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[1959

Crown Law Department,
Perth, 4th September, 1959.

THE undermentioned Regulations made under the provisions of the Cremation Act, 1929-1953, and amended prior to the 28th July, 1959, are reprinted as so amended, pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

R. C. GREEN,
Under Secretary for Law.

CREMATION ACT, 1929-1953.

Regulations.

As published in the *Government Gazette* on the 20th August, 1954, and incorporating the amendments thereto published in the *Government Gazette* on the 17th December, 1954, and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister, dated 4th September, 1959.

CREMATION ACT, 1929.

REGULATIONS.

1. These regulations may be cited as the Cremation Regulations, 1954.
2. These regulations shall come into operation on the 6th day of September, 1954.
3. The regulations are divided into parts as follows:—
 - Part I—Application for license to Use and Conduct a Crematorium.
 - Part II—Maintenance and Inspection of Crematoria.
 - Part III—Application for Permission to Cremate.
 - Part IV—The Medical Referee.
 - Part V—Cremation Elsewhere than in a Crematorium.
 - Part VI—Miscellaneous.
 - Appendix "A"—Forms.
 - Appendix "B"—Fees.

Part I—Application for License to Use and Conduct a Crematorium.

4. (1) Every application under subsection (1) of section 4 of the Act for a license to use and conduct a crematorium shall be made in writing and shall be made in accordance with Form I of Appendix "A" to these regulations. It shall be signed by the chairman of the body making the application, and shall be accompanied by a statutory declaration or other evidence as required by subsection (2) of section 4 of the Act, and the fee prescribed in Appendix "B" to these regulations.

(2) The application shall be submitted to the Commissioner of Public Health who shall ensure that it is in order before forwarding it to the Governor.

(3) If the license is not granted the fee shall be returned to the applicant.

5. Every license granted shall be in accordance with Form 2 or Form 3 of Appendix "A" to these regulations as the case may require.

6. (1) Where in respect of a license to use and conduct a crematorium a certificate by the Commissioner of Public Health pursuant to subsection (3) of section 4 of the Act is necessary before the license is valid and effective, application for a certificate shall be made in writing by the licensee named in the license, in accordance with Form 4 of Appendix "A" of these regulations, and shall be accompanied by the inspection and certificate fee prescribed in Appendix "B" to these regulations.

(2) Upon receipt of an application under this regulation together with the prescribed fees, the Commissioner shall cause an inspection to be made of the premises and apparatus referred to in the license in order to satisfy himself that the certificate applied for may be properly given.

(3) If after such inspection the Commissioner is not satisfied that a certificate can properly be given he shall refuse to give the certificate, and shall refund the fee to the licensee.

7. Where the Commissioner gives a certificate pursuant to an application made in accordance with regulation 6, the certificate shall be in accordance with Form 5 in Appendix "A" to these regulations.

Part II—Maintenance and Inspection of Crematoria.

8. Every crematorium and the fittings, works and apparatus used in connection therewith shall at all times be—

- (a) maintained in good condition, repair and working order;
- (b) kept in a clean, sanitary and orderly condition;

- (c) provided with a number of attendants sufficient for the compliance with the requirements of paragraphs (a) and (b) of this regulation to the satisfaction of the Commissioner.

9. (1) The licensee of every crematorium shall at any time and from time to time permit the crematorium and the register to be inspected by the Commissioner or any persons authorised in writing by him, or any Inspector of Police.

(2) Any person authorised by the Commissioner and any Inspector of Police who makes an inspection of a crematorium shall forthwith report to the Commissioner any breach of these regulations which is observed by him.

10. On receipt of a report that these regulations are not being complied with at any crematorium, the Commissioner may give written notice thereof to the licensee of the crematorium. The notice may specify the works to be carried out and fix a time within which the works shall be completed. The licensee shall comply with any such notice.

Part III—Application for Permit to Cremate.

