3. (DRAFT) Process for interment of bodily remains

Is there a right of interment for the interment of bodily remains for the deceased?

Yes

No

Cemetery trust to issue right of interment in exchange for payment of the relevant cemetery trust fee.

Note that a right of interment to inter bodily remains may only be granted in perpetuity.

Sec 73–76

Sec 113

Application for interment authorisation

Funeral director (on behalf of the applicant) or the applicant fills out form 1 *'Application for interment authorisation'.* Funeral director or applicant must submit this form to the cemetery trust together with a duplicate copy of the notice required under section 37(2) of the *Births, Deaths and Marriages Registration Act 1996* (i.e. death certificate or other relevant documentation).

Regs, Sched 1

Sec 116

Consideration of application for interment authorisation

Cemetery trust receives application and checks the following–

- That the person making the application has the appropriate authority to do so;
- Whether the right of interment is exercised or unexercised;
- If the right of interment has been previously exercised, that the place of interment is deep enough to accommodate a subsequent interment in accordance with the minimum depth of burial requirements.

Reg 14

Approval of application for interment authorisation

If cemetery trust is satisfied with the application they must grant an interment authorisation. An authorisation may be granted on any terms and conditions the trust considers appropriate.

Note that approval may be either verbal or written. It is an offence to inter bodily remains without an interment authorisation punishable by a maximum penalty of 600 penalty units (approx $60,000) or five years imprisonment or both.

Sec 118

Sec 119

Sec 115

Funeral director or in cases where an individual arranges a funeral, that individual liaises with cemetery trust to arrange a suitable time for interment and where applicable a funeral.

Note that any person responsible for the conduct of a funeral must comply with any directions issued by the cemetery trust.

Reg 29

MR 6

Interment

Interment takes place.

Note that the cemetery trust must ensure compliance with requirements in relation to enclosure of bodily remains, depth of burial, interment in concrete lined graves and interment in mausolea.

Regs 13–15

Regs 25–26

Record keeping

Cemetery trust to fulfil prescribed record keeping requirements relating to rights of interment, interments and places of interment.

Reg 5

Please note the regulations referred to in this document are the draft regulations contained in the Regulatory Impact Statement—Cemeteries and Crematoria Regulations 2005 document