

Disposal of bodies

The *Public Health Act 2010* and the *Public Health Regulation 2012* commence on **1 September 2012**. To support implementation of the *Act* and *Regulation*, a series of Information Sheets has been developed to outline the key requirements in relation to particular areas. Visit the NSW Ministry of Health webpage at www.health.nsw.gov.au/phact for more information on the *Act* and *Regulation*.



What aspects of the 'disposal of bodies' are regulated under the *Public Health Act 2010* and the *Public Health Regulation 2012*?

The *Regulation* makes provisions for 'the facilities and procedures for the handling of bodies of deceased persons, exhumations, cremations and other matters relating to the disposal of bodies'.

Who do the requirements of the *Public Health Regulation 2012* apply to, in relation to the disposal of bodies?

The requirements of the *Regulation* in relation to the disposal of bodies apply to any person who may handle or dispose of human bodies.

This includes:

- funeral directors
- cemeteries and crematories
- hospital morgues.

Why has the legislation related to the disposal of bodies been revised?

The revised *Regulation* is designed to improve infection control practices and has been updated to reflect contemporary references and practices. The new *Regulation* replaces the Public Health (Disposal of Bodies) Regulation 2002.

What are the key requirements under the new legislation in regards to the disposal of bodies?

The requirements of the new *Act* and *Regulation* in relation to the disposal of bodies largely carry on the provisions of the Public Health Act 1991 and the Public Health (Disposal of Bodies) Regulation 2002.

The new *Regulation*:

- Requires notification and registration of mortuaries and crematories to the Director-General of the Ministry of Health through the local public health unit using a standardised form. A notification fee may be payable
- Specifies requirements of premises for the handling of bodies, the facilities of body preparation rooms and vehicles
- Prescribes certain infectious diseases where specific body handling procedures are required
- Requires that bodies:
 - Must only be retained prior to disposal in accordance with specified times
 - Must be contained in body bags and only removed under certain circumstances such as embalming, viewing, and transfer to a coffin
 - Must be buried in a coffin unless approval is granted in relation to cultural and religious rites
 - Are only buried in vaults if the body has been embalmed and sealed

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- Controls cremation procedures to minimise public health risk and ensure that criminal activity is not disguised through a series of checks. Proper records must be maintained.

Funeral industry practitioners and others who handle dead bodies should review the *Act* and the *Regulation* carefully to ensure they understand their obligations.

Which parts of the *Act* and the *Regulation* relate to the disposal of bodies?

Public Health Act 2010 Part 9, Division 3, Section 134

Public Health Regulation Part 8, Clauses 49 to 93

You can view the *Act* and the *Regulation* online at:
www.legislation.nsw.gov.au

Where to go for further information

If you will be affected by the commencement of the *Public Health Act 2010* and the *Public Health Regulation 2012*, and you want further information, you can:

- Contact your industry association
- Contact your Council
- Contact your local Public Health Unit
- Visit the NSW Ministry of Health webpage for Environmental Health

<http://www.health.nsw.gov.au/publichealth/environment/index.asp>

- Visit the NSW Ministry of Health webpage for the *Public Health Act* and *Public Health Regulation*

www.health.nsw.gov.au/phact

