

INQUIRY INTO CORONIAL JURISDICTION IN NEW SOUTH WALES

Organisation: Australian Federation of Islamic Councils

Date Received: 16 March 2022



Australian Federation
of Islamic Councils

7 March 2022

The Director,
Select Committee into the Coronial Jurisdiction
LEGISLATIVE COUNCIL
Parliament House, Macquarie Street, Sydney NSW 2000

[VIA EMAIL: Coronial.Jurisdiction@parliament.nsw.gov.au](mailto:Coronial.Jurisdiction@parliament.nsw.gov.au)

AFIC Submissions concerning the Inquiry into the Coronial Jurisdiction in New South Wales

Dear Director,

Thank you for the opportunity to present a submission pertaining to Coronial Jurisdiction. Our submission is attached, we would be happy to assist with any further information or clarification.

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Kind regards,

Dr Rateb Jneid
President, AFIC



Australian Federation
of Islamic Councils

Inquiry into the Coronial Jurisdiction in New South Wales

By the Australian Federation of Islamic Councils (AFIC)

Question: AFIC's role within the community

Our Answer/ Comment:

The Australian Federation of Islamic Councils (AFIC) is the internationally acclaimed peak Muslim body in Australia. Established in 1964, AFIC serves and inspires the Australian Muslim community to build a society that is free of discrimination where all people are empowered to fulfill their potential as Australians while enriching the community with great Islamic values. We advocate for the oppressed and weak; build pathways and opportunities for the young to succeed; provide services that meet the needs of our ethnically diverse community and educate Muslims and non-Muslims on the true beauty of Islam.

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AFIC Values

- Accountability
- Trust
- Respect
- Justice
- Mercy
- Sincerity

We ask that the Parliamentary Committee consider those in their application of practice and procedure of coronial jurisdiction. We also take this opportunity to acknowledge the role of the Coroner and thank you for this outreach.



Question: Perspective or experience you can provide on the coronial jurisdiction

Our Answer/ Comment:

Some of our members operate funeral establishments. Both AFIC and its members take enquiries from Muslims about the fate of their deceased loved ones. Some members have written to the Coroner on occasions to seek a quick release of the deceased and to ensure that the body is treated considerately and respectfully.

As an Islamic requirement, we request that no autopsy be made unless absolutely necessary. If, for some reason, an autopsy is required – we ask that organs be returned into the body in a manner that is considerate and respectful. When Muslims bury a body, it is best that it be buried completely intact and closest to the condition of its death. We do believe that the family should also be consulted to minimise grief. Muslim funeral processes require a quick release for burial in a Muslim cemetery. Cremation is **not** permitted in Islam.

The responsibility that lies for the Muslim community is that we take care of the funeral ceremony and burial. The body is normally cleansed with all body parts intact. After washing, the body is wrapped in shrouds and taken to a place where Muslims pray for the deceased. People stand in respect when a funeral procession passes by them and many people seek to share in the carrying of the coffin on their shoulders.

We do believe that sensitivities in disclosure of information to the public may arise, especially in instances of suicide, drug, alcohol and poison related deaths. Especially if the family never saw any of this coming. Suicide and substance abuse are prohibited in Islam. If circumstances of death involve the rape or molestation of a person, it would be considered sensitive and the family may not want public disclosure of this aspect. We do understand that there are cases where public interest would override, however, as a general rule, we need to do our utmost to respect the family's privacy.

When it comes to death, authorities should always consult with family members and get an understanding of what steps are needed. Interpreter assistance is not offered by AFIC but we do have working knowledge of community members and other organisations that work in this field. Islamic relationships have a hierarchy over who is able to exercise rights over a the body of the deceased and whose rights are greater. There are instances where the will of the deceased includes stipulations about who will take care of the body after death.



Islam has very clear rules about the privacy of the human body and who might be permitted to see the body in various states of undress. This right to privacy does not stop at death, it is a right for the dead to make sure that their body is not seen or handled by members of the opposite gender. The body should always remain covered and not be left naked. Only parts which are necessary to be exposed should be exposed. Wherever possible, examinations of a body should be performed by a person of the same gender, in the absence of an appropriately qualified person of the same gender, any handling by the opposite gender must be monitored by a person of the same gender present in the room.

Where possible, we ask that substances used in testing or applied to the deceased body be free of alcohol or pig-based products, considering that these items are prohibited in Islam. We do understand that alcohol-based sanitisers maybe necessary in some instances. In such instances, they should only be applied externally. Any comments made with respect to the body should be fully supported by evidence and only disseminated with the consent of the family.

There should be consultations with the family throughout the process, if the next of kin is unaware of the religious and cultural requirements, it would be more appropriate to consult a Muslim organisation as well.

Question: What kind of support do you offer to families, cultural competency, counselling support, and access to and distribution and explanation of relevant information?

AFIC does receive enquiries and tend to from Muslims when a loved one passes away. Member organisations operate funeral establishments to tend to deceased Muslims. AFIC provides support to its member organisations in their activities. The support that AFIC provides is at a higher policy and procedure level. AFIC also has a national Sharia Board that gives religious rulings/interpretations to the community at large. AFIC also directs enquirers to the appropriate body to address their needs.

Our members generally deal directly with the Coroner to secure the release of a body.

AFIC can also provide advice to official authorities on matters relating to the handling of a deceased person.



Australian Federation
of Islamic Councils

We believe we can do better for the community – as there is always room for improvement. We would like to work more closely with the Coroner’s Office when it comes to community awareness, engagement and outreach. Possible ways we can improve may include:

- Special workshops to inform our members;
- Publications and literature on the topic as a collaborative effort;
- Public awareness committees;
- A list of services offered by Muslim Professionals trained with competency or accreditation
- Increase in suicide awareness and depression statistics – where possible statistics of Muslim deaths by suicide should be kept private but we would like to know and track numbers to see where our community needs to step up on this taboo matter;
- Statistics of death by hate crimes, especially Islamophobia need broader publication, statistical compilation and closer cooperation.

Authorised by

Dr Rateb Jneid
President, AFIC