

## Public Health Regulation 2012

### Part 8 Disposal of bodies

#### Division 1 Definitions

##### 49 Definitions

In this Part:

**body** means the body of a dead person, but does not include the cremated remains of the person.

**body preparation room** means that part of a mortuary that is used for the preparation of bodies for burial or cremation.

**burial** includes putting in a vault.

**cemetery authority** means the person or body that directs the operations of a cemetery.

**coroner** means a person who exercises or performs the functions of a coroner in accordance with the Coroners Act 2009.

**cremation** includes disposal of a body by alkaline hydrolysis.

**cremation authority**, in relation to a crematory, means the person or body that directs the operations of the crematory.

**crematory** includes premises in which bodies are disposed of by alkaline hydrolysis.

**dead person** includes a still-born child.

**embalming** means the process of preserving a body by means of the removal of body fluids and arterially injecting the body with embalming fluids, or other means approved by the Director-General.

**exhumation** means the removal of a dead person's remains (not being cremated remains) from a grave or vault, but does not include their removal from one vault for immediate transfer to another vault in the same cemetery or their temporary removal for the purposes of reburial in the same grave or vault.

**funeral director** means a person (other than the operator of a mortuary transport service) who, in the conduct of the person's business, engages, for the purpose of burial, cremation or transport, in the collection, transport, storage, preparation or embalming of bodies or engages in the conduct of exhumations.

**holding room** means a room that includes refrigerated body storage facilities for at least 2 adult bodies but does not include a body preparation room.

**mortuary** means premises that are used, or intended to be used, for the preparation or storage of bodies as part of the arrangements for their burial or cremation, but does not include any premises (such as a hospital) in which bodies may be temporarily stored pending their transfer to a mortuary.

**mortuary transport service** means a service that, for fee, gain or reward, transports bodies.

**nearest surviving relative** means:

- (a) in relation to a still-born child—a parent, or sibling at or above the age of 16 years, of the child, and
- (b) in relation to a dead person who is not a still-born child—the spouse or de facto partner of the dead person immediately before death, a parent of the dead person, a child at or above the age of 16 years of the dead person or any relative of the dead person who was residing with the dead person when he or she died.

**refrigerated body storage facility** means a storage facility for bodies maintained at between 1 and 5 degrees Celsius.

## **Division 2 Facilities**

### **50 Premises for handling of bodies**

- (1) A person must not, without the approval of the Director-General, use any premises other than a mortuary that complies with the relevant standards for mortuaries under the Local Government Act 1993 for the embalming or other preparation of bodies for burial or cremation or for the placing of bodies in coffins for burial or cremation.
  - (2) A person must not, without the approval of the Director-General, use any premises other than a holding room or a mortuary for the storage of bodies for burial or cremation.
  - (3) A person must not store a body in a vehicle except during the transport of the body or with the approval of the Director-General.
  - (4) A person must not use a holding room for any purpose other than the storage of bodies.
  - (5) A person must not, without the approval of the Director-General, use the facilities of a hospital for the purpose of the business of a funeral director or of the operator of a mortuary transport service except for the removal of bodies of persons who died in the hospital.
  - (6) The Director-General may give approval:
    - (a) under subclause (1), (2) or (3)—either generally or in a particular case, or
    - (b) under subclause (5)—in a particular case.
- Maximum penalty: 15 penalty units.

### **51 Facilities of body preparation rooms**

- (1) Unless otherwise approved by the Director-General, generally or in a particular case, a person must not use a body preparation room unless it has the following:
  - (a) a vehicle reception area adjacent to it and so designed that the transfer of uncoffined bodies from area to room and room to area is screened from public view,
  - (b) at least one hand basin, with an adequate supply of hot and cold water and fitted with elbow operated, foot operated or hands-free taps,
  - (c) sufficient slabs, tables and other fittings for the preparation of bodies for burial or cremation constructed of smooth impervious material and designed to facilitate draining and their cleaning,
  - (d) refrigerated body storage facilities big enough for 2 adult bodies,
  - (e) one or more impervious containers, each fitted with an elbow operated or foot operated close-fitting cover or lid, for the reception and storage of all solid wastes arising from the preparation of bodies and for the reception and storage of all screenings from floor drains.

