

Exhumation Fact Sheet



FACT SHEET

The information provided here is a general guide to the process for exhumations.

A situation may arise that means the remains of someone you care about needs to be removed from their grave or burial plot.

There are many reasons why this might arise, it may be that the families make a request for personal reasons. The relatives may wish to change from the original grave to another family plot in the same or different cemetery.

There could be a request for repatriation overseas to be buried in a family vault. It could even be a change from burial to cremation as a mode of disposal.

Effect

Whatever the reasons it can be a traumatic occurrence for all those involved and should only be considered after carefully thinking through the whole process and getting as much information from all the relevant authorities before starting this activity.

You may also need to discuss the issues with other members of your family and why you wish to proceed with this matter.

Arrangements may take a long time to finalise and it may entail a lot of official legal procedures, and rules and regulations to work through before you finally obtain the proper permissions and licences.

Exhumation can be a very expensive decision and full cost implications should be made clear when the initial request is made to carry out an exhumation, from all agencies concerned. Not only will there be the cost of the exhumation itself, but some examples of 'forgotten' costs relating to exhumations could be:

1. the removal of memorials on all relevant graves,
2. Health Department Fees,
3. Funeral directors charges that may include new coffins or cremated remains caskets,
4. Cemetery fees and charges
5. and the re-burial costs.

Legislation

There are a number of legislative requirements that govern the exhumation of human remains.

1. The Public Health Regulation 2012
2. Cemeteries and Crematoria Act 2013 and it's regulations
3. Work Health and Safety Act 2011
4. Heritage Act 1977
5. Coroner's Act 2009

Authorisation

To exhume human remains, you must first make a written application to the cemetery body and complete & submit an 'Application to exhume remains' form to NSW Health. A Funeral Director can assist you to complete these applications.

The cemetery will require written permission of the current owner of the Burial Licence to authorise an exhumation.

The application, if granted, will normally be sent to the person applying for the exhumation.



What happens next?

Once you have obtained approval from NSW Health you will need to forward these onto the burial authority where the deceased is interred.

There is normally some discussion between all attending parties about how the exhumation will take place and what equipment is required. It is important to note that the presence of any relative or other person known to the deceased at the exhumation is strictly prohibited.

Both NSW Health Environmental Health Officer and Cemeteries Officer are to be present at the exhumation and will supervise the event to ensure that respect for the deceased person is maintained and that public health is protected.

The Officer/s will also ensure that:

- ◆ the correct grave is opened,
- ◆ the exhumation commences as early as possible in the morning to ensure maximum privacy,
- ◆ the plot is screened as appropriate for privacy,
- ◆ health and safety of all workers is maintained e.g. protective clothing including masks and gloves, task lights and all other necessary equipment,
- ◆ everyone present shows due respect to the deceased person and to adjoining graves,
- ◆ the nameplate on the casket corresponds to that on the licence,
- ◆ the new casket has been approved
- ◆ all human remains and all the pieces of casket are placed in the new casket,
- ◆ the new casket is properly sealed,
- ◆ the area of exhumation is properly disinfected, and
- ◆ satisfactory arrangements are in place for the onward transmission of the remains.

If the conditions of the application cannot be met, or there are public health or decency concerns, the exhumation may not proceed.

Finally

It is very difficult to give precise details, all exhumations, applications and requests are dealt with individually and further detailed information can be obtained from the Cemetery Office.



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