

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

CORONERS ACT 1956

CORONERS REGULATIONS

EXPLANATORY STATEMENT

Circulated by authority of

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EXPLANATORY STATEMENT

CORONERS REGULATIONS

OUTLINE

Section 46 of the *Coroners Act 1956* (the Coroners Act) provides that the Executive may make rules or regulations, not inconsistent with the Coroners Act, prescribing all matters which are required or permitted to be prescribed for giving effect to the Coroners Act.

The Coroners Regulations 1994 (the Regulations) provide, pursuant to subsection 11(1A) of the Coroners Act, for the operations and procedures which are not to be operations or procedures for the purpose of paragraph 11(1)(e) of the Coroners Act.

Paragraph 11(1)(e) of the Coroners Act requires the Coroner to hold an inquest where a person has died 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. This provision catches common procedures which have minimal life-threatening potential with the result that deaths must be reported to the Coroner the circumstances of which are outside the intended scope of the jurisdiction. The *Coroners (Amendment) Act 1990*, which inserted paragraph 11(1)(e) into the Coroners Act, also inserted subsection 11(1A); the intention was that Regulations would be made to remove standard minor operations and procedures from the scope of section 11.

SUBSTANTIVE DETAILS

Regulation 4 provides that the Regulations are to apply in relation to a death that occurs on or after 1 August 1994.

Regulation 5 provides for the operations and procedures that are not to be operations and procedures for the purpose of paragraph 11 (1)(e) of the Act.

Subregulation 5(1) provides that an operation or procedure specified for the purposes of the regulation is not to be an operation or procedure for the purpose of paragraph 11 (1)(e) of the Act where the medical practitioner responsible for carrying out the operation or procedure gives a certificate stating that the death has not occurred as a result of the operation or procedure.

Subregulation 5(2) specifies the operations and procedures for the purpose of Regulation 5.

The effect of the Regulations is that, where a death occurs during, or within 72 hours after, or as a result of the operations and procedures specified in subregulation 5(2), and the medical practitioner responsible for the operation or procedure gives the certificate referred to in subregulation 5(1), the Coroner will not be required to hold an inquest into the death.

FINANCIAL IMPLICATIONS

The Regulations are not expected to have a significant financial impact, although the intention of the Regulations is to reduce the number of matters which must be reported to the Coroner.