

## Burials - Exemptions from Public Health Regulation 2012 for Community and Religious Reasons

**Summary** This Policy Directive provides the policy to be followed by Public Health Units in receipt of an application to seek permission for exemption from Clause 63 of the Public Health Regulation 2012 and to provide the conditions on which approvals would be granted for exemption.

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**Applies to** Local Health Districts, Public Health Units

**Distributed to** Public Health System, Environmental Health Officers of Local Councils, NSW Ambulance Service, Ministry of Health, Public Health Units

**Audience** Directors of Public Health Units; authorised officers of Public Health Units

### Secretary, NSW Health

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is mandatory for NSW Health and is a condition of subsidy for public health organisations.

## **BURIALS – EXEMPTIONS FROM *PUBLIC HEALTH REGULATION 2012* FOR COMMUNITY AND RELIGIOUS REASONS**

### **PURPOSE**

This document provides the policy direction to be observed by NSW Ministry of Health and Local Health District Public Health Units in receipt of an application to seek permission for exemption from clause 63 *Public Health Regulation 2012* and enables approval for either generally or for a particular case.

Clause 63 of the *Public Health Regulation 2012* provides that unless otherwise approved by the Director-General of Health the body of a deceased person must not be buried or cremated unless their body had been placed in a coffin and the lid of the coffin securely sealed.

In some communities or religious groups, religious beliefs are such that the body of a deceased person needs to be wrapped in a shroud and placed in direct contact with the earth without the use of a coffin.

In a general case the request is to be made on behalf of the community or religious group by the recognised leader and in a particular case approval needs to be obtained by an appropriately close relative, funeral director or cemetery authority.

### **MANDATORY REQUIREMENTS**

- A person who wishes to bury the body of a deceased person without a coffin or casket in a general case or in a particular case must seek the approval of the Chief Health Officer or delegates including the Director Health Protection or the Public Health Unit Director or Public Health Officer of the Public Health Unit of the Local Health District.
- Applicants must submit an application on the prescribed template (Attachment 1) and clearly identify if they are applying for exemption in a general or a particular case; the relationship to the deceased or position in the community; reason for the exemption; whether an agreement has been negotiated and the name of the cemetery and cemetery manager where the body is to be buried.
- Wrapping of the body must be in at least four layers of cotton/linen sheeting which is able to prevent the leakage of any body exudates or substances.
- The body must be contained in a coffin until the body is placed into a grave
- The body of a deceased person who is known or is reasonably believed to be infected with a prescribed infectious disease must be buried in a coffin for public health reasons
- The body must be prepared in a mortuary registered with the NSW Ministry of Health

## IMPLEMENTATION

This Policy Directive must be implemented in all NSW cemeteries.

Authorised Officers are responsible for the assessment and approval of all requests for exemptions under clause 63 of the *Public Health Regulation 2012*, in all particular cases. The Chief Health Officer, Director Health Protection or Public Health Unit Director or Public Health Officer is responsible for approval of the request.

## REVISION HISTORY

Version	Approved by	Amendment notes
December 2013 PD2013_048	Deputy Director General, Population and Public Health	A revised policy directive to reflect the legislative changes under the <i>Public Health Regulation 2012</i> . The policy provides direction on applications on a particular case or a general case.
January 2007 PD2007_004	Director General	The first policy directive for persons seeking approval for exemption to bury a body without a coffin or casket either in general or a particular case under the Public Health (Disposal of Bodies) Regulation 2002

## ATTACHMENTS

1. Burials – Exemptions from *Public Health Regulation 2012* for Community and Religious Reasons: Procedures

**BURIALS – EXEMPTIONS FROM *PUBLIC HEALTH  
REGULATION 2012* FOR COMMUNITY AND RELIGIOUS  
REASONS**



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**Issue date: December-2013**

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## **CONTENTS**

<b>1 BACKGROUND</b> .....	<b>1</b>
1.1 About this document.....	1
1.2 Key definitions.....	1
1.3 Legal and legislative framework .....	1
<b>2 APPROVAL BY AUTHORITY</b> .....	<b>2</b>
2.1 General Applications .....	2
2.2 Individual Applications.....	2
<b>3. CONDITIONS OF APPROVAL</b> .....	<b>3</b>
<b>4. FORMAL APPROVAL</b> .....	<b>3</b>
<b>5. LIST OF ATTACHMENTS</b> .....	<b>3</b>
Attachment 1 - Application Form Template.....	4
Attachment 2 - Approval Brief Template .....	5
Attachment 3 - Conditions of approval Schedule .....	6
Attachment 4 - Reply letter template for Public Health Units.....	7

## 1 BACKGROUND

### 1.1 About this document

This document provides the policy direction to be observed by the NSW Ministry of Health or the Public Health Unit at the Local Health District upon receipt of an application to seek permission for exemption from clause 63 of the *Public Health Regulation 2012*.