11. Every application for a permit to cremate shall be made in accordance with Form No. 6 of Appendix "A" to these regulations.

12. Every application to cremate made in accordance with regulation 11 hereof shall be accompanied by—

- (a) a certificate in accordance with Form 7 of Appendix "A" to these regulations; or
- (b) a certificate in accordance with Form 8 of Appendix "A" to these regulations; and
- (c) the fee prescribed in Appendix "B" to these regulations.

Part IV—The Medical Referee.

13. No medical practitioner shall be appointed as a medical referee unless he has engaged in the practice of medicine for not less than five years.

14. In performing his duties, the medical referee shall comply with the following conditions:—

- (1) Before permitting any cremation he shall ensure that all documents are completed in accordance with the provisions of the Act and that there is nothing in the Act to debar him from issuing a permit, and in particular is satisfied that all of the requirements of sections 8, 8A and 8B of the Act have been complied with.
- (2) A medical referee shall provide reasonable facilities, for persons wishing to make application to cremate, between the hours of 9 a.m. and 5 p.m. Mondays to Fridays, inclusive, and between the hours of 9 a.m. and noon on Saturdays, unless prevented by urgent circumstances. He shall, when available, deal with any urgent application at other times, in which case he shall be entitled to receive the higher prescribed fee.
- (3) Forthwith after issuing a permit to cremate, the medical referee shall forward a copy of the permit marked with the permit number and date to the Commissioner.
- (4) If the medical referee refuses to give a permit to cremate he shall give notice of his decision to the applicant and shall advise him of his right to appeal to the Commissioner against the decision. He need not advise the applicant of his reasons for refusing to give the permit, but shall forthwith notify the Commissioner of his decision, and the reasons therefore.
- (5) Every permit to cremate shall be in accordance with Form 9 of Appendix "A" to these regulations.

- (6) In the case of the body of a person who has died in Australia but in any place outside the State of Western Australia, the medical referee may accept, in lieu of the forms prescribed, documents which substantially contain the information required to be supplied, and signed by persons having the status of medical practitioner or coroner, as the case may be, in the place where the person died.
- (7) The medical referee shall carefully preserve all documents received by him in the discharge of his duties, and shall deliver to the Commissioner once per year any documents over two years old.
- (8) If any medical referee is to be absent from his usual address for more than 24 hours at one time, he shall notify the Commissioner of the fact.

Part V—Cremation elsewhere than in a Crematorium.

15. If application is made in accordance with Part III of these regulations for the cremation of a deceased person of Asiatic race who belonged to a religious denomination, the tenets of which require the burning of the body elsewhere than in a crematorium, the medical referee may give his consent if the place at which the cremation is to take place, and the arrangements for the cremation are approved by the Commissioner or by a person appointed to be a medical officer of health under the Health Act, 1911. Approval may be subject to such conditions as the Commissioner or the medical officer of health deem necessary.

16. When such a cremation is carried out in a cemetery the person responsible for the arrangements shall comply with any directions, which may be given by the cemetery authority.

17. No cremation shall be permitted elsewhere than at a crematorium except where permission is granted under this Part or, unless the Commissioner issues a direction pursuant to the powers vested in him under the Health Act, 1911.

Part VI—Miscellaneous.

18. Every licensee of a crematorium shall keep a register of cremations in accordance with Form 11 of Appendix "A" to these regulations, and shall enter therein all particulars for which the form provides. The entries shall be made in relation to every cremation carried out in the crematorium, and shall be made immediately after the cremation, except in the case of those entries referring to the disposal of ashes.

19. The register of cremations shall be open to inspection by any person during ordinary business hours of the licensee, on payment of one shilling.

20. The licensee of a crematorium shall, within 24 hours after a cremation is carried out, give notice thereof to the Commissioner, and the Registrar General, in accordance with Form 12 of Appendix "A" to these regulations.

20A. A certificate of a medical practitioner who has conducted a post mortem examination may be in accordance with Form 13 of Appendix "A" to these regulations.

