

South Australia

## **Local Government (Exhumation of Human Remains) Regulations 2005**

under the *Local Government Act 1934*

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#### **1—Short title**

These regulations may be cited as the *Local Government (Exhumation of Human Remains) Regulations 2005*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Exhumation of human remains**

- (1) Subject to subregulation (2), a person must not cause, suffer or permit non cremated human remains to be exhumed or removed from their place of interment without the consent in writing of the Attorney-General.  
Maximum penalty: \$200.
  - (2) Subregulation (1) does not apply where a warrant has been issued under the *Coroners Act 2003* for the exhumation of human remains.
  - (3) The Attorney-General must, before giving a consent under subregulation (1), consult with—
    - (a) in the case of human remains interred in a cemetery—the relevant cemetery authority; or
    - (b) in any other case—the Minister for Health.
  - (4) The Attorney-General must, before giving a consent under subregulation (1) in relation to human remains not interred in a coffin or vault, also consult with the Minister for Aboriginal Affairs and Reconciliation.
  - (5) A consent under this regulation may be made subject to such conditions as the Attorney-General thinks fit.
  - (6) A person must not contravene, or fail to comply with, a condition of a consent under this regulation.  
Maximum penalty: \$200.
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(7) In this regulation—

***cemetery authority*** means the person or body for the time being responsible for the administration of a cemetery;

***exhumation*** includes the removal of non cremated human remains from a vault;

***human remains*** means the body or part of the body of a deceased person.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

on the recommendation of the South Australian Health Commission and with the advice and consent of the Executive Council  
on 13 October 2005

No 213 of 2005

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