

1990 - No. 742

**PUBLIC HEALTH ACT 1902 - REGULATION**

(Relating to registration of certain facilities  
at cemeteries and crematories)

NEW SOUTH WALES



*[Published in Gazette No. 152 of 23 November 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Public Health Act 1902, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS  
Minister for Health.

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The Public Health (Funeral Industries) Regulation 1987 is amended:

- (a) by inserting in clause 3 (1) after the definition of "exhumation" the following definition:  
    **"holding room"** means that part of premises at a cemetery or crematory which is used, or intended to be used, for the purpose of the refrigerated storage of coffined bodies of deceased persons pending their interment or cremation;
- (b) by omitting from clause 3 (1) the definition of "mortuary" and by inserting instead the following definition:  
    **"mortuary"** means that part of premises used, or intended to be used, for the preparation or storage of bodies of deceased persons pending their interment or cremation;
- (c) by inserting in clause 4(4) (a) and (b) after the word "mortuary" wherever occurring the words "(other than a mortuary that consists solely of a holding room)";

- (d) by omitting from clause 6 (2) (a) (i) the word "or";
- (e) by inserting in clause 6 (2) (a) (ii) after the word "undertaker;" the word "or";
- (f) by inserting after clause 6 (2) (a) (ii) the following subparagraph:
  - (iii) if the mortuary consists solely of a holding room, the principal executive officer of the cemetery or cremation authority
- (g) by omitting clause 6 (2) (c) and by inserting instead the following paragraph
  - (c) be accompanied by a registration fee of \$100 in the case of an application for the registration of a mortuary that consists solely of a holding room, or \$215 in any other case; and
- (h) by inserting in clause 7 (2) after the word "mortuary" the words "(other than a mortuary that consists solely of a holding room)";
- (i) by inserting after clause 7 (2) the following subclause:
  - (2A) The local authority is to refuse an application for registration under section 63B of the Act of a mortuary that consists solely of a holding room if the premises do not comply with Division 3A.
- (j) by inserting in clause 7 (3) after the words "any mortuary" the words "(other than a mortuary that consists solely of a holding room)";
- (k) by inserting after clause 7(3) the following subclause:
  - (3A) The local authority may cancel the registration of a mortuary that consists solely of a holding room if:
    - (a) the holding room is not maintained in accordance with the requirements of Division 34 or
    - (b) the requirements of this Regulation are not complied with at the holding room.
- (l) by omitting from clause 7 (4) the words "in accordance with subclause (1) or cancelling the registration of a mortuary in accordance with subclause (3)" and by inserting instead the words "or cancelling the registration of a mortuary, in accordance with this clause";

- (m) by omitting from clause 7 (5) the matter "subclause (3)" and by inserting instead the words "this clause";
- (n) by omitting the heading to Division 3 of Part 2 and by inserting instead the following heading and clause:

**Division 3 - Site, construction, layout  
and equipping of mortuaries (other  
than holding rooms)**

**Division does not apply to holding rooms**

8A. This Division does not apply to a mortuary that consists solely of a holding room.

- (o) by inserting after Division 3 of Part 2 the following Division:

**Division 3A - Site, construction, layout  
and equipping of holding rooms**

**Site**

16A. The proposed site of a holding room must be suitable for the establishment of a holding room.

**Water supply and sewerage**

16B. (1) The holding room must be connected to a permanent water supply in compliance with the requirements of the local water supply authority.

(2) The holding room must be connected to a water carriage sewerage system approved by the local authority.

**Lighting and ventilation**

16C. (1) Lighting of the holding room must comply with the requirements of clauses 50.2, 50.3, 50.4 and 50.5 of Ordinance No. 70 under the Local Government Act 1919.

(2) Ventilation of the holding room must comply with the requirements of clause 50.7 and either clause 50.8 or clause 55.7 of Ordinance No. 70 under the Local Government Act 1919.