In some communities or religious groups, religious beliefs and traditions are such that the body of a deceased person needs to be wrapped in a shroud (cotton / linen sheeting) and placed in direct contact with the earth without the use of a coffin.

This document provides information on the approval process, conditions of consent for the approval and provides templates for approval, internal briefs and letter of response to the applicant.

### 1.2 Key definitions

<b>Authorised Office</b>	Means a person who is appointed under Section 126 of the <i>Public Health Act 2010</i>
<b>Body</b>	Means the body of a dead person but does not include the cremated remains of the person, (Clause 49 of the <i>Public Health Regulation 2012</i> )
<b>Cemetery Authority</b>	Means the person or body that directs the operation of a cemetery, (Clause 49 of the <i>Public Health Regulation 2012</i> )
<b>Approval in a General Case</b>	Means exemption from the requirement to bury a body in a coffin across multiple cemeteries, a particular cemetery or a section in a cemetery
<b>Approval in a Particular Case</b>	Means exemption from the requirement to bury a body in a coffin for an individual burial

### 1.3 Legal and legislative framework

Clause 63 of the *Public Health Regulation 2012* provides that unless otherwise approved by the Director-General of NSW Ministry of Health the body of a deceased person must not be buried or cremated unless their body had been placed in a coffin and the lid of the coffin securely sealed.

A person who wishes to bury a person without a coffin must seek the approval of the Director General, or delegate. The Director General's authority under clause 63 of the *Public Health Regulation 2012* has been delegated (PH305 page 8.59) at the Local Health District to the Public Health Unit Director or Public Health Officer.

## **2 APPROVAL BY AUTHORITY**

An approval by the Director-General or delegate for burial where the body of a deceased is to be wrapped in a shroud and not placed in a coffin or casket can be obtained generally or in a particular instance. Applicants should identify on the application form if they are applying for approval for a particular case or are seeking a general approval.

### **2.1 General Applications**

In a general case the request is to be made on behalf of the community or religious group by the recognised leader. The community leader shall submit a detailed document clearly identifying the process or mechanism to protect the community from any public health risk while still achieving their objective.

An application for exemption from the requirement to bury a body in a coffin in a general case may include reference to multiple cemeteries, a particular cemetery or a section in a cemetery.

Approval in a general case can be given under delegation by the Chief Health Officer, Director of Health Protection or a Public Health Officer as appointed under section 121 of the *Public Health Act 2010*.

All general applications need to be forwarded to the appropriate Public Health Unit where the nominated cemetery authority is located. Where an application is received in a general case which covers multiple cemetery authorities across Local Health District boundaries the application can be processed by the Public Health Unit who have received the application or forwarded to the Environmental Health Branch for further assessment.

### **2.2 Individual Applications**

An application for exemption from the requirement to bury a body in a coffin in a particular case would include reference to an individual burial. In a particular instance an approval needs to be obtained for an individual burial by an appropriate person legally able to represent the family.

Following approval the applicant should advise the funeral director and/or the cemetery authority in order that appropriate conditions of approval can be put into place.

### 3. CONDITIONS OF APPROVAL

Generally the following conditions would be attached to an approval granting an exemption under Clause 63 of the *Public Health Regulation 2012*:

1. The Cemetery Authority has agreed to carry out the burial of a body that has not been placed in a coffin, in particular the handling of bodies on cemetery grounds.
2. Wrapping of the body of a deceased must be in at least four layers of cotton / linen sheeting which is able to prevent the leakage of any body exudates or substances.
3. The body is to be contained in a coffin until the body is placed into a grave.
4. A non-reusable coffin is to be dismantled and placed within the grave prior to commencement of backfilling. If a re-usable coffin is used, at the completion of the burial the re-usable coffin is to be steam cleaned and disinfected.
5. The name plate is to be removed from the coffin and placed near the body in the grave.
6. The body of a deceased person who is known or is reasonably believed not to be infected with a prescribed infectious disease. They shall otherwise be buried in a body bag and coffin.
7. The body has been prepared in a mortuary notified to the NSW Ministry of Health.

### 4. FORMAL APPROVAL

Formal approval by the appropriate authority for an exemption from clause 63 of the *Public Health Regulation 2012* must be given using the attached template instrument of approval and this must be communicated to the applicant using the attached letter. For further information contact the local Public Health Unit (see [www.health.nsw.gov.au](http://www.health.nsw.gov.au) for a list of Public Health Units).

### 5. LIST OF ATTACHMENTS

The following templates are attached:

**Attachment 1** – Application form which may be used by the person, community or religious group and cemetery authority seeking approval

**Attachment 2** – Approval brief

**Attachment 3** – Conditions of approval schedule

**Attachment 4** – Reply letter which may be used by the Public Health Unit



**Attachment 1 - Application Form Template**



**APPLICATION FOR:  
Burial of a body which is not been placed in a coffin - exemption from  
Clause 63 *Public Health Regulation 2012***

Name of applicant: .....

