the release of: (*description of thing/s*)

To (*name of person to whom thing/s are to be released*)

Of (*address of that person*)

On condition that (*any conditions*)

I, (*name of person to whom thing/s are to be released*)

..... enter this undertaking and acknowledge receipt of a copy thereof setting out my obligations concerning the conditions of release of the thing/s specified in this undertaking and I acknowledge that if I fail to comply with these conditions that I am liable to a penalty.

Signature of person entering undertaking.

I am satisfied that, before releasing the thing/s specified in this undertaking, (*name of person to whom thing/s are to be released*) understood the nature and extent of his/her obligations under the conditions of this undertaking and the consequences of his/her failure to comply with them.

Undertaking entered on / / at
in the State of Western Australia before me

Coroner.

Form 10

[Reg. 16(1)]

Coroners Act 1996

(Section 46(1))

SUMMONS TO GIVE EVIDENCE OR BRING DOCUMENTS

To:

Postcode:

An inquest is to be held into—

The death of Which happened on	Day	Month	Year
-----------------------------------	-----	-------	------

What you must do

	You must go to the inquest and π Give evidence π Bring the following documents and materials
--	---

Information about the inquest

Where you must go To be held at	The Coroner's Court of Western Australia			
When	Time	Day	Month	Year

Information about this summons

Issued at	Date / /
By	State Coroner
Signature	Coroner Coroner's Registrar

If further information is required, telephone:

[Form 10 amended in Gazette 11 Mar 2008 p. 816.]

Form 11

Form 11

[Reg. 16(3)]

Coroners Act 1996

(Section 46(4))

**WARRANT OF APPREHENSION WHERE WITNESS
FAILS TO APPEAR**

In the Coroner's Court of Western Australia

at

.....

INQUEST INTO THE DEATH OF:

To all members of the Police Force of the State of Western Australia.

The witness who has failed to appear is

.....

of

THE WITNESS has neglected to appear at the time and place appointed in and by a Summons to attend as witness or to produce documents or other materials and it is proved to me, the undersigned Coroner, upon oath, that the said Summons was served on the witness.

I AUTHORISE you to enter and search at any time with all force as may be necessary any dwelling-house, building, premises, ship, aircraft or any place where the witness is suspected to be present AND I ORDER that you apprehend the witness and bring the witness before the said Coroner's Court to answer the said Summons and to be further dealt with according to law.

Dated at the day of 20.....

Coroner.

[Form 11 amended in Gazette 12 Feb 2013 p. 922.]

Form 12

[Reg. 18(1)]

Coroners Act 1996

(Section 45(1))

ORDER EXCLUDING PEOPLE FROM AN INQUEST

This inquest is being held into—

The death of Which happened on	Day	Month	Year
-----------------------------------	-----	-------	------

Information about this order

Who does it apply to?	The Coroner has ordered that the following people: must not enter the room where the inquest is being held.
How long does it apply to?	This order applies— π From Time Day Month Year π To Time Day Month Year π For the whole of the inquest.
What if I have been summoned?	You must wait outside the room until you are called in to give evidence or deliver documents or other materials.

Information about the making of this order

Made by	π State Coroner π Coroner
Where When Signature	Time Day Month Year

Form 13

Form 13

[Reg. 20]

Coroners Act 1996

OATH FOR WITNESS

Do you solemnly, sincerely and truly swear that the evidence that you give at this inquest touching the death (or suspected death) of shall be the truth, the whole truth, and nothing but the truth?

So help you God!

Form 14

[Reg. 20]

Coroners Act 1996

AFFIRMATION FOR WITNESS

Do you solemnly, sincerely and truly declare and affirm that the evidence that you give at this inquest touching the death (or suspected death) of shall be the truth, the whole truth and nothing but the truth?

Schedule 2 — Fees for post mortem services

[r. 21]

[Heading inserted in Gazette 4 Sep 2009 p. 3492-3.]