(2) A person must not use the refrigerated body storage facilities in a body preparation room or holding room except to store bodies.

Maximum penalty: 15 penalty units.

## **52 Vehicles**

(1) A funeral director or the operator of a mortuary transport service must not use for the transport of bodies the part of a vehicle that is used by the funeral director or service for other purposes.

(2) A funeral director or the operator of a mortuary transport service must not use for any other purpose the part of a vehicle that is used by the funeral director or service for the transport of bodies.

(3) If part of a vehicle has been used to transport a body, a person must not use, or permit the use of, that part for the transport of another body until it has been cleaned of any exudates from the first body.

(4) A person must not dispose of a vehicle that the person has used for the transport of a body unless the vehicle has been cleaned since that use to remove any body exudates.

(5) A person must not transport an unembalmed body unless:

(a) during that transport, the body is refrigerated at a temperature of less than 10 degrees Celsius, or

(b) the duration of the transport is 8 hours or less and the person reasonably believes that transporting the body without refrigeration will not be a risk to public health.

Maximum penalty: 5 penalty units.

## **Division 3 Handling of bodies**

### **53 Prescribed infectious diseases**

In this Division, prescribed infectious disease means any of the following diseases:

(a) avian influenza in humans,

(b) diphtheria,

(c) plague,

(d) respiratory anthrax,

(e) Severe Acute Respiratory Syndrome,

(f) smallpox,

(g) tuberculosis,

(h) any viral haemorrhagic fever (including Lassa, Marburg, Ebola and Crimean-Congo fevers).

### **54 Retention of bodies by a person who is not a funeral director**

(1) A person who is not a funeral director must not retain a body if more than 5 days have passed since death.

Maximum penalty: 20 penalty units.

(2) The Director-General may approve, in a particular case, of a body being retained for longer than 5 days, subject to any conditions that the Director-General considers appropriate.

(3) This clause does not apply to a body that is stored at premises licensed under the Anatomy Act 1977 or the subject of an inquest under the Coroners Act 2009.

## **55 Retention of bodies by a funeral director**

- (1) A funeral director must retain a body:
- (a) in a refrigerated body storage facility, and
  - (b) in a mortuary or a holding room.

Maximum penalty: 20 penalty units.

- (2) However, a funeral director may cause the body to be removed from a refrigerated body storage facility:

- (a) to another part of the mortuary, for a maximum of 8 hours a day for the purposes of preparing the body for burial or cremation, embalming the body or viewing of the body by mourners, or
- (b) for the purpose of transporting the body for burial, interment or cremation, or
- (c) for the purpose of transporting the body to another mortuary.

## **56 Embalming of bodies**

- (1) A person must not embalm a body unless that person has successfully completed a course in embalming provided by a training provider accredited by the Australian Skills Quality Authority or approved by the Director-General.

- (2) A person must not embalm a body that the person has reason to believe is infected with a prescribed infectious disease.

Maximum penalty: 20 penalty units.

## **57 Infection control procedures**

- (1) A person must, when carrying out any procedure on a body, comply with the guidelines specified in Part B of the Australian Guidelines for the Prevention and Control of Infection in Healthcare published by the National Health and Medical Research Council.

Maximum penalty: 15 penalty units.

- (2) A person must, when placing a body in a bag or wrapping a body, comply with the document entitled Infection Control Policy published by the Ministry of Health.

Maximum penalty: 15 penalty units.

## **58 Bodies to be placed in body bags**

- (1) A responsible person must ensure that the body of a dead person is not removed from a place unless:

- (a) the body has been placed and secured in a bag or wrapping in a manner that prevents the leakage of any body exudate or other substance, and
- (b) the name of, or an identification of, the dead person is clearly and indelibly written on the top outer surface of the bag or wrapping, and
- (c) if the person has reason to believe that the body is infected with a prescribed infectious disease—the bag or wrapping is clearly and indelibly marked with the words “PRESCRIBED INFECTIOUS DISEASE—HANDLE WITH CARE”.