Para. 20A inserted by G.G. 17/12/54, p. 2252.

Appendix "A."

Form 1.

Western Australia.

Cremation Act, 1929.

APPLICATION FOR A LICENSE TO USE AND CONDUCT A CREMATORIUM.

Regulation 4.

To His Excellency the Governor of Western Australia:

1. The trustees and the controlling authority of the..... Cemetery, being a public cemetery appointed under the Cemeteries Act, 1897 (or the.....being an association incorporated

under the Associations Incorporation Act, 1895, established and constituted in connection with the cremation of dead human bodies, and holding a certificate under the hand of the Commissioner that the association is an association to which the provisions of section 4 of the Act may reasonably be extended), hereby apply for a license to use and conduct a crematorium under and in accordance with the provisions of the Act, at and in the cemetery at the site next mentioned.

2. The buildings to be used as the crematorium have been erected upon (or will be erected upon) that portion of the area of the said cemetery which has been defined and set apart by the trustees of the cemetery as a site for the crematorium, namely:—

.....
and shown on the attached plan.

3. This application is accompanied by the statutory declaration of....., of....., in the State of Western Australia,..... as required by subsection (2) of section 4 of the Act, and by the sum of....., the fee for the license hereby applied for.

4. The applicant undertakes that within one year from the date on which the license is granted they (or it) will obtain the certificate of the Commissioner of Public Health required by subsection (3) of section 4 of the Act.

Dated the.....day of....., 19.....

For and on behalf of the applicant,

.....
Chairman.

Form 2.

Western Australia.

Cremation Act, 1929.

Regulation 5.

LICENSE TO USE AND CONDUCT A SPECIFIED CREMATORIUM.

Whereas by an application bearing the date....., day of....., 19.....,

.....
being the trustees duly appointed under the provisions of the Cemeteries Act, 1897, as the Trustees and controlling body of the.....Cemetery, a public cemetery duly proclaimed under the provisions of the Cemeteries Act, 1897, applied to His Excellency the Governor in Council for a license under the provisions of the Cremation Act, 1929, to the trustees and controlling body of the said.....Cemetery, upon a site thereon, as defined in the said application, and whereas the applicants have satisfied His Excellency the Governor in accordance with the provisions of section 4 of the Cremation Act, 1929, that the said trustees or controlling body of the said.....Cemetery have sufficient authority to use the proposed site in the said cemetery for the purpose of a crematorium, that the crematorium not yet being established the Commissioner of Public Health has approved of the plans and specifications of the proposed building, fittings, works and apparatus to be built and used for the purposes of the said crematorium, and that in all other respects the requirements of section 4 of the Cremation Act, 1929, have been duly complied with: Now, therefore, His Excellency the Governor, acting with the advice and consent of the Executive Council, and in exercise of the powers conferred by section 4 of the Cremation Act, 1929, doth by these presents grant to the trustees and controlling body for the time being and from time to time of the..... Cemetery, but subject as hereinafter provided, a license to use and conduct a crematorium within the said.....Cemetery, upon the site therein defined in the aforementioned application,

to be established in accordance with the plans and specifications of the proposed building, fittings, works, and apparatus which have been approved by the Commissioner of Public Health as aforesaid: Provided that the license hereby granted shall be held and the said crematorium shall be used and conducted under and subject to the provisions of the Cremation Act, 1929, and that the license hereby granted shall not have any validity or effect unless and until the Commissioner of Public Health shall certify within one year of the granting of this license that the buildings, fittings, works, and apparatus have been erected and installed in accordance with the plans and specifications which have been approved by him as aforesaid and that the regulations have been complied with.

Dated at Perth in the State of Western Australia this..... day of....., 19.....

By His Excellency's Command,

.....
Minister for Public Health.

Form 3.

Western Australia.

Cremation Act, 1929.

LICENSE TO USE AND CONDUCT A SPECIFIED
CREMATORIUM.

