

Serial 29
Coroners Amendment Bill 2001
Dr Toyne

**A BILL
for
AN ACT**

to amend the *Coroners Act*

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NORTHERN TERRITORY OF AUSTRALIA

CORONERS AMENDMENT ACT 2001

No. of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

AN ACT

to amend the *Coroners Act*

[Assented to 2001]
[Second reading 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Coroners Amendment Act 2001*.

2. Commencement

This Act comes 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.

4. Definitions

Section 3 of the Principal Act is amended by inserting before the definition of "coroner" the following:

"'Attorney-General' means the Minister responsible for the Agency administering this Act;

'Chief Executive Officer' has the same meaning as in the *Public Sector Employment and Management Act*;"

5. Coroner to send report etc. to Attorney-General

Section 27 of the Principal Act is amended by omitting subsections (2) and (3).

6. Repeal and substitution

Section 38 of the Principal Act is repealed and the following substituted:

"38. Statements made by witnesses

"(1) If—

(a) a person summoned to attend at an inquest as a witness declines to answer a question on the ground that his or her answer will criminate or tend to criminate him or her; and

(b) it appears to the coroner expedient for the purposes of justice that the person be compelled to answer the question,

the coroner may tell the person that, if the person answers the question and other questions that may be put to him or her, the coroner will grant the person a certificate under this section.

"(2) A person who has been offered a certificate under subsection (1) is no longer entitled to refuse to answer questions on the ground that his or her answers will criminate or tend to criminate him or her and, when the person has given evidence, the coroner must give the person a certificate to the effect that the person was summoned to attend at an inquest as a witness, the person's evidence was required for the purposes of justice and the person gave evidence.

"(3) Where a person is given a certificate under this section in respect of evidence given at an inquest, a statement by the person as part of that evidence in answer to a question is not admissible in evidence in criminal or civil proceedings, or in proceedings before a tribunal or person exercising powers and functions in a judicial manner, against the person other than on a prosecution for perjury committed in the proceedings."

7. Coroner's powers at inquest

Section 41 of the Principal Act is amended by inserting in subsection (1)(c) ", subject to section 38," before "to answer questions".

8. New section

The Principal Act is amended by inserting after section 44 the following:

"44A. Coroner may re-open inquest

"(1) If –

- (a) a coroner has under section 16 decided not to hold an inquest into a death; and
- (b) a coroner (who may be the coroner who made the decision not to hold the inquest or another coroner who has jurisdiction to hold an inquest) is satisfied, despite the decision under section 16, that there are new facts there is new evidence that make it necessary or desirable to hold an inquest into the death,

the coroner referred to in paragraph (b) may hold an inquest into the death.

"(2) A coroner who has jurisdiction to hold an inquest may, on the coroner's own initiative, re-open an inquest if the coroner is satisfied that new facts or evidence make it necessary or desirable to re-open the inquest."

9. New sections

The Principal Act is amended by inserting before section 47 in Part 7 the following:

"46A. Reports etc. under section 27 or 35 to be forwarded to Agencies etc.

"(1) If the Attorney-General receives a report or recommendation from a coroner under section 27 or 35 that contains comment relating to an Agency or the Police Force of the Northern Territory, the Attorney-General must, without delay, give a copy of the report or recommendation to the Chief Executive Officer of the Agency or the Commissioner of Police, as the case requires.

"(2) If the Attorney-General receives a report or recommendation from a coroner under section 27 or 35 that contains comment relating to a Commonwealth department or agency, the Attorney-General, must without delay, give a copy of the report or recommendation to the Commonwealth Minister responsible for the administration of the department or agency.

"46B. Response to reports

"(1) If a Chief Executive Officer or the Commissioner of Police receives a copy of a report or recommendation under section 46A(1), the Chief Executive Officer or Commissioner must, within 3 months after receiving the report or recommendation, give to the Attorney-General a written response to the findings in the report or to the recommendation.

"(2) The response of the Chief Executive Officer or the Commissioner of Police is to include a statement of the action that the Agency or the Police

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Force is taking, has taken or will take with respect to the coroner's report or recommendation.

"(3) On receiving the response of the Chief Executive Officer or the Commissioner of Police, the Attorney-General –

- (a) must, without delay, report on the coroner's report or recommendation and the response to the coroner's report or recommendation;
- (b) may give a copy of his or her report to the coroner; and
- (c) must lay a copy of his or her report before the Legislative Assembly within 3 sitting days after completing the report.

"(4) The coroner may give a copy of the Attorney-General's report to –

- (a) the senior next of kin of a deceased person mentioned in the report (or a representative of the senior next of kin);
- (b) a witness who appeared at the inquest the subject of the report (if any); and
- (c) any other person who the coroner considers has sufficient interest in the inquest or investigation the subject of the report."

ALTERATION TO SECTION HEADING

On the day on which the *Coroners Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the heading to section 44 of the *Coroners Act* is altered by omitting the whole heading and substituting "Orders by Supreme Court to hold new inquest or re-open inquest".