Maximum penalty: 15 penalty units.

- (2) For the purposes of this clause, a responsible person means:

- (a) if the body is at a hospital—the chief executive officer of the hospital or a person authorised by the chief executive officer, or
- (b) if the body is at any other premises or place—the funeral director or other person removing the body.

## **59 Removal of bodies from body bags**

- (1) A funeral director may only remove a body from a body bag if:
- (a) the funeral director has no reason to believe it is infected with a prescribed infectious disease, and
  - (b) the removal is for the purpose of:
    - (i) embalming the body, or
    - (ii) preparing the body for viewing, transport, burial or cremation, or
    - (iii) transferring the body to a coffin.

Maximum penalty: 20 penalty units.

- (2) After a funeral director has embalmed or prepared a body, the funeral director must place it in a coffin or in a new body bag.

Maximum penalty: 20 penalty units.

- (3) This clause does not apply to a body that is the subject of an inquest under the Coroners Act 2009 or a post-mortem examination carried out under the Human Tissue Act 1983.

## **60 Body viewing**

- (1) A funeral director may make a body available for viewing by mourners.

- (2) However, a funeral director must not make available for viewing a body infected with a prescribed infectious disease or a body that the funeral director has reason to believe is infected with a prescribed infectious disease.

Maximum penalty: 10 penalty units.

- (3) A funeral director who makes an unembalmed body available for viewing:
- (a) must not remove the body from refrigeration for a period longer than is necessary for making it available for viewing, and
  - (b) unless the body is to be buried or cremated immediately, must place the body under refrigeration after the viewing, and
  - (c) must not allow the body to remain unrefrigerated for a period of more than 8 hours in any day.

Maximum penalty: 5 penalty units.

## **61 Bodies in holding rooms**

- (1) A person (other than a funeral director) must not keep a body in a holding room for more than 48 hours.

Maximum penalty: 15 penalty units.

- (2) The Director-General may approve, generally or in a particular case, of a body being kept in a holding room for more than 48 hours, subject to any conditions that the Director-General considers appropriate.

- (3) A person (other than a funeral director) who keeps a body in a holding room and who has reason to believe that not refrigerating the body will be a risk to public health must put the body in the refrigerated body storage facility of the holding room.

Maximum penalty: 15 penalty units.

## **62 Register of bodies prepared in a mortuary**

- (1) A person who operates a mortuary must maintain a register of all bodies prepared in the mortuary.

(2) The person must make an entry in the register relating to each body immediately after the body is prepared.

(3) Each entry must include the following:

- (a) the name, age and last address of the person whose body was prepared,
- (b) the date of the person's death,
- (c) the date the body was received,
- (d) the date the body was removed from the mortuary,
- (e) the name of the cemetery or crematory to which, or the person to whom, the body was delivered.

(4) The person must keep a copy of the register at the mortuary and make it available for inspection on request by an authorised officer.

Maximum penalty: 10 penalty units.

### **63 Bodies to be placed in coffins**

Unless otherwise approved by the Director-General, generally or in a particular case, a person must not bury or cremate (other than by alkaline hydrolysis) a body unless:

- (a) the body has been placed in a coffin, and
- (b) the lid of the coffin has been securely sealed.

Maximum penalty: 10 penalty units.

### **64 Burial of bodies**

Unless otherwise approved by the Director-General in a particular case, a person who buries a body contained in a coffin must place the coffin so that its upper surface is not less than 900 millimetres below the natural surface level of the soil where it is buried.

Maximum penalty: 5 penalty units.

### **65 Transporting bodies**

(1) A person must not use, or agree to the use of, a vehicle (other than a hearse or body collection vehicle) for transporting a body that the person has reason to believe is infected with a prescribed infectious disease without informing the owner or driver of the vehicle that the body is so infected.

(2) A funeral director must, before despatching a body by a carrier other than a funeral director or the operator of a mortuary transport service:

- (a) if the funeral director has reason to believe the body is infected with a prescribed infectious disease—ensure that the bag or wrapping in which the body is placed is clearly and indelibly marked with the words “PRESCRIBED INFECTIOUS DISEASE—HANDLE WITH CARE”, and
- (b) enclose the body in a watertight coffin.

