

2007

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

ASSEMBLY AMENDMENT

STATUTE LAW AMENDMENT BILL 2007

SUPPLEMENTARY EXPLANATORY STATEMENT

**Circulated by the authority
of
Simon Corbell MLA
Attorney General**

The Assembly amendment omits amendment 1.1 from the Statute Law Amendment Bill 2007 and substitutes 2 new amendments.

The amendments amend the *Cemeteries and Crematoria Act 2003*, section 23 (1) which relates to the exhumation of human or foetal remains.

The existing subsection can be read as requiring a person to obtain the permission of both a coroner and the chief health officer. This is reflected in the explanatory note for the amendment in the bill. In fact, the permission of only 1 of the statutory officeholders is necessary under the existing subsection because all elements of the offence are not made out if a coroner or the chief health officer has given permission.

The Assembly amendment makes clear the policy intent for the provision that the permission of either a coroner or the chief health officer is required. This is done by providing for a person to be authorised to exhume human or foetal remains. A person is authorised if a warrant under the *Coroners Act 1997* authorises the exhumation or the chief health officer has given written permission under the section for the exhumation.