

## **Jones v Dodd [1999] 73 SASR 328**

<http://lawcasesummaries.com/knowledge-base/jones-v-dodd-1999-73-sasr-328/>

### **Facts**

- The deceased died interstate
- A dispute ensued as to whether he should be buried according to traditional Aboriginal law (decided by his father), or near his home town where his children resided (as per the wishes of his children and his ex-de facto partner)

### **Issue**

- Who has the right to bury a corpse when the wishes of the family of the deceased (who is Indigenous) differ?

### **Held**

- The traditional approach to who has custodianship of the corpse is not a rigid legal principle, but only a testament to what *usually* happens
- In unusual circumstances such as this – where the deceased is Indigenous – factors such as their spiritual beliefs must be taken into account
- But, there are no property rights in a corpse (usually – see exception in *Doodeward v Spence*)!

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Law case summary from [www.lawcasesummaries.com](http://www.lawcasesummaries.com)