

APPLICATION TO EXHUME REMAINS

(OFFICE USE)

Monitored by Date Received
Start time Finish time

All works must be conducted in accordance with the excavation conditions of Tweed Shire Council Public Cemeteries and in compliance with Division 4 WHS requirements.

Exhumation application will be assessed in accordance of (Exhumation) Section 69 Public Health Disposal of Bodies Regulation 2012 (see details attached).

Please refer to Council's Fees and Charges for applicable fees. An excavator may be provided. Other fees may be applicable.

This application must be lodged five (5) working days prior to proposed exhumation date.

A1. Applicant

Contact Person
Postal Address
Suburb State Post Code
Telephone Mobile
Email

A2. Burial Site

Date of Exhumation
Legal name as appears on Death Certificate
Deceased Name Surname
Cemetery
Section Allotment Row
For Transfer to (optional)
Cemetery

A4. Applicants Declaration

I declare that all the information in this application, checklist and attachments are attached and true and correct.

1. Certified copy of Exhumation Approval as provided by the NSW Department of Health Director General, or a Certified copy of an order for exhumation provided by a coroner
2. Certified copy of the Death Certificate relating to the person whose remains are to be exhumed.
3. Copy of the Exhumation Plan of Management

Applicants Name (please print)
Applicants Signature Date

NSW Public Health Regulation 2012

Part 8 Disposal of bodies

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

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.