



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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CORONERS AND BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (9.23 pm): I rise to make a contribution to the debate on the Coroners and Births, Deaths and Marriages Registration Amendment Bill. In doing so I congratulate the shadow minister for health, the member for Surfers Paradise, for bringing this private member's bill forward. The objectives of the bill are to amend the Coroners Act 2003 and the Births, Deaths and Marriages Registration Act 2003 to implement the recommendations made by the Queensland Public Hospitals Commission of Inquiry report, also known as the Davies inquiry after the commissioner, the Hon. Geoffrey Davies AO. The Davies inquiry was completed in November 2005.

Specifically, the bill proposes to implement the recommendations in chapter 7 of the report made at 7.50 paragraphs (a) and (b) of the report which are as follows—

Recommendations

7.50 I make the following recommendations:

(a) The Coroners Act 2003 be amended by:

...

- (i) adding a new subparagraph to s8(3) after subparagraph (d) to read:
'The death happened within 30 days of an elective health procedure'.
- (ii) adding a new definition in Schedule 2, to read:
'Elective Health Procedure' means a health procedure that can be delayed for a period of 24 hours without death being a likely outcome.'

...

(b) The Births Deaths and Marriages Registration Act 2003 be amended to ensure that:

- (i) in the event of a death happening within 30 days of an elective health procedure, the health practitioner in charge of the procedure is obliged to provide to the coroner his opinion on the cause of death;
- (ii) all deaths otherwise occurring in public hospitals are certified by the health practitioner responsible for the care of the deceased person ...

Clause 3 of the bill proposes an amendment to section 8 of the Coroners Act 2003 by amending when a death is a reportable death. A new paragraph is inserted to provide for a new circumstance of when a death is a reportable death. The new circumstance is when a person dies within 30 days after the person underwent an elective health procedure.

Clause 4 of the bill proposes an amendment to the Coroners Act 2003 to require that, in the event of a person's death within 30 days of an elective health procedure, the doctor in charge of the procedure must report their opinion as to the cause of death to a coroner.

Clause 5 of the bill proposes an amendment to schedule 2 of the Coroners Act 2003 by adding the definition of 'elective health procedure'. The new definition defines an elective health procedure as a health

procedure that could be delayed for 24 hours without the death of the person who is to undergo the health procedure being a likely outcome of the delay.

Clause 7 proposes an amendment to the Births, Deaths and Marriages Registration Act 2003 to clarify which doctor must complete a cause of death certificate for a person who died in a hospital run by the state.

The purpose of running through the recommendations of Commissioner Davies in his report and running through the clauses in this bill is so that members can see that this bill faithfully implements the recommendations contained in the Queensland Public Hospitals Commission of Inquiry report. Today this parliament should really be asking some serious questions of the state Labor government as to why it has not moved to implement these recommendations of the Davies inquiry despite the fact that we are coming up to 2½ years since that report was provided and recommended these amendments to the Coroners Act and the Births, Deaths and Marriages Registration Act.

The state Labor government has been consistently slow to implement a range of matters recommended by the Davies inquiry, and indeed where it has moved sluggishly to implement some changes it has failed to implement them faithfully. For example, in March 2007 this parliament passed the Whistleblowers (Disclosure to Member of Parliament) Amendment Bill. The fifth Parliamentary Crime and Misconduct Committee of the 51st Parliament supported the views of the Queensland Ombudsman and Commissioner Davies with respect to Queensland's whistleblower legislation. There was a high degree of consensus concerning the nature of changes required to ensure that appropriate levels of protection are afforded to whistleblowers in Queensland.

There were recommendations that Commissioner Davies put forward to provide for strong protection for whistleblowers. Those recommendations were absent from the state government's Whistleblowers (Disclosure to Member of Parliament) Amendment Bill 2006. The recommendations were supported by the fifth PCMC, the Queensland Ombudsman and Commissioner Davies and yet they were not implemented by this government. What is even more damning is that the Queensland opposition had tried to give effect in their entirety to the relevant recommendations of the Queensland Public Hospitals Commission of Inquiry report by introducing the Whistleblowers Protection Amendment Bill 2006, but the state Labor government voted it down for base political reasons.

This state government has form as far as putting politics ahead of delivering the best possible legislative arrangements for Queensland is concerned. The same situation applies to this bill. It is extraordinary, after all the rhetoric of this government, that it has not substantially implemented the recommendations of the Davies inquiry. Let us consider the comments of the former Premier, Peter Beattie, after the state government took delivery of the Queensland Public Hospitals Commission of Inquiry report in late 2005. In a ministerial statement in this place on 1 December 2005 former Premier Beattie said—

I want to use this opportunity to formally thank the Hon. Geoffrey Davies for his report on the Queensland Public Hospitals Commission of Inquiry. His thorough investigation, which pulled no punches, provides Queensland Health, when added to the Peter Forster report, with a clear way forward.

The former Premier went on to say with respect to the Davies inquiry—

Some of the lessons are difficult. Many of the changes are tough. We are determined to face them head-on.

The former Premier added—

This report puts the patients first, and our response to it will give patients the same priority.

Finally, former Premier Beattie said—

We are now rebuilding the health system. We are making the tough decisions and making the changes required.

Unfortunately, more than two years later the clear way forward provided by Commissioner Davies has not been provided by the state government. The tough lessons have not been learned. The government has not faced them head-on. The government is not putting patients first and the government has failed to rebuild the health system. Certainly, the state government is not making the changes required and this is clearly and unequivocally demonstrated by the fact that it has not implemented the recommendations of the Queensland Public Hospitals Commission of Inquiry report despite the fact that in December 2005 the then Premier welcomed it in glowing terms and with open arms.

How times have changed. The Attorney-General, on behalf of the state government, today described Commissioner Davies's recommendations on these matters to be 'arbitrary and too costly'. Frankly, I am horrified and alarmed that the government could be so casual about abandoning key recommendations of the report of the Queensland Public Hospitals Commission of Inquiry, a watershed inquiry in Queensland. I wonder who should tell the Hon. Geoffrey Davies, AO, that the Attorney-General and the state government consider his recommendations to be too costly and arbitrary with respect to these matters?

This bill has great merit. The Davies inquiry arose out of complaints relating to the very serious problems that plagued the Bundaberg Base Hospital. The exposure of these problems by a brave whistleblower and the Queensland coalition led to the uncovering of a much wider culture of secrecy and

mediocrity in the Queensland health system presided over by this state Labor government. There is no legitimate reason for the government to oppose this bill save for base political reasons. I commend this bill to the House.