Maximum penalty: 10 penalty units.

### **66 Burials in certain areas prohibited**

(1) A person must not place a body in any grave or vault unless that grave or vault is located:

- (a) in a public cemetery, or
- (b) in a private cemetery or other place approved for that purpose by a local government authority, or
- (c) on private land, where the area of landholding is 5 hectares or more and the location has been approved for that purpose by a local government authority, or

- (d) on land reserved under the National Parks and Wildlife Act 1974 or acquired under Part 11 of that Act, where the location has been approved for that purpose by:
- (i) a person or body (including a local council, trust board or board of management within the meaning of that Act) in which the care, control and management of the land is vested, or
  - (ii) if no such person or body has been vested with the care, control and management of the land—the Director-General of the Department of Premier and Cabinet.

(2) A person must not bury a body in or on any land if to do so would make likely the contamination of a drinking water supply or a domestic water supply.  
Maximum penalty: 10 penalty units.

## **67 Burials in vaults**

(1) A person must not place a body in a vault unless:

- (a) the body has been embalmed and hermetically enclosed with material approved by the Director-General and there is no viewing panel in the enclosure, and
- (b) the body and enclosure are placed in a coffin and the lid secured in position.

Maximum penalty: 5 penalty units.

(2) The Director-General may, generally or in a particular case, approve other conditions under which a body may be placed in a vault.

## **68 Register of burials**

(1) A cemetery authority must maintain a register of all burials carried out at the cemetery.

(2) The cemetery authority must make in the register an entry relating to each burial immediately after the burial has been carried out.

(3) Each entry must include the following:

- (a) the name, age and last address of the person whose body or remains have been buried,
- (b) the date of the person's death,
- (c) the date of the burial,
- (d) the section and allotment where the burial has been made,
- (e) the name of the person (if any) who continues to hold any right of burial in that allotment,
- (f) the name of the funeral director who transported the body to the cemetery,
- (g) the fees paid to the cemetery authority for the burial.

(4) The cemetery authority must keep a copy of the register at the cemetery and make it available for inspection on request by an authorised officer.

(5) If a cemetery authority ceases to direct the operations of a cemetery, the chief executive officer of the authority must ensure that the register of burials for the cemetery is sent to the Director-General or otherwise disposed of as the Director-General may direct.

Maximum penalty: 10 penalty units.

## **Division 4 Exhumations**

### **69 Exhumation without approval prohibited**

(1) A person must not exhume the remains of a body unless the exhumation of those remains has been:

- (a) ordered by a coroner, or

(b) approved by the Director-General.  
Maximum penalty: 20 penalty units.

(2) However, a funeral director may, without a coroner's order or Director-General's approval, transfer a coffin from a vault in a cemetery to a mortuary for the purpose of the coffin being immediately repaired and returned to the vault.

(3) A funeral director must return the coffin to the cemetery within 24 hours of its transfer.  
Maximum penalty: 10 penalty units.

## **70 Application to exhume remains**

(1) An application for approval to exhume the remains of the body of a dead person may be made to the Director-General by:

- (a) an executor of the estate of the dead person, or
- (b) the nearest surviving relative of the dead person, or
- (c) if there is no such executor or relative available to make the application—a person who, in the opinion of the Director-General, is a proper person in all the circumstances to make the application.

(2) An application is to be made in the approved form and is to be accompanied by:

- (a) a certified copy of the death certificate relating to the dead person, and
- (b) a statutory declaration as to the relationship of the applicant to the dead person and the dead person's wishes, if any, regarding the disposal of his or her body (so far as any such wishes are known to the applicant), and
- (c) an application fee of \$320.

(3) In this clause, death certificate means a certificate given by a medical practitioner as to the cause of death or issued under the Births, Deaths and Marriages Registration Act 1995.

## **71 Approval to exhume remains**

(1) The Director-General may:

- (a) grant an approval to exhume the remains of a body, subject to any conditions specified in the approval, or
- (b) refuse the application.

