

Schedule 21 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery.

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

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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 the remains; and
- (c) an explanation of the applicant's relationship to the deceased (if any); and
- (d) written confirmation from a recognised undertaker that he or she is prepared to carry out the disturbance; and
- (e) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (f) written consent from the nearest living relative; and
- (g) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation; and
- (h) if applicable, consent of the State government; and
- (i) 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

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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.