

South Australia

Local Government (Exhumation of Human Remains) Regulations 2005

under the *Local Government Act 1934*

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Legislative history

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.

(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.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Local Government (Exhumation of Human Remains) Regulations 2005* were revoked by r 3 of the *Local Government Revocation Regulations 2014* on 1.2.2014.

Principal regulations

Year	No	Reference	Commencement
2005	213	<i>Gazette 13.10.2005 p3700</i>	13.10.2005: r 2