

Queensland



ANNO QUARTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 23 of 1965

**An Act to Assist in the Disposal of Bodies by Providing for
the Burial or Cremation of Deceased Persons in
certain cases and for purposes connected therewith,
and to validate certain Burials**

[ASSENTED TO 29TH APRIL, 1965]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as "*The Burials Assistance Act of 1965.*"

2. Interpretation. Without limiting the operation of "*The Acts Interpretation Acts, 1954 to 1962,*" in this Act, unless the context otherwise indicates or requires, the following terms have the meanings set against them respectively, that is to say:—

"Child"—In relation to a person, includes an adopted child of that person, but does not include a child of that person adopted by another person; and "mother" and "father", in relation to any child, shall be construed accordingly: The term also includes an illegitimate child; and "father", in relation to an illegitimate child, means the father of the child and includes any person who has been adjudged to be the father of the child in any legal proceedings;

“ Relative ”—In relation to a deceased person—

(a) in the case of a wife—the husband;

(b) in the case of a husband—the wife;

(c) in the case of a child—the father and mother; and

“ Under Secretary ”—The Under Secretary, Department of Justice: The term includes any person who, for the time being, performs the duties of the office of Under Secretary.

3. Burial or cremation of the dead. (1) It shall be the duty of the Under Secretary to cause to be buried or cremated the body of any person who has died or has been found dead in Queensland, in any case where it appears to the Under Secretary that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Under Secretary.

(2) Nothing in subsection (1) of this section shall affect any enactment regulating or authorising the burial, cremation, or anatomical examination of the body of a deceased person; and the Under Secretary shall not cause a body to be cremated under this section where he has reason to believe that cremation would be contrary to the wishes of the deceased.

4. Cost of burial or cremation. (1) All expenses incurred by the Under Secretary under section three of this Act (including the expense of conveying the body to a morgue or other place) shall be met by the Under Secretary, and moneys from Consolidated Revenue are hereby to the necessary extent appropriated accordingly.

(2) The Under Secretary may, by action as for a debt in any court of competent jurisdiction, recover from the estate of the deceased person, or from a relative or relatives of the deceased person, the expenses referred to in subsection (1) of this section:

Provided that nothing contained in this subsection shall be construed as requiring the Under Secretary to take steps to recover any such expenses from the estate of any deceased person who was, in the opinion of the Under Secretary, an indigent person, or from any relative who is, in the opinion of the Under Secretary, an indigent person.

(3) All moneys recovered by the Under Secretary under subsection (2) of this section shall be paid to Consolidated Revenue.

5. Validation of previous burials. (1) It is hereby declared that the Under Secretary always was entitled to cause to be buried the body of any person who died or was found dead in Queensland, in any case where it appeared to the Under Secretary that no suitable arrangements for the disposal of the body had been or were being made otherwise than by the Under Secretary.

(2) The provisions of subsection (2) of section four of this Act do not apply with respect to any burial that took place before the commencement of this Act.

6. Regulations. The Governor in Council may, from time to time, make such regulations, not inconsistent with this Act, prescribing all matters and things that are necessary or convenient for carrying out or giving effect to this Act, and, without limiting the generality of the foregoing provisions of this section, in particular making provision for or in relation to—

(a) the duties of police officers for the purposes of the administration of this Act:

- (b) contracting for the burial or cremation of deceased persons under this Act; and
- (c) the burial or cremation of deceased indigent persons who have died in hospital.

7. Publication of regulations. (1) Every regulation made under this Act shall—

- (i) be published in the *Gazette*;
- (ii) upon its publication in the *Gazette* be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (iii) take effect from the date of such publication unless a later date is specified in that or in any other regulation for its commencement when in such event it shall take effect from that later date; and
- (iv) be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such regulation has been laid before it disallowing such regulation or part thereof, that regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further regulation.