

~~Australian Industrial Relations Commission or Fair Work Australia, because in this state it is the vice-president, rather than the president, who is responsible for most of the administrative functions of the commission.~~

~~The Industrial Relations Amendment Bill 2009 before us remedies this situation. The bill transfers the necessary powers from the vice-president to the president of the Queensland Industrial Relations Commission. The bill places the Queensland Industrial Relations Commission in the best possible position to take advantage of any national industrial relations system that may emerge.~~

~~The amendments before us will clarify the roles of the vice-president and president within the Queensland Industrial Relations Commission without interfering in its independence, changing the nature of its powers or fettering their use. The amendments will also strengthen the administration of the Queensland Industrial Relations Commission by removing any confusion associated with the president and vice-president having various administrative responsibilities and will ensure that the status and seniority of the president's position is appropriately acknowledged. The amendments will align the Queensland Industrial Relations Commission with the administrative structure of industrial tribunals in most other jurisdictions.~~

~~Debate, on motion of Mr Springborg, adjourned.~~

CORONERS AND OTHER ACTS AMENDMENT BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.53 am): I present a bill for an act to amend the Coroners Act 2003, the Births, Deaths and Marriages Registration Act 2003 and the Cremations Act 2003 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Coroners and Other Acts Amendment Bill.

Tabled paper: Coroners and Other Acts Amendment Bill, explanatory notes.

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.53 am): I move—

That the bill be now read a second time.

It is now more than five years since the Coroners Act 2003 came into force. The 2003 act ushered in a new era for the state's coronial system. It repealed the 1958 Coroners Act, established an Office of the State Coroner and modernised and centralised the Queensland coronial regime. It focused the coronial regime on finding the truth of what happened in order to prevent deaths from similar causes happening in the future. This was a significant change from the old coronial system with its undue emphasis on criminality.

This bill is the result of an operational review of the act conducted by the Department of Justice and Attorney-General to identify any necessary changes to enhance its effectiveness. The bill does not change the fundamental philosophy or the policies underpinning the act. The amendments are aimed at clarifying the scope or operation of particular provisions and improving and refining procedures in the system. In particular, there are amendments to the definitions of various categories of reportable deaths. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

The definition of "death in care" in relation to children in care is extended to ensure it captures all "out-of-home" placements.

While these deaths are within the intent of the current definition, because of the way the definition is framed, a range of "in care" situations would not be covered by the definition.

The new definition of "death in custody" will capture deaths in detention under all state and commonwealth laws (subject to specified exceptions).

At present, the definition is limited to detention by police, or under the *Corrective Services Act 2006* or *Juvenile Justice Act 1992*.

There will also be a new, specific category for deaths which happened in the course of, or as a result of, police operations, other than deaths in custody which will continue to be classified as deaths in custody for the purposes of the act.

For example, the death of a third party bystander or a police officer in the course of an attempt by police to detain a suspect would not be a death in custody, but would be a death in the course of a police operation.

In general, these changes are not expected to significantly extend the jurisdiction of the coroner.

The majority of deaths caught by the new definitions would currently be reportable under some existing category—for example, a violent or otherwise unnatural death.

The purpose of these changes is to ensure that deaths that are properly within the policy intent of these categories are classified and treated as such—that is, they will be subject to the specific investigation, or inquest, requirements that apply to these deaths.

The bill also replaces the current requirement to report a death that "was not reasonably expected to be the outcome of a health procedure" with a new category of "health care related deaths".

This amendment addresses issues raised in the report of the *Queensland Public Hospitals Commission of Inquiry* (the Davies Report).

The State Coroner has also raised issues about the language and interpretation of the current section.

The Davies Report did not specifically recommend amendment of the section but identified ambiguities which made it difficult to apply in practice and which could lead to under-reporting of medical deaths.

In particular, the report commented on the difficulty of identifying whose expectation, and to what standard, the outcome must have been unreasonable.

The bill addresses this by making it clear that it is the expectation of an independent person appropriately qualified in the relevant area of health care that is relevant in determining whether a death would be reasonably expected.

The amendments also identify the factors that may be taken into account in making the determination.

The bill contains a comprehensive definition of "health care related death" that captures deaths caused, or contributed to, by health care administered by a wide range of health professionals.

It also expressly captures not only the provision of health care, but failure to provide health care, or failure to provide some form of health care other than that which was provided.

Other amendments are mainly procedural in nature.

They include, for example, amendments to clarify the Coroner's powers in the preliminary investigation period; amendments to clarify and improve pre-inquest conference processes; and amendments to facilitate the reopening of investigations and inquests.

These will achieve greater clarity, certainty and efficiency in the administration of the act and reinforce the reforms of 2003.

I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

~~PROPERTY LAW AND ANOTHER ACT AMENDMENT BILL~~

~~First Reading~~

~~Hon. CR DICK (Greenslopes ALP) (Attorney General and Minister for Industrial Relations) (11.56 am): I present a bill for an act to amend the Property Law Act 1974 and the Duties Act 2001 for particular purposes. I present the explanatory notes, and I move—~~

~~That the bill be now read a first time.~~

~~Question put— That the bill be now read a first time.~~

~~Motion agreed to.~~

~~Bill read a first time.~~

~~Tabled paper: Property Law and Another Act Amendment Bill.~~

~~Tabled paper: Property Law and Another Act Amendment Bill, explanatory notes.~~

~~Second Reading~~

~~Hon. CR DICK (Greenslopes ALP) (Attorney General and Minister for Industrial Relations) (11.56 am): I move—~~

~~That the bill be now read a second time.~~

~~This bill amends the Property Law Act 1974 (the PLA) and the Duties Act 2001 following the acceptance by the Commonwealth government of the referral of power from Queensland for financial matters arising from de facto relationship breakdowns. The Commonwealth amendments to the Family Law Act 1975 (the FLA) that took up this referral of power commenced on 1 March 2009. This bill amends the PLA to clarify the relationship between the PLA provisions and the FLA provisions and how the PLA provisions operate from 1 March 2009.~~

~~The bill also amends the Duties Act 2001 to clarify the current exemptions on certain dutiable transactions arising from breakdown of de facto relationships, which will now fall under the duty exemptions in the FLA. I seek leave to have the remainder of my speech incorporated in *Hansard*.~~

~~Mr SEENEY: Madam Deputy Speaker, I rise to a point of order. I agreed with the Leader of the House yesterday that we would accept that speeches could be incorporated in *Hansard* if they were for legislation that was being reintroduced to the House. I do not think the legislation that the Attorney General is introducing falls within that category, and I believe that the standard procedure in this place is to present the entire second reading speech to the House. I am becoming increasingly concerned at the volume of material that is being incorporated without us knowing what is being incorporated.~~

~~Madam DEPUTY SPEAKER (Ms Farmer): There is no point of order. The Attorney General is seeking leave of the House to incorporate the remainder of his second reading speech. Is leave granted?~~

~~Leave granted.~~

~~Mr DICK: This is the remainder of my speech—~~