

Schedule 19 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for disturbance of human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by –

- (a) the prescribed fee; and
- (b) details of the proposed disturbance of human remains; and
- (c) an explanation of the applicant's relationship to the deceased (if any); and
- (d) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (e) written consent from the nearest living relative in accordance with Ailan Kastom; and
- (f) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation; and
- (g) in the case of exhumation for the purpose of reinterment – details of the new burial place where reinterment is to take place; and
- (h) in the case of exhumation for the purposes of cremation – a completed declaration in accordance with the provisions of the *Cremations Act 2003* and the written approval of Queensland Health; and
- (i) if applicable, written consent of the State government; and
- (j) any other documentation or materials requested by the local government in writing.

4 Additional criteria for the granting of approval

The additional criteria for approval are –

- (a) the nearest living relative consents to the disturbance of the human remains;

- and
(b) there is no public health risk involved.

5 Conditions that must be imposed on approvals

For an approval for exhumation for the purposes of reinterment, a condition that must be imposed on all approvals are that the approval holder must place the remains of the deceased in a sealed plastic bag encased in a hermetically sealed coffin and enclosed in a wooden outer shell or coffin.

6 Conditions that will ordinarily be imposed on approvals

Intentionally left blank

7 Term of approval

The term of the approval shall be the term stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.