

Legislative Council

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CORONERS (RECOMMENDATIONS) AMENDMENT BILL

The Hon. A. BRESSINGTON (21:40):

I rise to briefly indicate my support for the Coroners (Recommendations) Amendment Bill 2010, which seeks to expand the scope of recommendations arising from an inquest that the Coroner can make under section 25(2) of the Coroners Act 2003. The wording of section 25(2) of the act currently restricts the Coroner to making recommendations, and hence investigating matters, causally linked to the death of an individual subject of the inquest. Hence, the pertinent but incidental recommendations are omitted, despite such recommendations potentially of themselves preventing a death and the coronial inquest that may follow.

As the then coroner, Mr Wayne Chivell, noted in 2004, in several states of Australia coroners now have the power to inquire into incidental issues. It is my understanding that all other interstate jurisdictions now permit the Coroner, to a greater or lesser degree, to make recommendations on matters related to the death subject to the inquest. In saying that, I note that the Law Society, in its submission to the bill dated 15 November 2010, suggested that the proposed amendments 'are wider than comparable provisions interstate'.

The society's resultant concerns about the scope of the amendments proposed are, I believe, addressed by the subsequent amendment filed by the Hon. Stephen Wade, the drafting of which, I believe, was assisted by Emeritus Fellow Andrew Ligertwood at Adelaide University, to whom a great deal of respect is owed. I take this opportunity to indicate that I will be supporting that amendment—a great lot of good it is going to do.

As the Hon. Stephen Wade noted when introducing the bill, the former members of this place, the Hon. Sandra Kanck and her replacement, the Hon. David Winderlich, both moved identical bills. This is hardly surprising, given that respective coroners have for years requested the expansion of their recommendation powers. An example is the 2007-08 annual report of the South Australian Coroner's Court in which the current State Coroner, Mr Mark Johns, states:

In my opinion, it would be desirable to amend the Coroners Act 2003 to extend the power to make recommendations to include those relating to the administration of justice.

That is something this government does not seem to hold dear to its heart. That this Labor government has refused the repeated public requests of the State Coroner is an indictment on their governance and leadership. It is my hope that this bill, under this Attorney-General, who saw fit to work with the crossbenchers specifically and the Hon. Iain Evans on the Coroners (Reportable Deaths) Amendment Bill, will see fit to support what is a long-overdue reform—again, that is irrelevant.

On a final note, I have just seen the amendment filed by the Hon. John Darley, which will also now be irrelevant. I am very disappointed that the government has decided not to support this, with the amendment of the Hon. Stephen Wade that would have made it not quite so challenging for the government to support.

Debate adjourned on motion of Hon. J.S.L. Dawkins.