

AISHWARYA ASWATH AND COHEN FINK — CORONIAL INQUESTS

1180. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the unanimous resolution of the house on the “Aishwarya Aswath and Cohen Fink—Coronial Inquests” motion on 2 June 2021.

- (1) Did the Attorney General request, as promised, the Department of Justice to advise as part of its statutory review into the Coroner’s Act 1996 whether section 22(1) ought to be amended to avoid confusion about its operation?
- (2) Further to (1), has the statutory review been completed?
- (3) If yes to (2), what has been recommended with regard to section 22(1)?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Attorney General.

- (1) Yes.
- (2) Yes. I confirm that the report of the statutory review was tabled today. I note also for the benefit of the house that on 7 December 2021, an incorrect and superseded version of the report was tabled. This was tabled as a result of an administrative error and should be disregarded and not relied upon for any purpose.
- (3) The report relevantly states —

Finding 9

The Review finds that the power under section 22(1)(d) has never been relied upon to direct an inquest and its repeal would avoid uncertainty and confusion for persons who are seeking an inquest.

Recommendation 5

The Attorney General’s power to direct a coroner to hold an inquest under section 22(1)(d) be repealed. The repeal of the power should be progressed as part of the existing suite of proposed amendments to the Act being progressed through the Legislative Project.

I note that the paper copy of this answer says Tuesday, 14 December, but the correct reference is Wednesday, 15 December.