

Queensland



BURIALS ASSISTANCE ACT 1965

**Reprinted as in force on 21 December 1995
(includes amendments up to Act No. 58 of 1995)**

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 21 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

See endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint including—**
 - **table of changed names and titles**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

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BURIALS ASSISTANCE ACT 1965

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BURIALS ASSISTANCE ACT 1965

[as amended by all amendments that commenced on or before 21 December 1995]

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

Short title

1. This Act may be cited as the *Burials Assistance Act 1965*.

Definitions

2. In this Act—

“**relative**”, in relation to a deceased person, means—

- (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.

Burial or cremation of the dead

3.(1) It shall be the duty of the chief executive 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 chief executive that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the chief executive.

(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.

- (3)** The chief executive shall not cause a body to be cremated under this

section where the chief executive has reason to believe that cremation would be contrary to the wishes of the deceased.

Cost of burial or cremation

4.(1) All expenses incurred by the chief executive under section 3 (including the expense of conveying the body to a morgue or other place) shall be met by the chief executive, and moneys from the consolidated fund are hereby to the necessary extent appropriated accordingly.

(2) The chief executive 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).

(2A) However, nothing contained in subsection (2) shall be construed as requiring the chief executive to take steps to recover any such expenses from the estate of any deceased person who was, in the opinion of the chief executive, an indigent person, or from any relative who is, in the opinion of the chief executive, an indigent person.

(3) All moneys recovered by the chief executive under subsection (2) shall be paid to the consolidated fund.

Regulation making power

5.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about the duties of police officers in relation to the Act.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 December 1995. Future amendments of the Burials Assistance Act 1965 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Burials Assistance Act 1965 No. 23

date of assent 29 April 1965
 commenced on date of assent
 as amended by—

Status of Children Act 1978 No. 30 s 14 sch

date of assent 8 June 1978
 commenced 1 January 1979 (see s 1(2))

Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 sch 6

date of assent 14 November 1990
 commenced 7 December 1989 (see s 2(4)(b))

Statute Law Revision 1995 (No. 2) No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

5 List of annotations

Definitions

prov hdg sub 1995 No. 58 s 4 sch 1
s 2 def “**child**” amd 1978 No. 30 s 14 sch
 om 1995 No. 58 s 4 sch 1
 def “**Director-General**” ins 1990 No. 80 s 3 sch 6
 om R1 (see RA s 39)
 def “**relative**” amd 1990 No. 8 s 3 sch 6
 def “**Under Secretary**” om 1990 No. 80 s 3 sch 6

Burial or cremation of the dead

s 3 amd 1990 No. 80 s 3 sch 6

Cost of burial or cremation

s 4 amd 1990 No. 80 s 3 sch 6

Regulation making power

s 5 amd 1990 No. 80 s 3 sch 6
 sub 1995 No. 58 s 4 sch 1

Regulations

s 6 om 1995 No. 58 s 4 sch 1

Publication of regulations

s 7 om 1995 No. 58 s 4 sch 1

6 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
consolidated revenue	consolidated fund	Financial Administration and Audit Act 1977 s 112
director-general	chief executive	see Reprints Act 1992 s 29 example 27

7 Table of obsolete and redundant provisionsTABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
def “director-general”	Acts Interpretation Act 1954 s 36 def “chief executive” and ss 33(5B) and 24B(8)(b) (see also Reprints Act 1992 s 39 example 2)
definitions to be read in context	Acts Interpretation Act 1954 s 32A
terms defined in Acts Interpretation Act 1954 and another Act	Acts Interpretation Act 1954 s 32AA

8 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
3(2), 2nd unnum para	3(3)
4(2), proviso	4(2A)