(2) An approval granted under this clause remains valid for 3 months from the date of the approval or for a period agreed to by the Director-General.

## **72 Exhumation not to take place without authorised officer present**

(1) A person must not proceed with an exhumation unless an authorised officer or a member of staff of the Ministry of Health is present at the exhumation.

(2) A person must not proceed with an exhumation if the authorised officer or Ministry staff member who is present at the exhumation orders the exhumation to stop.

Maximum penalty: 15 penalty units.

## **Division 5 Cremation**

### **73 Definitions**

In this Division:

**cremation certificate** means a certificate issued under clause 81.

**cremation permit** means a permit issued under clause 82, 83 or 84.

**medical referee** means:

- (a) a public health officer, or
- (b) a medical superintendent of a public hospital (within the meaning of the Health Services Act 1997), or
- (c) a registered medical practitioner who has been appointed by the Director-General as a medical referee for the purposes of this Part.

#### **74 No refusal to cremate**

A cremation authority must not, without reasonable excuse, refuse to accept a body for cremation.

Maximum penalty: 10 penalty units.

#### **75 Bodies to be cremated separately**

(1) Unless otherwise approved by the Director-General, generally or in a particular case, a person must not cremate more than one body in the same crematory retort at any one time.  
Maximum penalty: 10 penalty units.

(2) In this clause, crematory retort means the receptacle into which a body is placed for cremation.

#### **76 Cremation within 4 hours**

A cremation authority must commence cremating a body within 4 hours of the delivery of the body to the crematory unless the body is placed in a holding room.

Maximum penalty: 5 penalty units.

#### **77 No cremation against dead person's wishes**

(1) A person must not cremate the body of a dead person if the person is aware that the proposed cremation would be contrary to a written direction left by the dead person.

(2) A person must not cremate the body of a dead person otherwise than in accordance with any written direction left by the dead person about the particular method of cremation that was or was not to be used.

Maximum penalty: 10 penalty units.

#### **78 No cremation without documentation**

(1) A person must not cremate the remains of a body that has not been identified.  
Maximum penalty: 20 penalty units.

(2) A cremation authority must not cremate the body of a dead person unless the authority has in its possession:

- (a) an application for cremation of the body of the dead person, and
- (b) a cremation permit, and
- (c) in the case of the body of a dead person who is not a still-born child—a cremation certificate (unless a cremation permit has been issued by a coroner).

Maximum penalty: 20 penalty units.

(3) Subclause (2) does not apply to a cremation of an organ or part of a body that has been subject to an anatomical examination under the Anatomy Act 1977 or a post-mortem examination under the Human Tissue Act 1983 if the cremation is carried out in accordance with an exemption granted by the Director-General generally or in a particular case.

(4) Subclause (2) does not apply to a cremation of the body of a dead person that has been buried for at least 10 years if the cremation is carried out in accordance with an exemption granted by the Director-General following an application to the Director-General by:

- (a) an executor of the estate of the dead person, or
- (b) the nearest surviving relative of the dead person, or
- (c) if there is no such executor or relative available to make the application—a person who, in the opinion of the Director-General, is a proper person in all the circumstances to make the application.

(5) An application under subclause (4) is to be made in the approved form and is to be accompanied by a fee of \$100.

(6) The form may require any information contained in the form to be supported by a statutory declaration.

### **79 Cremation application: dead persons other than still-born children**

(1) An application for cremation of the body of a dead person who is not a still-born child is to be made in the approved form to a medical referee or coroner.

(2) The form may require any information contained in the form to be supported by a statutory declaration.

(3) The application may be made by:

- (a) an executor of the estate of the dead person, or
- (b) a nearest surviving relative of the dead person, or
- (c) where there is no such executor or relative available to make the application—a person who, in the opinion of the medical referee or coroner, is a proper person in all the circumstances to make the application.

### **80 Cremation application: still-born children**

(1) An application for cremation of the body of a still-born child is to be made in the approved form to a medical referee.

(2) The form may require any information contained in the form to be supported by a statutory declaration.

