

Bill #180
Fatality Investigations Act (amended)

defeated

CHANGE RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE

PAGE 1, subclause 1(1), proposed clause 2(1)(ca), lines 3 and 4 - strike out "or the Child Death Review Committee established under Section 39D" and substitute ", the Child Death Review Committee established under Section 39D or the Adult Death in Custody Review Committee established under Section 39E".

PAGE 1, subclause 1(2), proposed clause 2(1)(da), line 2 - strike out "or 39D" and substitute ", 39D or 39E".

PAGE 2, Clause 3 - add the following after clause 39A(a):

(b) "death in custody" means the death of a person nineteen years of age or older that occurred while the person was

(i) detained or in custody in a correctional institution such as a jail, penitentiary, guard room, remand centre, detention centre, lock-up or any other place where an adult is in custody or detention,

(ii) an inmate in a hospital or a facility as defined in the *Hospitals Act*,

(iii) an involuntary patient within the meaning of the *Involuntary Psychiatric Treatment Act*, or

(iv) an involuntary resident in a health-care facility;

PAGE 2, Clause 3, proposed Section 39A - renumber proposed clauses (b) to (d) as (c) to (e) and change cross-references accordingly.

PAGE 4, Clause 3 - add the following after Section 39D:

39E (1) There is hereby established an Adult Death in Custody Review Committee for the purpose of

(a) reviewing the facts and circumstances relating to deaths in custody;

(b) providing advice and recommendations to the Minister regarding the prevention and reduction of deaths in custody; and

(c) performing other duties and functions as prescribed by the regulations.

PAGES 4 AND 5, Clause 3 - renumber proposed Section 39E to 39K as 39F to 39L and change cross-references accordingly.

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PAGE 4, Clause 3, proposed Section 39G - delete subsection (4) and substitute the following subsection:

(4) A Committee shall make the report publicly available within a reasonable amount of time following the submission of the report to the Minister.

PAGE 4, Clause 3, proposed subsection 39G(5), line 1 - strike out "Notwithstanding subsection (4), where" and substitute "Where".

PAGE 4, Clause 3 - add the following after Section 39G:

39H (1) The Minister shall annually prepare a report on the actions and findings of the Committees during the preceding fiscal year and make that report publicly available.

(2) The report must include any actions the Government has taken during the preceding fiscal year in response to the findings or recommendations of a Committee.

(3) The Minister shall table the report in the House of Assembly within fifteen days after it is completed or, where the Assembly is not then sitting, file it with the Clerk of the Assembly.

PAGES 4 and 5, Clause 3 - renumber proposed Sections 39H to 39K to 39I to 39L and change cross-references accordingly.