Address of applicant: .....

.....

Contact number: (H) .....(W).....(M).....

Is this request for a particular case or a general exemption.....  Yes  No

Relationship to deceased in a particular case: .....

Relationship to the community in a general case .....

Name of deceased (In particular instance): .....

Reason for exemption: .....

.....

Have you negotiated and reached agreement with the cemetery authority which has agreed to carry out the burial in a particular case.....  Yes  No ..

Have you negotiated and reached agreement with the cemetery authority for a general exemption.....  Yes  No

If yes, provide a copy of the agreement reached with the cemetery authority

Name of Cemetery Authority: .....

Name of Manager: .....

Address of Cemetery Authority: .....

.....

Contact Number: .....

Applicants Signature:.....

Date ...../...../.....

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## Attachment 2 - Approval Brief Template

(LETTERHEAD)

**Public Health Unit**  
**Environmental Health Section**

**File Number:** XXXXX

**PURPOSE:** To approve the exemption from Clause 63 *Public Health Regulation 2012*

**RECOMMENDATION:** Approval is granted by the Director-General pursuant to clause 63 *Public Health Regulation 2012* to [NAME OF APPLICANT] to allow exemptions from this section of the Regulation in the specific instance of the burial of [NAME OF DECEASED] or in a general case in accordance with applicant's custom and injunction. It is permitted that the removal of a body in at least four layers of cotton/linen sheeting and subsequent burial of a body that has not been placed in a coffin.

**KEY ISSUES:** [TO BE COMPLETED BY PHU]

**BACKGROUND:** [TO BE COMPLETED BY PHU]

**CONSULTATION:** [TO BE COMPLETED BY PHU WHERE APPROPRIATE]

The approval is subject to compliance with the conditions set out in the attached Schedule 1.

**Signature:** [SIGN]

**Author:**

**Telephone:**

**Date:**

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1 Public Health Unit Director or Public Health Officer (SIGN)

Approved vide delegation from the Director-General PH305 page 8.59 Public Health Delegations Manual under clause 63 Public Health Regulation 2012.

2 Author

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### **Attachment 3 - Conditions of approval Schedule**

- I. The Cemetery Authority has agreed to carry out the burial of a body that has not been placed in a coffin, in particular the handling of bodies on cemetery grounds.
- II. Wrapping of the body of a deceased must be in at least four layers of cotton / linen sheeting which is able to prevent the leakage of any body exudates or substances.
- III. The body is to be contained in a coffin until the body is placed into a grave.
- IV. The coffin is to be dismantled and placed within the grave prior to commencement of backfilling. If a re-usable coffin is used, at the completion of the burial the re-usable coffin is to be steam cleaned and disinfected.
- V. The name plate is to be removed from the coffin and placed near the body in the grave.
- VI. The body of a deceased person who is known or is reasonably believed not to be infected with a prescribed infectious disease. They shall otherwise be buried in a body bag and coffin.
- VII. The body has been prepared in a mortuary registered by NSW Ministry of Health.

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## **Attachment 4 - Reply letter template for Public Health Units**

(LETTERHEAD)

### **LETTER TO APPLICANT**

[APPLICANT'S NAME]

[ADDRESS]

Dear [APPLICANT'S NAME]

Reference is made to your application of [DATE] in regard to the approval for an exemption from Clause 63 *Public Health Regulation 2012*.

Approval has been granted by the Director-General pursuant to Clause 63 of *the Public Health Regulation 2012* to [NAME OF APPLICANT] to allow exemptions to the regulation in a particular case regarding burial of [NAME OF DECEASED] or in a general case to (CEMETERY WHERE THIS IS TO OCCUR).

The approval is subject to compliance with the following conditions:

- a. The Cemetery Authority has agreed to carry out the burial, particularly the handling of bodies on cemetery grounds.
- b. Wrapping of the body of the deceased must be at least four layers of cotton/linen sheeting which is able to prevent the leakage of any body exudates or substance.
- c. The body is to be contained in a coffin until the body is placed into a grave.
- d. The coffin is to be dismantled and placed within the grave prior to commencement of backfilling. If a re-usable coffin is used for this purpose, the re-usable coffin is to be steam cleaned and disinfected at the completion of burial.
- e. The name plate is to be removed from the coffin and placed near the body in the grave.
- f. The body of a deceased person who is known or is reasonably believed not to be infected with a prescribed infectious disease. They shall otherwise be buried in a body bag and coffin
- g. The body has been prepared in a mortuary registered by the NSW Ministry of Health.

Should you have any inquiries please contact the authorised officer on [TELEPHONE] or email.

Yours sincerely,

Public Health Unit Director/Officer

Approval date.....