4. (DRAFT) Process for the cremation of bodily remains

Application for cremation authorisation

Funeral director (on behalf of the applicant) or the applicant fills out the following forms to make an application for cremation authorisation to a cemetery trust–

- Form 3 *'Application for cremation authorisation'*;
- Form 4 *'Certificate of registered medical practitioner authorising cremation'*. Note that the funeral director or applicant will need to arrange for a registered medical practitioner who is not the medical practitioner that signed the death certificate to complete this form;
- A notice as required under section 37(2) of the *Births, Deaths and Marriages Registration Act 1996* (i.e. death certificate or other relevant documentation).

Sec 131
Sec 131(2)
Reg 8 & Sched 3
Sec 138
Reg 9 & Sched 4
Sec 131(3)

Consideration and approval of application

A cemetery trust must check that the person making the application has the appropriate authority to do so. If cemetery trust is satisfied with the application they must grant the cremation authorisation. A cremation authorisation may be written or verbal.

Sec 133

Funeral director or in cases where an individual arranges a funeral, that individual liaises with cemetery trust to arrange a suitable time for the funeral service (if any).
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

Cremation

Remains submitted for cremation must be suitably enclosed in a coffin container or receptacle that complies with requirements in regulation 17. A trust may inspect a coffin and its contents to ensure that neither will impede the cremations process or cause damage to the cremator. Cremation takes place.
Note that it is an offence to cremate or assist in the cremation of bodily remains without a cremation authorisation. This offence is punishable by a maximum penalty of 600 penalty units (approx $60,000) or five years imprisonment or both.

Reg 17
Reg 18
Sec 130

What happens to the cremated remains following cremation?

A cemetery trust must make cremated remains available for collection within two working days of the cremation. Cremated remains may only be released to the applicant, the applicant's agent or in certain circumstances the nearest surviving relative. Cemetery trusts should also update their records in relation to cremations as detailed in regulation 5.

Reg 23
Reg 22
Reg 5

Cremated remains to be held for collection

If the cremated remains are not collected the trust must hold them for at least 12 months (Reg 23).

If the remains are not collected within 12 months the trust may dispose of the remains provided that at least three months prior to the expiry of the 12 months they take reasonable steps to notify the applicant of their intention to dispose of the remains (Reg 23).

Cremated remains to be interred

Is there a right of interment for the interment of the deceased's cremated remains?

Yes

No

Applicant to make application to cemetery trust for right of interment to inter cremated remains.

Cemetery trust to issue right of interment. *Note that a right of interment to inter cremated remains may be granted in perpetuity or for a period not exceeding 25 years (Sec 73 & 74).*

Applicant to apply to cemetery trust for authority to inter cremated remains. (Sec 77(3) & 141)

Cemetery trust to update their records in relation to the interment of cremated remains, places of interment and rights of interment as detailed in regulation 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