



New South Wales

Public Health Amendment (Exhumations) Regulation 2018

under the

Public Health Act 2010

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 2010*.

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The objects of this Regulation are to amend the *Public Health Regulation 2012*:

- (a) to provide that an application to the Secretary for approval of the exhumation of human remains is not required to be accompanied by a death certificate in certain circumstances, and
- (b) to provide that the Secretary, in granting the approval, is to impose conditions the Secretary considers necessary to ensure human remains are treated with dignity and respect during an exhumation.

This Regulation is made under the *Public Health Act 2010*, including section 134 (the general regulation-making power) and, specifically, section 134 (2) (r).

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1 Name of Regulation

This Regulation is the *Public Health Amendment (Exhumations) Regulation 2018*.

2 Commencement

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

3 Amendment of Public Health Regulation 2012

(1) Clause 70 Application to exhume remains

Insert after clause 70 (2):

- (2A) Despite subclause (2), the Secretary may dispense with the requirement for an application to be accompanied by a death certificate if:
- (a) the Secretary is satisfied that it is not reasonably practicable to get the death certificate in the circumstances, and
 - (b) the Secretary consults the State Coroner about the application.

(2) Clause 71 Approval to exhume remains

Insert after clause 71 (1):

- (1A) In granting an approval to exhume the remains of a body under this clause, the Secretary is to impose conditions the Secretary considers necessary to ensure the remains of the body are treated with dignity and respect in the course of carrying out the exhumation.