(3) The application may be made by:

- (a) a nearest surviving relative of the child, or
- (b) where there is no such relative available to make the application—a person who, in the opinion of the medical referee, is a proper person in all the circumstances to make the application.

### **81 Cremation certificate**

(1) An attending practitioner may issue a cremation certificate for the body of a dead person:

- (a) if the certificate is in the approved form, and
- (b) if the practitioner is able to certify definitely the cause of death of the person, and

(c) if the person is not one whose death is examinable under the Coroners Act 2009 by a coroner.

(2) A medical practitioner expert in anatomical pathology may issue a cremation certificate for the body of a dead person:

- (a) if the certificate is in the approved form, and
- (b) if the practitioner has carried out a post-mortem examination of the body, and
- (c) if the person is not one whose death is examinable under the Coroners Act 2009 by a coroner.

(3) A cremation certificate for the body of a dead person issued by a medical practitioner under legislation of another State or Territory regulating the cremation of bodies is taken to have been issued under this clause.

(4) In this clause, attending practitioner, in relation to a dead person, means a medical practitioner who attended the person immediately before, or during the illness terminating in, the death of the person.

## **82 Medical referee's cremation permit: dead persons who are not still-born children**

(1) A medical referee who receives:

- (a) an application for cremation of the body of a dead person who is not a still-born child, and
  - (b) a cremation certificate for the body,
- may issue a cremation permit for the body in the approved form.

(2) However, a medical referee must not issue a cremation permit for the body of a dead person if:

- (a) the death of the person is examinable under the Coroners Act 2009 by a coroner, or
- (b) the proposed cremation would be contrary to a written direction left by the dead person, or
- (c) the medical referee has not made an external examination of the body, or
- (d) the medical referee is not satisfied that the identity of the body has been correctly disclosed in the application for cremation or in the cremation certificate, or
- (e) the medical referee is not satisfied that the cause of death has been correctly identified in the cremation certificate, or
- (f) the application for cremation or the cremation certificate appears to the medical referee to be otherwise incorrect or incomplete, or
- (g) the same medical referee issued a cremation certificate in respect of the body.

(3) A medical referee who issues a cremation permit for the body of a dead person must include in the permit any written direction left by the dead person about the particular method of cremation that was or was not to be used.

## **83 Coroner's cremation permit**

(1) A coroner who receives an application for cremation of the body of a person whose death is examinable under the Coroners Act 2009 by the coroner may issue a cremation permit in the approved form.

(2) However, a coroner must not issue a cremation permit for the body of a dead person if:

- (a) the proposed cremation would be contrary to a written direction left by the dead person, or
- (b) the application for cremation appears to the coroner to be incorrect or incomplete.

(3) A coroner who issues a cremation permit for the body of a dead person must include in the permit any written direction left by the dead person about the particular method of cremation that was or was not to be used.

(4) A cremation permit issued for the body of the dead person by a person who exercises or performs the functions of a coroner in another State or Territory under legislation of that State or Territory regulating the cremation of bodies is taken to have been issued under this clause.

#### **84 Medical referee's permit: still-born children**

(1) A medical referee who receives an application for cremation of the body of a still-born child may issue a cremation permit in the approved form.

(2) However, a medical referee must not issue a cremation permit for the body of a still-born child unless:

- (a) the child has been certified to be still-born by a medical practitioner who was in attendance at the delivery of the child, or
- (b) the medical referee is satisfied, after any inquiries the medical referee thinks necessary, that the child was still-born.

#### **85 Cremated remains**

(1) After cremating the body of a dead person, a cremation authority must, in accordance with any reasonable written directions left by the person (or with any reasonable directions of the applicant for the cremation):

- (a) give the cremated remains to the applicant, or
- (b) dispose of the cremated remains in a burial ground or in land adjoining the crematory reserved for the burial of cremated remains, or
- (c) otherwise retain or dispose of the cremated remains.

(2) If the cremated remains are to be given to the applicant, and the applicant does not take them within a reasonable time, the cremation authority must give 14 days' notice to the applicant of its intention to dispose of the cremated remains before it disposes of them.  
Maximum penalty: 10 penalty units.

