

Question on Notice

No. 36

Asked on 23 February 2021

MR T NICHOLLS ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR WOMEN AND MINISTER FOR THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON S FENTIMAN) –

QUESTION:

With reference to the report of 5 April 2019 of the State Coroner into the death of Daniel Morcombe—

Will the Attorney-General advise what steps have been taken to implement recommendation 2 directed to government agencies concerning the testing of remains?

ANSWER:

I refer the member to the answer I gave to Question on Notice No.1151 of 2020. In that answer I advised the Member that this is an emotive, sensitive and complex issue which requires the balancing of processes relating to the role of the coroner, the need to release remains as soon as possible to bereaved family members and the criminal process which seeks to ensure a fair trial.

The government agrees that a deceased person's remains should be returned to their family and loved ones as soon as possible irrespective of whether there are related criminal proceedings on foot, particularly where the identity of a deceased person has been established with a high degree of certainty and is not in dispute.

However, this needs to be balanced against a court's obligation to ensure a fair trial. This fundamental principle seeks to avoid miscarriages of justice and ensure proceedings are conducted in a manner consistent with the fundamental principles of procedural fairness that preserves the interests of justice.

I am advised that, having considered the results of consultation with key stakeholders concerning this complex and sensitive issue, the Department of Justice and Attorney-General has now commenced work on developing a model to implement the recommendation.

I commend the strong advocacy of Bruce and Denise Morcombe and their tireless efforts to increase the safety of our children.