

AUSTRALIAN CAPITAL TERRITORY

CORONERS (AMENDMENT) ORDINANCE 1990

EXPLANATORY STATEMENT

No. 7, 1990

The purpose of the Ordinance is to make several amendments to the Coroners Ordinance 1956 (the Principal Ordinance) including an expansion of the jurisdiction of the Coroner to hold an inquest where a person dies as a result of an operation or diagnostic procedure and to enable the Coroner to inquire into suspected deaths. Provision is made for the retention of records of deceased patients where the Coroner has jurisdiction and the delivery of those records to the medical practitioner conducting a coronial post-mortem. New sections provide for the attendance as an observer at the coronial post-mortem of a medical practitioner, who treated the deceased, and the appointment by the Coroner of persons to assist in a post-mortem examination, re-interment or exhumation. The Coroner is also empowered to issue practice directions.

Details of the sections in the Ordinance are set out in the attachment.

The Ordinance will come into effect on a day fixed by notice in the Gazette.

7/90

Authorised by the Minister for
Justice and Consumer Affairs

Details of Coroners (Amendment) Ordinance 1990

Section 1 provides for the citation of the Ordinance.

Section 2 provides that the Ordinance commences on a day fixed by notice in the Gazette. This is required to provide time for the ACT Legislative Assembly to make complementary amendments to the Registration of Births, Deaths and Marriages Act 1963 relating to the reporting of deaths to the Coroner by medical practitioners.

Section 3 defines "Principal Ordinance" to mean the Coroners Ordinance 1956.

Section 4 amends section 4 ('interpretation') by inserting a definition of 'chief executive' in relation to a hospital or other institution.

Section 5 deletes paragraph 11(1)(e) which provides that the Coroner is to hold an inquest into the death of a person who dies while under, or as a result of the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or operation of a like nature. It is replaced by an expanded provision which covers deaths during or within 72 hours after, or as a result of, an operation of a medical, surgical, dental or like nature or an invasive medical or diagnostic procedure. Paragraph 11(1)(i) is updated by including a reference to a person who dies in a remand centre and by substituting references to emergency procedures and treatment orders under the ACT Mental Health Act 1983 for the reference to hospital for the insane.

The section also inserts a new subsection (1A) which enables the regulations to provide that a specified operation or procedure is or is not an operation or procedure for the purposes of the new paragraph 11(1)(e). This is to overcome possible problems in determining, in some cases, whether the death falls within the terms of the new paragraph.

Section 6 inserts a new section 12A in the Principal Ordinance. It gives the Coroner jurisdiction to hold an inquest into the manner and cause of a suspected death in or related to the ACT where it is suspected that the person has been killed or drowned or has died in suspicious or unusual circumstances.

Section 7 adds two subsections to section 14 of the Principal Ordinance. The first empowers the Coroner to direct the chief executive of a hospital to deliver the medical records of a person subject to an inquest to the medical practitioner conducting the coronial post-mortem. The other subsection requires the return of such records as soon as practicable after completion of the post-mortem examination.

Section 8 inserts a new section 14A in the Principal Ordinance to permit a medical practitioner to attend a coronial post mortem as an observer where that practitioner attended the person professionally at or immediately before the person's death or during the person's last illness.

Section 9 inserts a new section 21A in the Principal Ordinance. It gives the Coroner the power to appoint a person to assist at a post-mortem examination, a re-interment or exhumation.

Section 10 inserts a new subsection 28(2) into the Principal Ordinance, to give the Coroner the power to give practice directions where the procedure for an inquest or inquiry is not otherwise prescribed.

Section 11 inserts a new section 37A in the Principal Ordinance to require the retention by hospitals and other institutions of records of deceased patients for three years, where the Coroner has jurisdiction to hold an inquest.