

NORTHERN TERRITORY OF AUSTRALIA

CORONERS AMENDMENT ACT 1998

No. 22 of 1998

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NORTHERN TERRITORY OF AUSTRALIA

No. 22 of 1998

AN ACT

to amend the *Coroners Act*

[Assented to 30 March 1998]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Coroners Amendment Act 1998*.

2. COMMENCEMENT

(1) Section 8 of this Act is deemed to have come into operation on 3 April 1994.

(2) The remaining provisions of this Act come into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Coroners Act* is in this Act referred to as the Principal Act.

Coroners Amendment

4. DEFINITIONS

Section 3 of the Principal Act is amended —

- (a) by omitting from paragraph (e) of the definition of "senior next of kin" the words "appropriate person;" and substituting "appropriate person; or"; and
- (b) by inserting after paragraph (e) of the definition of "senior next of kin" the following:

"(f) where paragraphs (a) to (e) inclusive do not apply or a person who would be the senior next of kin under those paragraphs is not available — a person who immediately before the death of the deceased person had a relationship with the deceased person that, in the opinion of the coroner, is sufficient for the purpose of being the senior next of kin;".

5. CORONERS

Section 4 of the Principal Act is amended by omitting from subsection (2) "Chief Magistrate" and substituting "Administrator".

6. NEW SECTION

The Principal Act is amended by inserting after section 4 the following:

"4A. FUNCTIONS OF TERRITORY CORONER

"(1) The functions of the Territory Coroner are to —

- (a) ensure that the coronial system in the Territory is administered and operates efficiently;
- (b) oversee and co-ordinate coronial services in the Territory;
- (c) ensure that all reportable deaths reported to a coroner are investigated; and
- (d) ensure that an inquest into a death is held where there is a duty to do so under this Act or where it is desirable that an inquest be held.

Coroners Amendment

"(2) The Territory Coroner has the power to do all things necessary and convenient to be done for or incidental to the performance of his or her functions."

7. DEPUTY CORONERS

Section 5 of the Principal Act is amended —

- (a) by omitting from subsection (1) "Chief Magistrate" and substituting "Administrator"; and
- (b) by omitting from subsection (4) "Chief Magistrate" and substituting "Attorney-General".

8. CORONER'S JURISDICTION TO HOLD INQUEST INTO DEATH

Section 15 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Where a coroner has jurisdiction to investigate a death and either the body of the deceased person is in the Territory or it appears to the coroner that the death or the cause of the death occurred in the Territory, the coroner must hold an inquest if —

- (a) the deceased was, immediately before death, a person held in care and custody;
- (b) the death was caused or contributed to by injuries sustained while the deceased was held in custody; or
- (c) the identity of the deceased is not known.

"(1A) Where a coroner has jurisdiction to investigate a death, the coroner may, if he or she thinks fit, hold an inquest if —

- (a) the body of the deceased person is in the Territory or it appears to the coroner that the death, or the cause of death, occurred in the Territory; and
 - (b) the coroner suspects unlawful killing."
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