



Speech by

## Stirling Hinchliffe

MEMBER FOR STAFFORD

Hansard Wednesday, 30 April 2008

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### CORONERS (REPORTING ARRANGEMENTS) AMENDMENT BILL

**Mr HINCHLIFFE** (Stafford—ALP) (8.49 pm): I rise to participate in the debate on the Coroners (Reporting Arrangements) Amendment Bill. Specifically, I am concerned, as outlined by the honourable and learned Attorney-General, that there are some significant problems with the bill in terms of the practical administration and the underpinning principles of the need for coroners to be independent judicial officers. Firstly, in terms of the practicalities, the bill places an obligation on agencies to report back to the coroner who made the findings and on the individual coroners to take certain actions in response—in particular to address whether the action taken by the government agency is satisfactory. This is not an appropriate role for a coroner. A coroner's function should be complete when they hand down their findings, and I will return to this.

There are practical as well as policy problems with imposing this obligation on individual coroners. The decentralisation of obligations would have resource implications and would be practically difficult to administer. The bill requires the Attorney-General to table only the reports by a coroner where a response from an agency has been unsatisfactory or not received. Government responses which are satisfactory are not publicly reported. This would not assist in enhancing government accountability or transparency, nor would it assist the public or other coroners in understanding how useful the coronial recommendations have been or provide any comfort to the affected families that some benefits have flowed from the death of a loved one.

There are significant arguments in favour of instituting a mechanism for monitoring the public reporting of government responses to coronial recommendations. I acknowledge that, I concede that and I know the Attorney-General understands this. These arguments include, firstly, that considerable resources are invested in the coronial process which may be wasted if the coronial recommendations are ignored; secondly, and very importantly, there is possible comfort to families that there has been some positive consequence out of the death of a loved one; thirdly, there is valuable feedback to coroners on the value and practicability of their recommendations; and, lastly, there is an enhancement in government accountability and transparency. I have heard the refrain from opposition members constantly over the past couple of months about accountability and transparency. But on this proposal they have dropped the ball; they are not providing that support.

On this side of the House, we consider the most appropriate way to address the issues raised by the Ombudsman is for the Attorney-General to collate and make publicly available an annual report setting out responses to any coronial recommendations made during the previous year across all government portfolios. I acknowledge the advice of the Attorney that the first yearly report will be available early in 2009. This is another example of the Bligh government achieving, doing, getting the job done and responding to the needs in our community.

I hope that all members will never have to have an interaction with a coronial inquiry in relation to the death of a loved one, of a family member. Unfortunately, with the sudden passing of my brother in February 2001, my family was put in the place of going through the anguish of a coronial inquest. While the coroner's findings in relation to my brother's death did not result in any findings which might have required

the operation of the provision of the amendments to the Coroners Act 2003 as provided for in this bill, I can assure all members of this House that the inquest process can be very stressful and painful to grieving families. But I acknowledge, as referred to by my colleague the member for Murrumba in his excellent contribution, that it delivers some measure of closure to those grieving families.

The service of the State Coroner to our state is outstanding and it serves the community and thousands of grieving families very well indeed. So on behalf of such families, I thank the State Coroner, the Brisbane coroner and the magistracy for their quiet, solemn service in this important role as part of this state's judiciary. On that point, I return to my concern that the bill places an obligation on agencies to report back to the coroner who made the findings and on the individual coroners to take certain actions in response, in particular to assess whether the action taken by the government agency is satisfactory. I repeat that this is not an appropriate role for a coroner. The coroner's function should end with the findings. Government departments report to ministers who are responsible to this House; government departments do not report to judicial officers.

As set out by the member for Ipswich, this is not the role of the coroner. The coroner makes findings and recommendations, not policy. In our Westminster system, it is the democratically responsible and accountable government that makes policy—policy that responds to the findings and recommendations made in any given coronial inquiry. It is then this parliament—it is this House; it is this Assembly—empowered by a mandate which is required to enact that policy. I acknowledge the fine and very learned contribution again of the member for Murrumba in relation to this point.

I used the member for Murrumba's fine book, *The Deep North*, which analysed the Bjelke-Petersen regime, to define the doctrine of the separation of powers in an essay I did during my high school modern history studies. I do not think I have disclosed that to the member before, but I thank him for his learned work and the role that it played in my passing year 11 modern history. I think it would be good and right for the member for Lockyer, who remains in the House with us here, and for the member for Clayfield, who may be somewhere else in the precinct listening to the debate—in fact, it would serve them well—to go to the library on level 6 and seek out *The Deep North* and maybe learn a bit more about the role of the separation of powers in our Westminster system.

**Mr Wettenhall:** They should read your essay too.

**Mr HINCHLIFFE:** I should pull out the essay and make sure I table it in the House at the next occasion.

**Ms Grace:** Spare us!

**Mr HINCHLIFFE:** I take the interjection from the member for Brisbane Central; I think it might be best that I spare the House.

The role of this House and the potential politicisation of the courts are raised as a spectre over the coroner by the proposal of the Leader of the Liberal Party, the member for Caloundra. It is no wonder they are not going to be a conservative party. That is why I implore the House to support the arrangements as proposed by the Attorney-General, a respected and learned first legal officer in this state, and oppose this bill which undermines the appropriate role of the courts, the parliament and the executive. I urge this parliament to sustain the separation of powers and to protect the roles as established in our Westminster system and reject this well-meant but ill-judged legislation.