

## CREMATIONS BILL 2002

### AMENDMENTS AGREED TO IN COMMITTEE

#### 1 Clause 5—

At page 4, line 18, after ‘permission to cremate the remains’—

*insert—*

‘, in the approved form.’.

#### 2 Clause 6—

At page 5, lines 2 to 9—

*omit, insert—*

‘(1) The following persons may apply for a permission to cremate the human remains of a deceased person—

- (a) a close relative of the deceased person, either personally or through an agent;

*Example of an agent—*

A funeral director.

- (b) a personal representative<sup>1</sup> of the deceased person, either personally or through an agent;

- (c) if no-one mentioned in paragraph (a) or (b) applies for a permission to cremate—another adult, either personally or through an agent, who has a satisfactory explanation as to why those persons did not apply and why the adult is applying.’.

#### 3 Clause 6—

At page 5, line 30 and page 6, line 11, after ‘a permission to cremate’—

*insert—*

‘, in the approved form.’.

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<sup>1</sup> Under the *Acts Interpretation Act 1954*, section 36, a “**personal representative**” of a deceased person is the deceased person’s executor or administrator.

**4 Clause 11—**

At page 8, lines 18 to 31 and page 9, lines 1 and 2—

*omit, insert—*

‘(1) The person in charge of a crematorium must not dispose of the ashes remaining after a cremation except in accordance with any reasonable written instructions of the applicant.

Maximum penalty—80 penalty units.

‘(2) However, the person in charge may bury the ashes in a burial ground if, within 1 year after the cremation, the applicant does not give reasonable written instructions for the disposal of the ashes.

‘(3) Before burying the ashes, the person in charge must give the applicant at least 28 days written notice of intention to bury the ashes.’.

**5 Clause 11—**

At page 9, lines 6 and 7—

*omit, insert—*

‘(5) This section overrides the common law to the extent that it qualifies the personal representative’s right to decide how to dispose of the deceased person’s human remains.’.

**6 Schedule—**

At page 15, line 1, after ‘a certificate’—

*insert—*

‘in the approved form, or a notation on a copy of the cause of death certificate,’.

**7 Schedule—**

At page 15, lines 7 to 11—

*omit, insert—*

‘available—another doctor.’.

