




Speech By
Shane Knuth

MEMBER FOR DALRYMPLE

Record of Proceedings, 7 August 2014

MEMBERS' STATEMENTS

Coroner's Act, Section 29

 **Mr KNUTH** (Dalrymple—KAP) (3.18 pm): Today I tabled a petition requesting section 29 of the Coroner's Act be repealed as it is no longer relevant to modern day industry. It is detrimental to justice and can be used by unscrupulous companies to delay coronial inquests. Adopted to prevent the coroner being swamped by inquests, the introduction of stricter workplace regulations and restrictions has negated the need for this particular section. There are very few reportable deaths.

However, the retention of section 29 has become a tool for companies and individuals to delay justice through the premise of a defence, stalling any potentially lifesaving findings, as well as prolonging the suffering for the victims' families. Any answers families may achieve through an inquest are legally delayed for years through section 29. This is traumatic and soul destroying for the families of the victim.

On 27 February 2012, Jason Garrels, aged 20, left for work never to return. The next time his parents would see him he was fighting to live—a fight that he lost. Since that fateful day, the Garrels family have sought answers. Instead, they found archaic legislation. They will not know the truth for years. The employing company, the very same individuals that could possibly have contributed to Jason's death, have available to them the luxury of section 29 of the Coroners Act which enables them to appeal court decisions time and time again, delaying the inevitable inquest.

The Garrels have found sympathy however in a judicial system frustrated by the legislation they are bound by. The Attorney-General himself told the Garrels family that the coroner is the best placed person to call an inquest. However, the coroner is hobbled as to when he is able to call an inquest because of section 29. This is an insult to the victims and their families.

An eminent Queensland QC agreed with the Garrels family when they stated there was no reason that an inquest could not be held independent of any court proceedings. At the very least the coroner should have the right to call for an inquest whenever he sees fit. However, because of section 29 the victims' families are forced to sit and wonder when the truth is going to come out and when anyone who knowingly contributed to the death is going to be brought to account. They are forced to endure years of wondering when they will be able to at least try to gain closure and deal with the life they now have without their son and brother.

The Garrels family deserve answers. Their son and brother Jason died at work—2½ years on they are still suffering, still in pain from the loss of their oldest son and older brother. The Clermont community still mourns the loss of a lovely genuine caring young bloke. This petition, which I tabled today, is the collective voice of a community and a family in mourning. This is not a witch-hunt, nor is the motive revenge. The motivation is for answers to enable an inquest to explore how and what happened, to highlight an unjust and redundant section of legislation. The motivation is justice for Jason.

(Time expired)