



Speech by

DESLEY BOYLE

MEMBER FOR CAIRNS

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CORONERS BILL; CREMATIONS BILL

Ms BOYLE (Cairns—ALP) (6.35 p.m.): I too am pleased to support the Coroners Bill and the Cremations Bill before the House. I wish only to take a few minutes of the House's time to talk about some aspects of the Coroners Bill. As others I am sure have noted before me, it is some 50 years since the legislation which is still at this moment current was introduced to the House. We could not, therefore, be said to have rushed at the changes that are inherent in this bill.

At the same time, it is obvious when we think about it that the changes are nonetheless significant. Society is very much different 50 years later, and I would like to give recognition therefore to some important aspects of the bill that are very different from its forerunner. There is a much stronger emphasis on preventing deaths, on using the information that the coroner will discover to predict any patterns, to recommend any changes and thereby to prevent future deaths.

There is written into the legislation a much more sensitive and compassionate approach to families than has been so in times past. We had taken maybe too legalistic and too formal an approach to managing these matters, and families were unfortunately excluded, their feelings not taken into account, in retrospect for no good reason. I have no doubt, too, that the new system will be much more accountable, better coordinated and standardised.

There is no doubt that we have attended to the modern issues around the removal of organs and the testing of organs, the appropriate role of information to the coroner about such events and the proper role of information to the family about the autopsy process and particularly about the removal of any organs. These matters have probably been avoided in the past and have caused unnecessary harm, disruption and upset to families.

It is really important that the State Coroner, who will be established under the Coroners Bill, does not operate simply from the south-east corner of this state. I am pleased that the Attorney-General gave recognition in his second reading speech to there being coroners located throughout the state. The more localised knowledge there is in a coroner for far-north Queensland or western Queensland, then surely the more efficient and more effective the process is likely to be.

I welcome the bill and would like to attend particularly to a matter that was raised with me some time ago by the member for Tablelands and by a constituent from the Tablelands electorate. Mr Bob Bowles, who is a member of the Information Alliance of Far North Queensland Families of Disabled People Inc., is a strong advocate for people with disabilities. He goes beyond the line of duty in terms of monitoring changes in society not only in government but especially in government in relation to people with disabilities in searching for better ways to enable them to participate in society. He wrote to me at the time and spoke to me about his wish that the Coroners Bill went further than it does towards providing for all deaths in care to be brought to the attention of the coroner.

In particular, he said that foster children who have a disability and who are in private homes should most definitely be included automatically in terms of there being an autopsy review by the coroner. I understand his perspective and was pleased to take it forward to the Attorney-General, who confronted Mr Bowles and I nonetheless with the difficulties that there would be in such a blanket ruling. I shall quote from the Attorney's reply to me as he summarises the situation so well. He writes—

You suggest that the deaths of persons with a disability in aged care facilities and private dwellings should also be included in the definition of death in care. I believe that such an amendment is unnecessary. It could have a crippling effect upon the coronial system and may also cause unwarranted added stress to grieving families. If a death in these

facilities or dwellings is violent, unnatural or suspicious, then it is reportable under the bill. Also, under clause 11(4) of the bill the minister can direct that a death be investigated whether or not the death is a reportable death. This 'catch all' power sufficiently protects the persons sought to be covered by your suggested change.

Later in the letter the Attorney writes—

You are concerned that clause 76 of the bill does not specifically provide for the State Coroner to report to the Attorney-General on the investigation of deaths in care. I do not consider that such an onerous obligation upon the State Coroner is necessary. As you have noted, the State Coroner's report can also contain a summary of any other investigation the State Coroner considers should be brought to the Attorney-General's attention.

That is an appropriate and thorough reply and I understand that, while it was not Mr Bowles' original submission, he nonetheless accepts the points well made by the Attorney-General.

As a government we do have a responsibility to take into account the cost of the new system. In the 2002-03 state budget the government indicated that an additional \$13.7 million would be allocated over the following four financial years for the modernisation of the coronial system, part of which would fund the establishment of the Office of State Coroner, an increase in the capacity for the conducting of post-mortems at the John Tonge Centre, additional grief counselling services for families and participation in the national coronial information system.

In the financial year 2002-03, an amount of \$7.7 million was allocated to commence the modernisation process, with the remaining additional \$6 million being expended over the period 2003-04 to 2005-06. In financial terms, these are substantial commitments to back up this new and well-thought-out legislation. I have no doubt that the additional powers given to the coroner, that the very creation of the new Office of State Coroner, will allow for any patterns that emerge, any unusual deaths, any reportable deaths—as it is written in the legislation—to come before the coroner and be properly considered, including such deaths as may occur among those in care. I am pleased indeed to support the bill.