Regulation 5.

Whereas by an application bearing the date.....day of....., 19.....,

.....
an association duly incorporated under the provisions of the Associations Incorporation Act, 1895, for the purpose of conducting a crematorium holding a certificate under the hand of the Commissioner of Public Health that the association aforesaid is an association to which the provisions of section 4 may reasonably be extended, applied to His Excellency the Governor in Council for a license under the provisions of the Cremation Act, 1929, for the said association to use and conduct a crematorium within the boundaries of land, not being part of a public cemetery, being the whole (or portion) of.....lot/location.....comprised in Certificate of Title Volume....., folio....., held by the said association for the purpose aforesaid (or within the.....cemetery, a public cemetery duly proclaimed under the provisions of the Cemeteries Act, 1897) upon a site thereon as defined in the said application; and whereas the said applicants have satisfied His Excellency the Governor, in accordance with section 4 of the Cremation Act, 1929, that the association has sufficient authority to use the proposed site as aforesaid for the purpose of a crematorium, that the crematorium has not yet been established, the Commissioner of Public Health has approved of the plans and specifications of the proposed building, fittings, works and apparatus to be built and used for the purposes of the said crematorium, and that in all other respects the requirements of section 4 of the Cremation Act, 1929, have been duly complied with: Now, therefore, His Excellency the Governor, in exercise of the powers conferred by section 4 of the Cremation Act, 1929, doth by these presents grant to the said association, but subject as hereinafter provided, a license to use and conduct a crematorium within the boundaries of the land (or cemetery) as aforesaid, upon the site therein as defined in the application, to be established in accordance with the plans and specifications of the proposed building, fittings, works, and apparatus, which have been approved by the Commissioner of Public Health as aforesaid: Provided that the license hereby granted shall be held and the crematorium shall be used and conducted under and subject to the provisions of the Cremation Act, 1929, and that the license hereby granted shall not have any validity or effect unless and until the

Commissioner of Public Health shall certify, within one year of the date on which the license is granted, that the necessary buildings, fittings, works and apparatus have been erected and installed in accordance with the plans and specifications which have been approved by him, and that the regulations have been complied with.

Dated at Perth in the State of Western Australia, this..... day of.....19.....

By His Excellency's Command.

..... Minister for Health.

Form 4.

Western Australia.

Cremation Act, 1929.

APPLICATION FOR CERTIFICATE OF COMMISSIONER OF PUBLIC HEALTH TO GIVE EFFECT TO A LICENSE GRANTED TO USE AND CONDUCT A CREMATORIUM.

Regulation 6.

To the Commissioner of Public Health.

The trustees and controlling authority of the..... cemetery (or the.....) being the licensees named in the license to use and conduct a crematorium on a site in the said cemetery, granted under the provisions of the Cremation Act, 1929, to the licensee on.....hereby apply for your certificate as required by subsection (3) of section 4 of the Act, that the necessary buildings, fittings, works and apparatus for the said crematorium have been erected and installed in accordance with the approved plans and specifications and that the relative regulations have been complied with.

The sum of.....being the prescribed fee accompanies this application.

Dated this.....day of.....19.....

For and on behalf of the applicant.

..... Chairman.

Form 5.

Western Australia.

Cremation Act, 1929.

CERTIFICATE OF THE COMMISSIONER GIVING EFFECT TO A LICENSE TO USE AND CONDUCT A CREMATORIUM.

Regulation 7.

Whereas a license to use and conduct a crematorium upon a site defined and set aside for the purpose within the..... cemetery was on the.....granted under the provisions of the Cremation Act, 1929, to.....

and whereas it is provided that the license shall not have any validity or effect unless and until the Commissioner of Public Health shall certify within one year from the granting of the license that the necessary buildings, fittings, works and apparatus have been erected and installed in accordance with the approved plans and specifications, and that the relative regulations have been complied with: Now, therefore, I..... Commissioner of Public Health do hereby certify that the buildings, fittings, works and apparatus have been duly erected and installed, in accordance with the approved plans and specifications, at the site mentioned in the license, and that the relative regulations have been complied with.

