



8 December 2015

The Honourable P. D. Cummins AM
Chair, Victorian Law Reform Commission
DX 144
MELBOURNE VIC

Dear Justice Cummins,

Funeral and Burial Instructions: Consultation Paper

I refer to your letter dated 19 November 2015 enclosing the Funeral and Burial Instructions Consultation Paper (the paper), for comment.

Thank you for the opportunity to comment.

The Tribunal is generally supportive of the paper, and notes the discussion in Chapter 8, paragraphs 8.17 – 8.21 on 'Alternative jurisdictions'.

Funeral and burial disputes naturally fit within the Tribunal's Human Rights Division (the HRD). The HRD has jurisdiction regarding guardianship and administration, powers of attorney, supportive attorneys and mental health matters.

In line with government policy and the objectives of the current Access to Justice Review, applications to the HRD generally do not attract fees. The Tribunal provides alternative dispute resolution procedures and facilities in the HRD free of charge.

While it is a matter for Government, I suggest that the Tribunal is a very appropriate jurisdiction for the resolution of these types of disputes. The Tribunal's processes are informal with many litigants in person conducting proceedings without representation. The Tribunal's jurisdiction to deal with matters of guardianship and administration, powers of attorney, and the affairs of persons with mental health issues are unlimited. The Tribunal has standing arrangements with the Office of the Public Advocate and many skilled members within the HRD to undertake these type of disputes.

Any conferral of jurisdiction upon the Tribunal would require legislation and approval by Government of funding.

Should you have any questions, please do not hesitate to contact me.

Yours faithfully,

A solid black rectangular box redacting the signature of Justice Greg Garde.

Justice Greg Garde AO RFD
President