



Speech by

**Hon. M. FOLEY**

**MEMBER FOR YERONGA**

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Hansard 10 November 1998

**SUPREME COURT OF QUEENSLAND ACT AND ANOTHER ACT AMENDMENT BILL**

**Hon. M. J. FOLEY** (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (12.37 p.m.): I move—

"That the Bill be now read a second time."

The proposed Bill contains technical amendments to the Coroners Act 1958 and the Supreme Court of Queensland Act 1991 which are directed at curing an unintended transitional consequence and extending the expiry date for all Rules of Court.

Turning to the proposed amendments to the Coroners Act 1958, certain provisions of the Justice Legislation (Miscellaneous Provisions) Act 1996 made a number of amendments to the Cremation Act 1913, transferred the amended provisions into the Coroners Act 1958 and repealed the Cremation Act 1913. These provisions are scheduled to commence on 1 December 1998.

Under the Cremation Act 1913 and the abovementioned amendments, a body cannot be cremated without a permission and certificate to cremate. As from 1 December 1998 the preconditions for issuing a permission and certificate to cremate will change. Unfortunately, the 1996 amendments did not contain a transitional provision to deal with the situation where a person dies before 1 December 1998 but the cremation occurs on or after that date. If this situation is not addressed there will be confusion in the funeral industry in relation to the cremation of people who die before 1 December 1998 but are cremated on or after that date. The Bill seeks to address this issue by providing that in this situation, that is, where somebody dies before 1 December 1998 but the cremation occurs on or after that date, the permission and certificate to cremate can be issued as if the 1996 amendments had not been enacted. The Bill makes it clear that this transitional provision does not prevent the issue of a permission and certificate to cremate in accordance with the amended provisions.

In regard to the amendments to the Supreme Court of Queensland Act 1991, the Bill does contain a provision to extend the expiry date for all civil and criminal Rules of Court—from 31 December 1998 to 30 June 1999. The Civil Justice Reform Act 1998 established a Rules Committee to settle, among other matters, uniform civil court rules. That Act also provided that the existing civil Rules of Court, including the Supreme Court Rules, will expire on 31 December 1998.

The Rules Committee has advised that the uniform civil court rules will not be ready for approval until at least March 1999. Accordingly, it is proposed to extend the expiry date from 31 December 1998 to 30 June 1999. If the abovementioned expiry date is not deleted and implemented by 31 December 1998, there will be no Rules of Court from 1 January 1999. As mentioned above, the proposed extension of the expiry date for all Rules of Court from 31 December 1998 to 30 June 1999 has been requested by the Chief Justice of the Queensland Supreme Court, chairperson of the Rules Committee. I commend the Bill to the House.

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