

**A REVIEW OF THE LAW IN RELATION TO  
THE FINAL DISPOSAL OF A DEAD BODY**

1. I, ROD WELFORD, Attorney-General and Minister for Justice, having regard to –
  - the fact that at common law the executor (or person having the highest claim to administer the estate of the deceased person) has the duty and the right to arrange for the final lawful disposal of the deceased person’s body including, probably, the disposal of the deceased person’s ashes; and
  - the fact that at common law the wishes of the personal representative or person who has the duty and the right to dispose of the body are regarded as paramount with respect to the disposal; and
  - the extent to which this common law position is or may be amended by the *Cremations Act 2003* and the current provisions governing cremations contained in the *Coroners Act 1958*, or by any other Queensland laws; and
  - the many and varied cultural and spiritual beliefs and practices in relation to the disposal of bodies; and
  - the fact that from time to time questions arise regarding:
    - whether a person who may have caused the death be allowed to arrange for the final disposal of the body; and
    - what methods of final disposal of a body are lawful in Queensland; and
  - the fact that from time to time disputes arise regarding:
    - to whom a body is to be released (for example by a hospital or, where relevant, a coroner) for final disposal; and
    - the method of final disposal of the body in a particular case; and
    - the place for the final disposal of the body or ashes;

refer to the Queensland Law Reform Commission for review pursuant to section 10 of the *Law Reform Commission Act 1968* Queensland’s laws regarding the duties and rights associated with the final disposal of a dead body, including, but not limited to:

- a. whether, and to what extent, a comprehensive legislative framework is required; and
  - b. whether any new legislation should provide for an easily accessible mechanism to deal with disputes and, if so, the nature of such a mechanism.
2. In performing its functions under this reference, the Commission is asked to prepare, if relevant, draft legislation based on the Commission’s recommendations.
  3. The Commission is to report to the Attorney-General and Minister for Justice by 30 June 2006.

Dated the ..... day of ..... 2003

**Rod Welford**  
**Attorney-General and Minister for Justice**