

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Coroners (Consequential Provisions)
Bill 1997**

**A BILL
FOR**

**An Act to repeal the *Coroners Act 1956*, and to
amend certain laws, consequent on the enactment of
the *Coroners Act 1997***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 **1.** This Act may be cited as the *Coroners (Consequential Provisions) Act 1997*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Repeal

3. The following Acts are repealed

Coroners Act 1956

Coroners Act 1965

Coroners Act 1967

Coroners Act 1973

Coroners Act 1974

Coroners (Amendment) Act 1980

Coroners (Amendment) Act 1986

Coroners (Amendment) Act 1987

Coroners (Amendment) Act 1990

Coroners (Amendment) Act 1994

Coroners (Amendment) Act (No. 2) 1994.

Formal amendments of other laws

5 (1) The Acts specified in Schedule 1 are amended as set out in Schedule 1

(2) The *Transplantation and Anatomy Act 1978* is amended as set out in Schedule 2.

(3) The Regulations specified in Schedule 3 are amended as set out in Schedule 3

10 (4) The amendments effected by subsection (2) apply in relation to a death that occurs after the commencement of this Act

Saving

15 5. Notwithstanding the repeal of the *Coroners Act 1956* by this Act, the Coroners Regulations made under that repealed Act and in force immediately before its repeal continue in force, as amended by Schedule 3 to this Act, as if they were regulations made by the Executive under the *Coroners Act 1997*.

SCHEDULE 1

Subsection 4 (1)

AMENDMENTS OF ACTS

Cemeteries Act 1933

Paragraph 16 (a)—

Omit “1956”, substitute “1997”.

Cremation Act 1966

5 **Subsection 7 (2)—**

Omit “under subsection (2) of section thirty-three of the *Registration of Births, Deaths and Marriages Act 1963* certifying that there is no reason why a body should not be cremated” , substitute “issued by a Coroner authorising the cremation of the body of the deceased”.

10 **Paragraph 11 (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) a certificate issued by a Coroner authorising the cremation of the body of the deceased.”.

Evidence Act 1971

15 **Paragraph 75 (1) (e)—**

Omit “1956”, substitute “1997”.

Section 76A—

Omit “1956”, substitute “1997”.

Section 82—

20 Omit “1956”, substitute “1997”.

Registration of Births, Deaths and Marriages Act 1963

Sections 29, 30 and 31—

Repeal the sections.

Section 32—

25 Omit “or that the Coroner has dispensed with the holding or further holding of”, substitute “, that the Coroner has adjourned the inquest”.

Section 33—

Repeal the section.

SCHEDULE 1—continued

Subsection 34 (5)—

(a) Omit “the Coroner”, substitute “a Coroner”.

5 (b) Omit “subsection 11 (1), other than paragraph (1) (j), of the *Coroners Act 1956*”, substitute “subsection 13 (1), other than paragraph 13 (1) (j) of the *Coroners Act 1997*”.

Paragraph 39 (1) (a)—

Add at the end “or”.

Paragraph 39 (1) (b)—

Omit the paragraph.

10 **Forms 6 and 7—**

Omit the Forms.

Supreme Court Act 1933

Subparagraph 37B (2) (c) (ii)—

Omit “1956”, substitute “1997”.

SCHEDULE 2

Subsection 4 (2)

15 **AMENDMENTS OF TRANSPLANTATION
AND ANATOMY ACT 1978**

Paragraph 29 (1) (a)—

20 Omit “11 (1) (other than paragraph 11 (1) (f)) of the *Coroners Act 1956*”, substitute “13 (1) (other than paragraph 13 (1) (f)) of the *Coroners Act 1997*”

Paragraph 29 (1) (c)—

(a) Omit “the Coroner”, substitute “a Coroner”.

(b) Omit “of the Commonwealth”

Subsection 29 (4)—

25 Omit the subsection, substitute the following subsection:

“(4) The Coroner may give a direction that his or her consent to the removal of tissue from the body of the person is not required and, in that event, subsections (2) and (3) do not apply to or in relation to the removal of tissue from the body of the person.”.

SCHEDULE 2—continued

Paragraph 34 (1) (a)—

Omit “11 (1) (other than paragraph 11 (1) (f)) of the *Coroners Act 1956*”, substitute “13 (1) (other than paragraph 13 (1) (f)) of the *Coroners Act 1997*”.

5 Paragraph 34 (1) (c)—

(a) Omit “the Coroner”, substitute “a Coroner”.

(b) Omit “of the Commonwealth”.

Subsection 34 (4)—

Omit the subsection, substitute the following subsection:

- 10** “(4) The Coroner may give a direction that his or her consent to the removal of tissue from the body of the person is not required and, in that event, subsections (2) and (3) do not apply to or in relation to the removal of tissue from the body of the person.”.

Subsections 35 (2) and (3)—

- 15** Repeal the subsections.

Paragraph 40 (1) (a)—

Omit “11 (1) (other than paragraph 11 (1) (f)) of the *Coroners Act 1956*”, substitute “13 (1) (other than paragraph 13 (1) (f)) of the *Coroners Act 1997*”.

20 Paragraph 40 (1) (c)—

(a) Omit “the Coroner”, substitute “a Coroner”.

(b) Omit “of the Commonwealth”.

Subsection 40 (4)—

Omit the subsection, substitute the following subsection:

- 25** “(4) The Coroner may give a direction that his or her consent to the removal of tissue from the body of the person is not required and, in that event, subsections (2) and (3) do not apply to or in relation to the removal of tissue from the body of the person.”.

Paragraph 48 (5) (a)—

- 30** Omit “1956”, substitute “1997”.

SCHEDULE 3

Subsection 4 (3)

**AMENDMENTS OF REGULATIONS
Canberra Public Cemeteries Regulations**

Paragraph 19 (a)—

Omit “and” (last occurring).

5 Section 19—

Insert the following paragraph after paragraph (a):

“(ab) a certificate issued by a Coroner authorising the burial of the body of the deceased; and”.

Coroners Regulations

10 Regulation 3—

Omit “1956”, substitute “1997”.

Regulation 5—

Omit “11”, substitute “13”.

NOTE

Section headings

On the day on which the *Transplantation and Anatomy Act 1978* is amended by this Act the headings to sections of that Act are altered as set out in the following table

Section	Alteration
29	Omit from the heading “ the ” and substitute “ a ”.
34	Omit from the heading “ the ” and substitute “ a ”.
40	Omit from the heading “ the ” and substitute “ a ”.
