



ANNO TRICESIMO SEXTO

# ELIZABETHAE II REGINAE

A.D. 1987

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No. 35 of 1987

An Act to amend the Coroners Act, 1975.

[Assented to 23 April 1987]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Coroners Act Amendment Act, 1987". Short title.

(2) The Coroners Act, 1975, is in this Act referred to as "the principal Act".

2. Section 28 of the principal Act is repealed and the following sections are substituted: Repeal of s. 28 and substitution of new sections.

28. (1) A coroner has a discretion to re-open an inquest at any time. Re-opening of inquest.

(2) A coroner must, if the Attorney-General so directs, re-open an inquest.

(3) Where an inquest is re-opened, the coroner may—

(a) confirm any previous finding;

(b) set aside any previous finding;

(c) make a fresh finding that appears justified by the evidence.

28a. (1) The Supreme Court may, on the application of the Attorney-General or a person who has a sufficient interest in the finding made at an inquest, order that a coroner's finding be set aside. Application to set aside findings made at inquest.

(2) An application under subsection (1) must be made within one month after the coroner's finding at the inquest is published unless the Supreme Court, in its discretion, allows a longer time for the application.

(3) A finding will not be set aside under this section unless the Supreme Court is of the opinion—

(a) that the finding is against the evidence or the weight of the evidence adduced before the coroner;

or

(b) that it is desirable that the finding be set aside—

(i) because an irregularity has occurred in the proceedings or insufficient inquiry has been made;

or

(ii) because of new evidence.

(4) Where an application is made for an order setting aside a finding made at an inquest, the Supreme Court may (in addition to, or instead of, making such an order)—

(a) order that the inquest be re-opened, or that a fresh inquest be held;

(b) substitute any finding that appears justified;

and

(c) make such incidental or ancillary orders as it considers necessary or desirable in the circumstances of the case.

(5) A person has a sufficient interest in the finding made at an inquest if—

(a) the finding affects or may affect that person's pecuniary interests;

(b) the finding reflects adversely on that person's competence in his or her profession or occupation;

or

(c) the person has, in the opinion of the Supreme Court, some other interest sufficient to ground an application under this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor