

Legislative Council—No 44A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 28 September 2011

South Australia

**Coroners (Recommendations) Amendment
Bill 2010**

A BILL FOR

An Act to amend the *Coroners Act 2003*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Coroners (Recommendations) Amendment Act 2010*.

2—Amendment provisions

- 5 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Coroners Act 2003*

3—Amendment of section 25—Findings on inquests

- (1) Section 25(2)—delete subsection (2) and substitute:

- 10 (2) The Court may add to its findings any recommendation that, in the opinion of the Court—
 - (a) might prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the inquest; or
 - 15 (b) relates to a matter arising from the inquest, including matters concerning—
 - (i) the quality of care, treatment and supervision of the dead person prior to death; and
 - (ii) public health or safety; and
 - 20 (iii) the administration of justice,
- and is, in the circumstances, an appropriate matter on which to make a recommendation.

- (2) Section 25(4)(a)—after "Attorney-General" insert:

and any relevant Minister other than the Attorney-General

- (3) Section 25(4)(b)(i)—delete subparagraph (i)
- (4) Section 25(5)—delete subsection (5) and substitute:
- 5 (5) Each relevant Minister must, within 8 sitting days of the expiration of 3 months after receipt of a copy of a recommendation resulting from an inquest—
- (a) cause a report to be laid before each House of Parliament—
- 10 (i) giving details of any action taken or proposed to be taken in consequence of the recommendation; or
- (ii) if no action has been taken or is proposed to be taken—giving reasons for not taking action or proposing to take action; and
- (b) forward a copy of the report to the State Coroner.
- (5) Section 25—after subsection (5) insert:
- 15 (6) The State Coroner may, at any time after the provision of a report under subsection (5), request a supplementary report to be prepared by the Minister that addresses any matter that the State Coroner considers necessary arising out of the report.
- (7) If the State Coroner makes a request under subsection (6), the Minister to whom the request was made must, within 8 sitting days
- 20 of the expiration of 3 months after receiving the request—
- (a) cause a supplementary report to be laid before each House of Parliament addressing the matters requested to be addressed by the State Coroner; and
- (b) forward a copy of the supplementary report to the State
- 25 Coroner.
- (8) In this section—
- relevant Minister**, in relation to findings and recommendations of the Court, means—
- 30 (a) if a recommendation is directed to a Minister, or to an agency or other instrumentality of the Crown, as a result of the inquest—the Minister to whom, or the Minister responsible for the agency or other instrumentality of the Crown to which, the recommendation is directed; or
- (b) in any other case—the Attorney-General.

35 Schedule 1—Transitional provisions

The amendments to section 25 of the *Coroners Act 2003* affected by section 3 apply in relation to any inquest completed after the commencement of section 3 (whether the event the subject of the inquest occurred before or after that commencement).