

House of Assembly

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South Australia

Coroners (Undetermined Natural Causes) Amendment Bill 2020

A BILL FOR

An Act to amend the *Coroners Act 2003*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Coroners Act 2003*

- 3 Amendment of section 29—Finding to be made as to cause of notified reportable death

Schedule 1—Transitional provision

- 1 Operation of amendment
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Coroners (Undetermined Natural Causes) Amendment Act 2020*.

2—Amendment provisions

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 29—Finding to be made as to cause of notified reportable death

- (1) Section 29—delete "If" and substitute:
Subject to subsection (2), if

(2) Section 29—after its present contents (now to be designated as subsection (1)) insert:

(2) However, if—

- (a) an inquest is not required to be held in relation to the reportable death; and
- (b) the State Coroner, after obtaining relevant medical information or advice, has reasonable grounds to believe that the death was due to natural causes; and
- (c) a senior next of kin for the deceased person indicates their consent (in writing and in accordance with any requirements of the State Coroner or prescribed by the regulations) to no further investigation, inquiry or inquest being conducted for the purpose of determining the precise cause of death,

the State Coroner may make a finding that the death was due to undetermined natural causes.

(3) In this section—

adult means a person of or over the age of 18;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

parent of a child includes a guardian of the child;

senior next of kin for a deceased person means—

- (a) the spouse or domestic partner of the person (and if the person had more than 1 spouse or domestic partner, the person's most recent spouse or domestic partner);
- (b) if the person did not have a spouse or domestic partner or if they are not available—any adult child of the person;
- (c) if the person did not have a spouse, domestic partner or adult child or if they are not available—a parent of the person;
- (d) if the person did not have a spouse, domestic partner, adult child or living parent or if they are not available—any adult brother or sister of the person;
- (e) if the person did not have a spouse, domestic partner, adult child, living parent or adult brother or sister or if they are not available—
 - (i) any person who is named as an executor in the person's will; or
 - (ii) any person who was the person's legal personal representative immediately before the person's death;

spouse—a person is the spouse of another if they are legally married.

Schedule 1—Transitional provision

1—Operation of amendment

Section 29 of the *Coroners Act 2003* as in force after the commencement of section 3 applies in relation to a reportable death regardless of whether the State Coroner was notified of the death before or after that commencement.