Dated the.....day of.....19.....

..... Commissioner of Public Health.

Form 6.
Western Australia.
Cremation Act, 1929.

APPLICATION FOR A PERMIT TO CREMATE.

Part 1.

To a Medical Referee.

I,, of
(address) hereby apply for a permit to cremate the remains of
....., late of.....

Particulars relating to the deceased are:—

Late occupation.....
Age..... Sex.....
Marital status.....
Next of kin, if known.....

The following questions must all be answered fully and truly.
A stroke will not be accepted as an answer.

- (1) Are you an administrator or the nearest surviving relative of the deceased? If so, state which.
- (2) If neither an administrator nor the nearest surviving relative, state—
 - (a) your relationship to the deceased;
 - (b) the reason why the application is made by you and not the administrator, or nearest surviving relative.
- (3) Did the deceased leave any written directions as to the mode of disposal of his remains? If so, what?
- (4) Has the husband/widow or next of kin over the age of 14 years expressed any objection to the proposed cremation? If so, state grounds.
- (5) What was the date and hour of death of deceased?
- (6) At what address did he/she die?
- (7) Did he/she die at home or elsewhere? (State hospital, lodgings, hotel, etc.)
- (8) Do you know, or have you any reason to suspect that the death of the deceased was due directly or indirectly to—
 - (a) violence;
 - (b) poison;
 - (c) privation or neglect;
 - (d) illegal operation;
 - (e) drowning;
 - (f) suffocation;
 - (g) burns?
- (9) Do you know any reason whatever for supposing that an examination of the remains of the deceased may be desirable?
- (10) Give name and address of the usual medical attendant of deceased.
- (11) Give name and address of the medical practitioner/s who attended deceased during his last illness.
- (12) Have the circumstances of deceased's death been subject to enquiry by a Coroner?
- (13) Have you previously made application to another medical referee to cremate the remains of the deceased person referred to in this application? If so, to whom?

Part II.

I hereby solemnly and sincerely declare that the answers to the questions and the particulars given in Part I hereof are to the best of my knowledge and belief true in every particular, and that no material information has been omitted, and I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

.....
(Signature of Applicant)

Declared before me at.....this.....
day of.....

.....
(Signature of Witness)

For Medical Referee's Use:
Permit No.....

Issued: / /

.....
(Medical Referee)

Form 7.

Western Australia.
Cremation Act, 1929.
Regulation 12.

CERTIFICATE OF MEDICAL ATTENDANT.

I am informed that application is about to be made for the cremation of the remains of—

(Name of deceased).....
(Address).....
(Occupation)..... Age..... Sex.....

Having attended the deceased before death, I give the following true answers to the questions set out below:—

- (1) On what date and at what hour did he/she die?
- (2) Where did death occur? (Own residence, hospital, hotel, lodging, etc.)
- (3) Are you a relative to the deceased? If so, state relationship.
- (4) Have you, so far as you are aware, any pecuniary interest in the death of the deceased?
- (5) Were you the usual medical attendant of the deceased? If so, for how long?
- (6) Did you attend the deceased during his/her last illness? If so, for how long?
- (7) When did you last see the deceased alive? How long before death?
- (8) Did you see the body after death? What examination of it did you make?
- (9) Give history of illness, signs and symptoms, progress of the disease, result of special investigations and laboratory findings, operations within the year preceding death and findings of operations.
- (10) (a) What was the direct cause of death?
(b) What were the antecedent causes (if any) (i.e., the morbid conditions giving rise to the direct cause)?
(c) What other conditions (if any) contributed to or accelerated death?
- (11) State how far the answers to the last two questions are the result of your own observations, or are based on statements made or evidence, provided by others. (Laboratory findings, consultant's opinion, etc.)

