

House of Assembly

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South Australia

Statutes Amendment (Disposal of Human Remains) Bill 2006

A BILL FOR

An Act to amend the *Births, Deaths and Marriages Registration Act 1996*; the *Coroners Act 2003* and the *Cremation Act 2000*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

- 4 Amendment of section 50A—Documents to be provided before disposal of remains
- 5 Amendment of section 55—Regulations

Part 3—Amendment of *Coroners Act 2003*

- 6 Amendment of section 32—Authorisation for disposal of human remains

Part 4—Amendment of *Cremation Act 2000*

- 7 Amendment of section 4—Interpretation
 - 8 Amendment of section 6—Issue of cremation permit
 - 9 Amendment of section 9—Regulations
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Disposal of Human Remains) Act 2006*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

4—Amendment of section 50A—Documents to be provided before disposal of remains

- (1) Section 50A(1)(a)(i)—after "section 12" insert:
 - or a corresponding previous enactment
- (2) Section 50A(1)(a)(ii)—after "section 36" insert:
 - or a corresponding previous enactment
- (3) Section 50A(1)(b)—after "*Coroners Act 2003*" insert:
 - or a corresponding previous enactment
- (4) Section 50A—after subsection (1) insert:
 - (2) Despite subsection (1), a person may dispose of human remains or cause human remains to be disposed of without the documents required under that subsection if the person has received an authorisation for disposal of human remains issued by the Registrar or the Minister.
 - (3) The Registrar may not issue an authorisation under subsection (2) unless the deceased's death has been registered under this Act or a corresponding previous enactment and the Registrar is satisfied that—
 - (a) the particulars entered in the Register record that the deceased died from natural causes; or
 - (b) the State Coroner does not require the human remains for the purposes of an inquest or for determining whether an inquest is necessary or desirable under the *Coroners Act 2003*.
 - (4) An authorisation issued by the Minister under subsection (2) may be subject to such conditions as the Minister thinks fit.
- (5) Section 50A(2)—redesignate subsection (2) as subsection (5)

5—Amendment of section 55—Regulations

Section 55(2)—delete subsection (2) and substitute:

- (2) Without limiting the generality of subsection (1), the regulations may—
 - (a) impose a penalty not exceeding a fine of \$1 250 for contravention of a provision of the regulations; and

- (b) fix fees and provide for the payment, recovery, waiver or refund of fees.

Part 3—Amendment of *Coroners Act 2003*

6—Amendment of section 32—Authorisation for disposal of human remains

Section 32(1)—delete "a reportable death occurs" and substitute:

there has been a reportable death

Part 4—Amendment of *Cremation Act 2000*

7—Amendment of section 4—Interpretation

Section 4—after the definition of *human remains* insert:

Register has the same meaning as in the *Births, Deaths and Marriages Registration Act 1996*;

8—Amendment of section 6—Issue of cremation permit

- (1) Section 6(2)(b)—after "*Coroners Act 2003*" insert:
 - or a corresponding previous enactment
- (2) Section 6(3)—delete subsection (3) and substitute:
 - (3) Despite subsection (2), the Registrar may, on application, issue a cremation permit without the documents required under that subsection, if—
 - (a) in the case of an application to cremate the remains of a person who died in another State or a Territory of the Commonwealth—the application is accompanied by the documents that would be required under the law of that State or Territory for the issue of a cremation permit or other authorisation for cremation of the remains in that State or Territory;
 - (b) in any other case—the Registrar is satisfied that—
 - (i) the deceased's death has been registered under the *Births, Deaths and Marriages Registration Act 1996* or a corresponding previous enactment; and
 - (ii) the particulars entered in the Register record that the deceased died from natural causes; and
 - (iii) there is good reason why the documents cannot be produced; and

Examples—

- 1 If the age and condition of the body of the deceased are in such a state that the cause of death cannot be determined, a doctor would not be able to issue a certificate under subsection (2)(a)(ii).
 - 2 A document obtained for the purposes of subsection (2) may have been lost or destroyed.
- (iv) the State Coroner does not require the human remains for the purposes of an inquest or for determining whether an inquest is necessary or desirable under the *Coroners Act 2003*; and
- (v) there is no other reason why the permit should not be issued.
- (3a) The Registrar may require information supplied for the purposes of subsection (3)(b)(iii) to be verified by statutory declaration or some other means.

9—Amendment of section 9—Regulations

Section 9(2)—delete subsection (2) and substitute:

- (2) Without limiting the generality of subsection (1), the regulations may—
- (a) prescribe penalties, not exceeding \$2 500, for breach of, or non-compliance with, a regulation; and
 - (b) fix fees and provide for the payment, recovery, waiver or refund of fees.