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| Making an application for an exhumation licence checklist |
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# Introduction

Applying for an exhumation licence under s. 156 of the *Cemeteries and Crematoria Act 2003* (the Act) can be a complex and lengthy process.

The department recommends applicants start planning early for the proposed exhumation and allow at least six months for their application to be considered.

If an applicant anticipates there might be objections within the deceased’s family to the proposed exhumation, the applicant should be prepared for the possibility the application will be refused, or it will be granted subject to the condition that the exhumation does not occur within 60 calendar days of the date of the issue of the licence.

Applicants are encouraged to use the checklist below to ensure they submit a complete application. An incomplete application will delay processing and may result in the return of the application for completion and re-submission.

# Checklist

## [ ]  Completed application form

Please refer directly to the application form, *Application to Secretary for exhumation licence* [(Form 11),](https://www.health.vic.gov.au/cemeteries-and-crematoria/exhumations) for instructions as to its completion. < https://www.health.vic.gov.au/cemeteries-and-crematoria/applying-for-an-exhumation-licence>

## [ ]  Supporting documents

Section 156(3) of the Act requires that an application for an exhumation licence must be accompanied by one of the following:

* a death certificate issued under s. 46 of the *Births Deaths and Marriages Registration Act 1996* (extracts not accepted)
* a copy of an order made by a Coroner under s. 47 of the *Coroners Act 2008*, releasing the body of the deceased to a specified person
* if the deceased died outside of Victoria (interstate or overseas), a copy of the document corresponding to a notice under s. 37(2) of the Births Deaths and Marriages Registration Act from the jurisdiction where the death occurred
* if the application relates to a stillborn child, a notice of still-birth under the Births Deaths and Marriages Registration Act, or if the still-birth occurred outside Victoria, a document from that jurisdiction corresponding to a notice of still-birth
* a statutory declaration made by the applicant stating that, owing to special circumstances, it is not possible to produce one of the required documents.[[1]](#footnote-2)

Applicants should submit certified copies of the documents required under s.156(3)(a)-(d) and certified copies of any other supporting documentation (such as Will, Probate, death certificates) when lodging their application.

## [ ]  Proof of identity documentation

Applicants for an exhumation licence are required to provide documentation to prove their identity in accordance with the following table. A certified copy[[2]](#footnote-3) of one current document is required from **each** of the three categories. If you are not able to meet this requirement, please contact the department for other options.

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| Category 1Evidence of link between photo and signature | [ ]  Australian driver’s licence (or learner’s permit)[ ]  Australian Proof of Age Card (in lieu of a driver’s licence and passport)[ ]  Australian passport[ ]  Australian firearm licence[ ]  Overseas passport |
| Category 2Evidence of operating in the community | [ ]  Medicare card[ ]  Credit card or ATM card[ ]  Australian security guard or crowd controller licence[ ]  Marriage Certificate issued by the Registry of the state, territory, or country where the marriage occurred[ ]  Student or tertiary identity card[ ]  Australian Citizenship Certificate[ ]  Standard Birth Certificate issued in Australia[ ]  Department of Veterans’ Affairs card[ ]  Working with Children Check card |
| Category 3Evidence of current residential address | [ ]  Australian driver’s licence (or learner’s permit)[ ]  Utility account (including gas, water, electricity, mobile or home phone)[ ]  Rates notice[ ]  Centrelink concession card (Pension Concession Card, Health Care Card, or Commonwealth Seniors Health Card)[ ]  Bank statement (including passbook, credit, savings, or cheque accounts)[ ]  Current lease or tenancy agreement[ ]  Superannuation fund statement |

## [ ]  Application fee

Applicants are to pay the current prescribed application fee into the department’s bank account by Electronic Funds Transfer (EFT) as per the instructions below. The prescribed application fee is published on the [department's website](https://www.health.vic.gov.au/cemeteries-and-crematoria/exhumations) <https://www.health.vic.gov.au/cemeteries-and-crematoria/exhumations>

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| Bank | Westpac Banking Corporation |
| Account Name | Department of Health |
| BSB | 033 222 |
| Account Number | 140106 |

The remittance advice should include:

#### Remittance Advice

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| Information required | Example |
| Deceased name[[3]](#footnote-4) | John Citizen |
| Cemetery name | Geelong Cemetery  |
| Funeral Director name | Graceful Sisters |
| Amount transferred  | $xx (List the amount transferred) |

A copy of the remittance advice must be included in the application. Please note a REFUND is NOT payable if an exhumation licence is not granted.