**Construction**

16D. The holding room must be physically separated from all public areas of the building in which it is situated but may be integral with the construction of the remainder of the building.

**Fittings and equipment**

16E. (1) The holding room must be provided with refrigerated storage facilities having sufficient capacity for the storage of at least 2 coffined adult bodies.

(2) The refrigerated body storage facilities must be maintained at an internal temperature of 3 degrees Celsius plus or minus 2 degrees Celsius.

(3) The refrigerated body storage facilities must not be used for any purpose other than the storage of bodies.

(p) by inserting after clause 19 (1) the following subclause:

(1A) An undertaker must not use a mortuary that consists solely of a holding room for any purpose other than the storage of coffined bodies of deceased persons.

(q) by inserting after clause 25 (2) the following subclause:

(3) The body of a deceased person:

(a) must not be retained in a mortuary that consists solely of a holding room at a cemetery for more than 24 hours; and

(b) if it is to be retained in the holding room for more than 4 hours, must be retained in a coffin and placed in the refrigerated body storage facility of the holding room within 4 hours of its delivery to the holding room.

(r) by inserting at the end of clause 40 the following subclause:

(2) A person must not erect a building for use as a crematory within 45 metres of any public road.

(s) by omitting from clause 47 (3) the matter "6" and by inserting instead the matter "4";

(t) by inserting after clause 47 (3) the following subclause:

(4) Despite subclause (3), the coffined body of a deceased person may be retained uncremated in a mortuary that consists solely of a holding room at a crematory for up to 24 hours but if it is to be retained there for more than 4 hours the coffined body must be placed in the refrigerated body storage facility of the holding room within 4 hours of its delivery to the crematory.

(u) by omitting Forms 4 and 5 in Schedule 1 and by inserting instead the following forms:

**FORM 4**

(C1. 6 (1))

APPLICATION FOR REGISTRATION OF A MORTUARY

To the Town/Shire Clerk  
City/Municipality/Shire of.....

I/We.....  
(Name of applicant)

of.....  
(Address for service of notices)

apply for \* registration  
              \* renewal of registration

of premises known as .....  
(Business name)

- \* as a mortuary.
- \* as a mortuary consisting solely of a holding room.

The procedures carried out or intended to be carried out at the  
mortuary/holding room are -

.....  
.....  
(List of procedures)

I/We attach hereto the following documents (original only, unless  
changes have been made since the last application was made):

- (1) a site plan of the mortuary/holding room, drawn to scale,  
together with relevant particulars of title of the site;
- (2) plans of the mortuary/holding room drawn to a scale of 1:100
- (3) a full description of the facilities required pursuant to Part 2,  
Division 3 or 3A.

I/We forward the prescribed registration fee with this application.

.....  
*Signature*

.....  
*Date*

.....  
*Position*

\* Delete whichever is  
not applicable

**FORM 5**

(Cl. 7 (1))

**CERTIFICATE OF REGISTRATION OF MORTUARY**

This is to certify that the Council of the

\* City/Municipality/Shire

has, pursuant to the Public Health (Funeral Industries) Regulation  
1987,

registered as a \*mortuary/mortuary consisting solely of a holding room  
the premises known as .....  
and situated at .....

The registration to which this certificate refers remains in force until  
31 December next following the date of issue of this certificate unless  
sooner cancelled.

\*Delete whichever is  
not applicable

.....  
*(Officer of the local authority  
empowered to sign on its behalf)*

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to provide for the registration as mortuaries of holding rooms at cemeteries and crematories used solely for the refrigerated storage of confined bodies; and
  - (b) to impose requirements on the construction and maintenance of, and facilities to be available at, those holding rooms; and
  - (c) to limit to the storage of bodies the activities that can be carried out at those holding rooms; and
  - (d) to impose limits on the length of time that a body can be stored at such a holding room; and
  - (e) to reduce from 6 hours to 4 hours the period for which the body of a deceased person may be retained unrefrigerated at a crematory before being cremated.
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