

Question on Notice
No. 1831
Asked on 26 November 2008

MRS CUNNINGHAM asked the Premier (MS BLIGH) -

QUESTION:

As it is now two years since the conclusion of the inquiry into the death of Kathleen Ann Conlan in the Gold Coast Hospital—

- (1) Why has the government consistently refused to apply the criminal laws to matters in the lead up to Mrs Conlan's death and the matters resulting from it?
- (2) Will the government apply to the District Court to have the official findings of the Coronial Inquiry into the death of Kathleen Ann Conlan in the Gold Coast Hospital set aside on the grounds that the findings cannot be supported by the evidence?

ANSWER:

On 19 December 2006, Coroner Batts delivered her findings in the matter of an inquest into the cause and circumstances surrounding the death of Kathleen Conlan. The Coroner was unable to make a finding as to the formal cause of Mrs Conlan's death and found that there had been insufficient evidence heard at the inquest to put any person or persons on trial. Therefore, no person or persons were committed for trial.

In handing down her findings, Coroner Batts noted that an autopsy was performed on Mrs Conlan by Dr Thomas Francis Levy. However, Dr Levy did not give evidence at the inquest as he had retired by the commencement of the inquest and despite several and extensive enquiries he was unable to be located to be questioned during the inquest.

I understand that Mr Daryl Maguire MP, Member for Wagga Wagga in the Parliament of New South Wales, has previously raised concerns on behalf of the deceased's husband (Mr Conlan) about the inquest findings and the fact that Dr Levy did not give evidence at the inquest.

In response to these concerns, the State Coroner wrote to Mr Conlan in November 2007 advising that Mr Conlan could make an application to either the State Coroner or the District Court to reopen the inquest under section 50 of the *Coroners Act 2003*. The State Coroner also advised Mr Conlan that he would request the Detective Inspector, Coronial Support Unit, Queensland Police Service, to make further attempts to locate Dr Levy. Mr Conlan did not respond to this letter.

The State Coroner wrote to Mr Conlan again in April 2008 advising that Dr Levy had been located but that he had not instructed police to take a formal statement from Dr Levy, as Mr Conlan had not yet made an application to reopen the inquest. I am advised that as at 9 December 2008, Mr Conlan has not applied to either the State Coroner or the District Court for this to occur.