

AUSTRALIAN CAPITAL TERRITORY

CORONERS (AMENDMENT) ORDINANCE 1987

EXPLANATORY STATEMENT

No. 55 of 1987

The purpose of this Ordinance is to amend the Coroners Ordinance 1956 ('the Principal Ordinance') consequent upon the amendments to the Magistrates Court Ordinance 1930 made by the Magistrates Court (Amendment) Ordinance 1987.

This latter amending Ordinance contains amendments made necessary by the New South Wales Court of Appeal's decision in Wentworth v Rogers [1984] 2 NSWLR 422. One such amendment was to substitute for the term 'prima facie case', as used in the Magistrates Court Ordinance in the context of committal proceedings, a definition of that term.

Section 33 of the Principal Ordinance provided, inter alia, that if the Coroner is of opinion that the evidence given at an inquest or inquiry has established a prima facie case against any person for an indictable offence, the Coroner is to proceed in the same manner as the Magistrates Court proceeds under the Magistrates Court Ordinance when it is satisfied that a prima facie case has been established against an accused person for an indictable offence.

Section 2 of the Ordinance, in order to accord with the amendments made to the Magistrates Court Ordinance, removes from section 33 of the Principal Ordinance the references to evidence having established a prima facie case, wherever occurring, and substitutes a reference to the evidence being 'capable of satisfying a jury beyond reasonable doubt' that a person has committed an indictable offence. As with the amendment to the Magistrates Court Ordinance, 'jury' is defined for the purposes of section 33 of the Principal Ordinance to mean a reasonable jury properly instructed.

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Authorised by the Minister for Justice