

Question on Notice

No. 643

Asked on Thursday, 19 April 2007

Mr MCARDLE asked the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland (Mr Shine) -

QUESTION:

With regard to his referral to the Queensland Law Reform Commission (QLRC) in December 2003 to review the law in relation to the final disposal of a dead body, which required the QLRC 'to report to the Attorney-General and Minister for Justice by 30 June 2006' and given that it is now mid-April 2007 and the report has still not been presented—

- (1) When will the final report be released to the public?
- (2) How does he explain this delay?
- (3) Will this delay set a precedent for the QLRC's future reporting?

ANSWER:

- (1) I am advised the QLRC expects to complete the final report for its review of the law in relation to the final disposal of a dead body in June 2008. That report will be released to the public after it has been tabled in the Legislative Assembly in accordance with the requirements of section 16 of the *Law Reform Commission Act 1968* (Qld).
- (2) Following the release of the issues paper, the QLRC consulted formally and informally with a wide range of individuals, organisations and government agencies, and commenced work on the preparation of the final report.

Although substantial progress has been made towards the completion of the final report, it has been delayed by two factors.

In 2005, a vacancy arose in the full-time member's position. As a result of the QLRC's workload in relation to its other references at the time, the effect of that vacancy was that the QLRC was unable to progress the review during that period.

Shortly after the full-time member's position was filled in September 2005, the QLRC received the terms of reference for its review of Queensland's guardianship laws. The new full-time member, who is an expert in guardianship laws, was allocated to the new review, in which there was already mounting public interest. The receipt of the new guardianship review, which has also required the allocation of additional staff, has meant that the QLRC has not had the capacity to further progress the review in relation to the final disposal of a dead body.

The QLRC intends to resume work on its final report on this review once it completes its review of the *Peace and Good Behaviour Act 1982* (Qld) in October 2007.

I am advised the final report will address a number of important issues, such as whether:

- there should be a statutory hierarchy that overrides the common law in relation to the disposal of a dead body;
- a person's directions that he or she be buried should be binding to achieve consistency with the binding nature of directions about cremation;
- there is a need to develop a dispute mechanism to deal with disputes about the disposal of a dead body; and
- there is a need to amend the *Cremations Act 2003* (Qld) to enlarge the group of persons who have a right to receive the ashes of a deceased person.

(3) To the extent that the length of time taken to complete this review has been related to the effect of a vacancy in the membership of the QLRC, it does not set a precedent for future reporting. However, the conferral of new terms of reference on the QLRC may, depending on its workload at the time, have an impact on the overall end date for the completion of the QLRC's current reviews.