- (12) Was the patient nursed in hospital during the whole or part of the four weeks preceding death? If so, give name of hospital.
- (13) If not nursed in hospital for four weeks preceding death, by whom was the deceased nursed? State if professional nurse, relative, etc.
- (14) Who were the persons (if any) present at the time of death?
- (15) In view of the deceased's habits and constitution, do you feel any doubt whatever as to the character of the disease or cause of death?
- (16) Do you know or have you any reason to suspect that the death of the deceased was due, directly or indirectly, to—
 - (a) violence;
 - (b) poison;
 - (c) privation or neglect;
 - (d) illegal operation;
 - (e) drowning;
 - (f) suffocation;
 - (g) burns?
- (17) Have you any reason whatever to suppose a further examination of the body to be desirable?
- (18) Have you given the certificate required for registration of death? If not, will you give it?

I,....., hereby certify that the answers given above are true and accurate to the best of my knowledge and belief.

There is no circumstance known to me which can give rise to any suspicion that the death was due wholly or in part to any other cause than as stated above and there is no circumstance of any sort known to me which makes it undesirable that the body should be cremated.

(Name)
 (Address)
 (Registered Qualifications)

Date.....

Form 8.
 Western Australia.
 Cremation Act, 1929.

CORONER'S CERTIFICATE.

I am informed that application is to be made for a permit to cremate in regard to the deceased person whose particulars are set out hereunder:—

Name of deceased..... Age..... Sex.....
 Date of death..... Place of Death.....

It has been reported that the cause of death was (primary)
 (secondary)

I certify that in my opinion the cause of death was as stated. I consider that no circumstance exists which can render necessary any further examination of the body, and that there is no reason why the body should not be cremated.

Dated at.....this.....day
 of.....19.....

.....
 Coroner.

Form 12.
 Western Australia.
 Cremation Act, 1929.
CERTIFICATE OF CREMATION.
 Regulation 20.

To the Commissioner of Public Health and the Registrar General:
 I,..... (name), of.....
 (address), in the State of Western Australia, being the.....
 (title of position).....(licensee), the licensee of
 the..... Crematorium,(place)
 do hereby certify that the body of..... (name of
 person cremated), late of.....
 (address of person cremated), who died on.....(date of
 death) was, in pursuance of Permit No.....issued
 by.....(medical referee) to.....
 (name of permit holder), of.....
 (address of permit holder) duly cremated in the said crematorium
 on the.....(date) under and in accordance with the
 provisions of the Cremation Act, 1929.

.....
 Signature.
 Date.....

Appendix "B."
FEEES.

	£	s.	d.
For a license to use and conduct a crematorium	5	5	0
For certificate of the Commissioner to validate and give effect to a license, including inspections	2	2	0
For a permit to cremate—			
(a) given between the hours of 9 a.m. and 5 p.m., Monday to Friday inclusive, or 9 a.m. and noon on a Saturday (public holidays excluded)	1	11	6
(b) given at any other time	2	2	0

Form 13
 added by
 G.G.
 17/12/54,
 p. 2252.

Form 13.
CERTIFICATE OF MEDICAL PRACTITIONER WHO HAS CONDUCTED A POST MORTEM EXAMINATION.
 (Regulation 20A.)

I,....., legally qualified medical practitioner, being informed that application is about to be made for a permit to cremate the body of (name)....., late of (address)....., (occupation)....., hereby certify that on (date)....., at (place)....., I made a post mortem examination of all the vital organs of the deceased, and I am of opinion as a result of such examination that the death of the deceased resulted from natural causes, as follows:—

.....
 Signature
 Address
 Qualifications
 Date.....

No person who knows that under the terms of any policy of life assurance, will, settlement, or statute or otherwise howsoever he is entitled or will become entitled by reason or in consequence of the death of another person to any real or personal property shall give or sign any certificate concerning the death of such other person for any of the purposes of this Act.