## [ ]  Statement from the relevant cemetery trust

Under Part C of the form the cemetery trust must provide a statement confirming:

* whether the proposed exhumation can be accommodated
* if the exhumation cannot be accommodated (at all or at a particular time) the reasons for this – for example, ground conditions during a particular season
* the holder of the right of interment’s name for the place of interment from which the proposed exhumation is to occur (note this cannot be a deceased person. Trusts may need to update their records prior to providing the statement).

This statement should be addressed to and provided to the applicant or their funeral director to be included in the application. It should not be sent directly to the department and should not be dated more than six months prior to the date the application form is signed by the applicant.

## [ ]  Statutory declaration (if required)[[4]](#footnote-5)

Under Part E of the form, if the nearest surviving relatives of the deceased cannot sign their consent or if an applicant is unable to sign the declaration on page 5 of the application form because a surviving relative has not been informed or has an objection to the proposed exhumation, the applicant must submit a statutory declaration explaining the circumstances.

Under Part F, when declaring a surviving relative has an objection, the applicant should endeavour to include contact details for the relative, to facilitate the department’s consideration of the application. Failure to include these details will cause delays.

If a surviving relative has an objection, the applicant’s statutory declaration may be disclosed to the objector, to give them the basis of the application. This ensures any objector has the opportunity to make informed submissions against the grant of an exhumation licence. If for any reason the applicant believes that the contents of their statutory declaration should not be disclosed, they should raise that with the department.

Disposition of the remains after exhumation

Under Part G of the form please note the additional authorisation requirements for the applicant:

* Before re-interment in a public cemetery in Victoria, the cemetery trust will require the applicant to complete an *Application for interment authorisation - bodily remains* (Form 1) and obtain consent from the holder(s) of the right of interment.
* Before re-interment in a place other than a public cemetery in Victoria, the applicant must apply to the Secretary for an interment approval (Form 2) *Application for interment approval – interment other than in a public cemetery*.
* For cremation in a Victorian crematorium the applicant will be required to complete Form 5 *Application for cremation authorisation - bodily remains* and attach it to the exhumation application for Secretary approval. While Form 5 is not prescribed for this purpose, the department prefers that applicants complete this form to ensure all relevant information is provided. If the applicant is unable to provide any of the documents listed in section 131(3) of the *Cemeteries and Crematoria Act 2003* a statutory declaration is required explaining why the documents cannot be provided and confirming all nearest surviving relatives agree to the cremation.

# Further information

For further information, please refer to the website <<https://www.health.vic.gov.au/cemeteries-and-crematoria/exhumations>> or email Permits and Licensing <statutoryapprovals.cemeteries@health.vic.gov.au>

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1. The Victorian statutory declaration form is available on the [Department of Justice and Community Safety website](https://www.justice.vic.gov.au/statdecs) <https://www.justice.vic.gov.au/statdecs>. [↑](#footnote-ref-2)
2. A person who can witness a statutory declaration can also certify a document. See the [Department of Justice and Community Safety website](https://www.justice.vic.gov.au/statdecs) <https://www.justice.vic.gov.au/statdecs>. [↑](#footnote-ref-3)
3. This information is mandatory. [↑](#footnote-ref-4)
4. The Victorian statutory declaration form is available on the [Department of Justice and Community Safety website](file:///C%3A%5CUsers%5Cdcha0611%5CDownloads%5CDepartment%20of%20Justice%20and%20Community%20Safety%20website) <https://www.justice.vic.gov.au/statdecs>. [↑](#footnote-ref-5)