

# Coroners Amendment Bill 2017

Serial No. 19

Originals  
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CLERK. *[Signature]*

Legislative Assembly of the Northern Territory

Member for Nhulunbuy

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## Explanatory Statement:

The Coroners Amendment Bill makes two very minor changes to the Coroners act. At section 3 there is a list of definitions. At the bottom of this list is the definition of 'Senior next of kin'. The act currently splits that definition into six points- a to f. The amendment changes f to a number 2. The other change is a note at the end of section 3. This will highlight an example from Yolŋu culture to make the new definition more explicit in its meaning and assist with policy creation for NT government institutions, especially Darwin and Gove hospital.

The problem is that the current definition of 'Senior next of Kin' provides no hierarchy and means that indigenous custom, which is not intended to be interfered with by the act, is actually pushed aside by mainstream custom. It has practical outcome because the 'Senior next of kin' definition is used within the act to designate people the Coroner is supposed to communicate with in situations like autopsy or exhumation. But it also has effect more broadly because it is the only act that provides a precedent for state to family and individual rights in regard to the release of deceased persons from government institutions like morgues. The individual who gains control of the deceased also gains control of issues like location of burial and rites particulars. This issue is of particular interest in regard to this amendment.

The current outcome of this tiny matter of text is intermittent-but-major burial disputes that unfairly disrupt the East Arnhem region. By supplementing point f with a point number 2, the definition of 'Senior Next of Kin' is split into two. This enables the act to suit instances that involve non-Indigenous people and Indigenous people of the Northern Territory alike. This amendment would therefore more readily give Indigenous Territorians the chance to resolve their own disputes in regard to burial rites and arrangements.