



Public Health (Disposal of Bodies) Amendment (Cremation) Regulation 2011

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The object of this Regulation is to provide for the disposal of human bodies by a process of alkaline hydrolysis and to ensure that the written directions of a dead person concerning the method of cremation to be used in the disposal of his or her body are followed.

This Regulation is made under the *Public Health Act 1991*, including section 82 (the general regulation-making power).

2011 No 568

Public Health (Disposal of Bodies) Amendment (Cremation) Regulation
Clause 1 2011

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(Cremation) Regulation 2011**

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Public Health Act 1991

1 Name of Regulation

This Regulation is the *Public Health (Disposal of Bodies) Amendment (Cremation) Regulation 2011*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Public Health (Disposal of Bodies) Regulation 2002**

[1] **Clause 3 Definitions**

Insert in alphabetical order in section 3 (1):

cremation includes the disposal of the body of a dead person by alkaline hydrolysis.

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

crematory retort means the receptacle into which the body of a dead person is placed for cremation.

[2] **Clause 19 Bodies to be placed in coffins**

Insert “(other than by alkaline hydrolysis)” after “cremate”.

[3] **Clause 34 No cremation against dead person’s wishes**

Insert at the end of clause 34 (before the penalty):

- (2) A person must not cremate the body of a dead person, if informed that the latter has left a written direction that a particular method of cremation was, or was not, to be used in the disposal of his or her body, otherwise than in accordance with that direction.

[4] **Clause 35A**

Insert after clause 35:

35A No cremation by alkaline hydrolysis of body infected with List B disease

A person must not dispose of a body by alkaline hydrolysis if the person has reason to believe that the body is infected with a List B disease.

Maximum penalty: 10 penalty units.

[5] **Clause 39 Medical referee’s cremation permit: dead persons who are not still-born children**

Insert after clause 39 (2):

- (3) A medical referee who issues a cremation permit for the body of a dead person must, if the person has left a written direction that a particular method of cremation was, or was not, to be used in the disposal of his or her body, include that direction on the permit.

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[6] Clause 40 Coroner's cremation permit

Insert after clause 40 (2):

- (2A) A coroner who issues a cremation permit for the body of a dead person must, if the person has left a written direction that a particular method of cremation was, or was not, to be used in the disposal of his or her body, include that direction on the permit.

[7] Clause 43 Ashes

Insert after clause 43 (2):

- (3) In this clause, *ashes* includes solid residue from the disposal of the body of a dead person by alkaline hydrolysis.