#### **86 Register of cremations**

(1) A cremation authority must maintain in the approved form a register of all cremations carried out at the crematory.

(2) A cremation authority must:

- (a) make in the register an entry relating to each cremation immediately after the cremation has taken place, and
- (b) make in the register an entry relating to the disposal of cremated remains as soon as they have been disposed of.

Maximum penalty: 10 penalty units.

#### **87 Keeping of register and documents**

(1) A cremation authority must keep all applications, certificates, permits and other documents relating to any cremation carried out by it and mark them with a number corresponding to the number allocated to the cremation in the register of cremations.

Maximum penalty: 20 penalty units.

(2) Those documents (other than the register of cremations or any part of it) may be destroyed by the cremation authority after 15 years from the date of the cremation to which they relate.

(3) When a crematory is closed, the cremation authority concerned must send all registers and documents relating to the cremations that have taken place at the crematory to the Director-General or otherwise dispose of them as the Director-General may direct.

Maximum penalty: 20 penalty units.

## **88 Closing of crematories**

(1) The Minister may, on giving 28 days' notice in writing to a cremation authority, order the closing of a crematory whose operations are directed by the authority.

(2) A cremation authority must not, after the 28-day period has expired, direct or permit the operation of a crematory the subject of such an order until the order is revoked by the Minister.

(3) Except where an order has been given pursuant to subclause (1), a cremation authority must, not less than 28 days before temporarily or permanently closing a crematory whose operations it directs:

- (a) forward to the Minister notice of the intended closure, and
- (b) publish a notice giving details of the intended closure in a newspaper circulating in the district where the crematory is located, and
- (c) prominently display a copy of the notice at the entrance of the crematory.

(4) A person must not re-open a crematory closed by a cremation authority without the approval of the Minister.

Maximum penalty: 20 penalty units.

## **Division 6 Miscellaneous**

### **89 Register of mortuaries and crematories**

(1) The Director-General is to maintain a register of mortuaries and crematories.

(2) A person who operates a mortuary or crematory must notify the Director-General of the following matters for inclusion on the register:

- (a) the name and location of the mortuary or crematory,
- (b) the name and address of the person who operates the mortuary or crematory,
- (c) the telephone number of the mortuary or crematory or of the person who operates the mortuary or crematory,
- (d) in the case of a mortuary—the name and address of any funeral director that has access to the mortuary.

Maximum penalty: 20 penalty units.

(3) The notification is to be accompanied by the fee (not exceeding \$100) determined by the Director-General.

(4) The person who operates the mortuary or crematory must notify the Director-General of any change in the particulars notified to the Director-General. No fee is payable for such a notification.

Maximum penalty: 20 penalty units.

## **90 Public access to registers**

- (1) A cemetery authority must make its register of burials available for public inspection free of charge.
- (2) A cremation authority must make its register of cremations available for public inspection free of charge.
- (3) An authority must also provide a copy of an entry in its register at the request of a member of the public, but may charge the reasonable cost of providing the copy.

## **91 Powers of authorised officers**

- (1) An authorised officer may enter and inspect a mortuary or premises that the officer has reason to suspect are mortuaries.
- (2) An authorised officer may enter a crematory and inspect any equipment or apparatus at the crematory.
- (3) An authorised officer may enter a cemetery and inspect any part of the cemetery.
- (4) An authorised officer may enter and inspect a holding room.
- (5) An authorised officer may inspect any register or other record or document at a mortuary, crematory, cemetery or holding room and take copies of or extracts from the register, record or document.
- (6) An authorised officer may enter any premises used by a mortuary transport service and may inspect any records, equipment or apparatus used by the mortuary transport service.

## **92 Guidelines as defence**

It is a defence to a prosecution for an offence against this Part if the defendant satisfies the court that the act or omission constituting the offence was done in compliance with any guidelines published by the Ministry of Health.

## **93 Offences by corporations**

Clauses 52, 74, 76, 77, 85 and 89 (2) (and (4)) are declared to be excluded provisions for the purposes of section 119 of the Act.