

CORONERS BILL 2002

AMENDMENTS AGREED TO IN COMMITTEE

1 Clause 2—

At page 8, line 6—

omit, insert—

‘(1) The amendment of the *District Court of Queensland Act 1967* in schedule 1 commences on 1 May 2003.

(2) The remaining provisions commence on a day to be fixed by proclamation.’.

2 Clause 7—

At page 10, line 1, ‘a reportable death is reported’—

omit, insert—

‘a death is reported under this section’.

3 Clause 28—

At page 29, lines 1 and 2—

omit.

4 After clause 37—

At page 33, after line 18—

insert—

‘37A Recording evidence

‘(1) The Coroners Court may decide whether or not proceedings in the court during a conference held under section 34¹ are to be recorded under the *Recording of Evidence Act 1962*.

1 Section 34 (Pre-inquest conferences)

‘(2) Despite any order made under section 40,² any other proceedings in the court must be recorded under the *Recording of Evidence Act 1962*.

‘(3) Subject to an order made under section 40 and the requirements of the *Recording of Evidence Act 1962*, anyone is entitled to obtain a copy of the record under that Act.’.

5 Clause 40—

At page 35, line 15—

omit, insert—

‘(6) The Coroners Court may make an order prohibiting—

- (a) the issue of the whole or part of a copy of the record made under the *Recording of Evidence Act 1962*; or
- (b) the publication of the whole or part of a copy of the record made under that Act.

‘(7) A person must comply with the order, unless the person has a reasonable excuse.

Maximum penalty—150 penalty units.

‘(8) In this section—’.

6 Clause 40—

At page 35, lines 17 to 19—

omit, insert—

‘“**record**” includes make an audio recording.’.

7 Clause 50—

At page 41, line 19—

omit, insert—

‘(2) The record of the coroner’s findings and comments is not evidence in any court or tribunal of any fact asserted in the record.’.

2 Section 40 (Prohibited publications relating to inquests)

8 Clause 76—

At page 54, after line 30—

insert—

‘(c) a summary of the types of directions that the State Coroner has given to coroners under section 14.³’.

9 Clause 99—

At page 64, line 23—

omit, insert—

‘(3) For a pre-commencement death or pre-commencement fire, the State Coroner has the functions and powers of a coroner under the *Coroners Act 1958*.

‘(4) In this section—

“**investigation document**” includes a document obtained under the *Coroners Act 1958* that is similar in nature to an investigation document as defined under this Act.’.

10 Part 8—

At page 66, lines 12 and 13—

omit, insert—

**‘PART 8—MINOR AND CONSEQUENTIAL
AMENDMENTS**

‘105 Minor and consequential amendments’.

11 Schedule 1—

At page 67, lines 1 and 2—

omit, insert—

‘SCHEDULE 1

‘MINOR AND CONSEQUENTIAL AMENDMENTS’.

12 Schedule 1—

At page 67, after line 7—

insert—

‘DISTRICT COURT OF QUEENSLAND ACT 1967

‘1 Section 61(2)(b), after ‘208’—

insert—

‘, 210(3) or (4)’.’.

13 Schedule 1—

At page 71, lines 20 to 22—

omit, insert—

- (b) brief particulars that identify the death that the coroner is investigating; and
- (c) the evidence that may be seized under the warrant; and
- (d) if the warrant is to be executed at night, the hours when the place may be entered; and
- (e) the day and time the search warrant ends, being no more than 7 days after the search warrant is issued.’.

14 Schedule 1—

At page 72, lines 11 to 13—

omit, insert—

‘(6) A police officer must not exercise a power under subsection (4)(c) to (f) unless the police officer reasonably suspects that the exercise of the power is necessary for the coroner’s investigation.’.

15 Schedule 1—

At page 73, line 8, ‘If the person fails to comply with the requirement’—

omit, insert—

‘When making the requirement’.

16 Schedule 1—

At page 74, after line 14—

insert—

‘5A Schedule 4—

insert—

‘“**coroner**” means a coroner under the *Coroners Act 2002*.’.

17 Schedule 2—

At page 81, line 19, after ‘a record’—

insert—

‘, or a copy of a record,’.

18 Schedule 2—

At page 82, line 15—

omit, insert—

- ‘(e) if a spouse, adult child, parent or adult sibling is not reasonably available—the next nearest adult relative of the deceased person;
or
- (f) if the deceased person was an Aboriginal person or Torres Strait’.

19 Schedule 2—

At page 83, after line 20—

insert—

‘ **“not reasonably available”**, in relation to a family member of a deceased person, means—

- (a) a family member of that particular type does not exist; or
- (b) the family member can not be reasonably contacted; or
- (c) the family member is unable or unwilling to act as a family member for this Act.’.

20 Schedule 2—

At page 83, after line 26—

insert—

‘ **“record”** made under the *Recording of Evidence Act 1962* includes a transcription of the record made under that Act.’.