Item	Service	Fee
1.	Post mortem by a pathologist	\$390
2.	Post mortem by a doctor who is not a pathologist	\$265
3.	Attendance by doctor, between the hours of 8.30 am and 6 pm, to state whether life is extinct	\$56
4.	Attendance by doctor, outside the hours referred to in item 3, to state whether life is extinct	\$72

Schedule 3 — Other fees

[r. 22]

[Heading inserted in Gazette 14 Jun 2016 p. 1877.]

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible individual \$
1.	Copy of document or exhibit, for each page or part of a page	1.65	0.50
2.	Copy of record of investigation into a death —		
	(a) for one copy on the request of a person who is an interested person under regulation 17(a) or (b)	Nil	Nil
	(b) for each additional copy on the request of a person who is an interested person under regulation 17(a) or (b), for each page or part of a page	1.40	0.45
	(c) for each copy on the request of any other person, for each page or part of a page	1.40	0.45
3.	Certifying under seal that a document is a true copy	19.60	5.90
4.	Copy of transcript or notes of evidence, for each page or part of a page —		

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible individual \$
	(a) provided within one day after the day on which the fee is paid; or	18.75 plus 7.70 per page	5.60 plus 2.30 per page
	(b) provided within 4 days after the day on which the fee is paid; or	18.75 plus 6.70 per page	5.60 plus 2.00 per page
	(c) provided within 7 days after the day on which the fee is paid	18.75 plus 6.45 per page	5.60 plus 1.95 per page
5.	Copy of transcript or notes of evidence in electronic format if a fee has been paid under item 4 by the applicant for a copy of the transcript or notes of evidence, for each day of transcript or notes of evidence	19.60	5.90
6.	Copy of transcript or notes of evidence not in electronic format if a fee has been paid under item 4 by the applicant for a copy of the transcript or notes of evidence, for each page or part of a page	1.90	0.55

[Schedule 3 inserted in Gazette 14 Jun 2016 p. 1877-8.]

Notes

- ¹ This is a compilation of the *Coroners Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Coroners Regulations 1997</i>	18 Mar 1997 p. 1551-74	7 Apr 1997 (see r. 2 and <i>Gazette</i> 18 Mar 1997 p. 1529)
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 10</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
Reprint 1: The Coroners Regulations 1997 as at 16 Jan 2004 (includes amendments listed above)		
<i>Courts and Legal Practice (Consequential Amendments) Regulations 2005 r. 3</i>	19 Apr 2005 p. 1294-302	19 Apr 2005
<i>Coroners Amendment Regulations 2008</i>	11 Mar 2008 p. 816	r. 1 and 2: 11 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Mar 2008 (see r. 2(b))
<i>Coroners Amendment Regulations 2009</i>	4 Sep 2009 p. 3491-3	r. 1 and 2: 4 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2009 (see r. 2(b))
Reprint 2: The Coroners Regulations 1997 as at 6 Nov 2009 (includes amendments listed above)		
<i>Coroners Amendment Regulations 2011</i>	8 Mar 2011 p. 799-800	r. 1 and 2: 8 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Mar 2011 (see r. 2(b))
<i>Coroners Amendment Regulations (No. 2) 2011</i>	20 Dec 2011 p. 5392-3	r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2011 (see r. 2(b))
<i>Coroners Amendment Regulations 2012</i>	30 Nov 2012 p. 5801	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2012 (see r. 2(b))

Coroners Regulations 1997

Citation	Gazettal	Commencement
<i>Coroners Amendment Regulations (No. 2) 2012</i>	12 Feb 2013 p. 921-2	r. 1 and 2: 12 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Feb 2013 (see r. 2(b))
<i>Coroners Amendment Regulations 2013</i>	15 Nov 2013 p. 5252-3	r. 1 and 2: 15 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2013 (see r. 2(b)(ii))
Reprint 3: The Coroners Regulations 1997 as at 23 May 2014 (includes amendments listed above)		
<i>Coroners Amendment Regulations (No. 2) 2014</i>	27 Jun 2014 p. 2337	r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)(i))
<i>Coroners Amendment Regulations 2015</i>	19 Jun 2015 p. 2118-19	r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i))
<i>Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 4</i>	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
approved form.....	3A
fee	3A