

HE301*

Cremation Act 1929

Cremation Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Cremation Amendment Regulations 2002*.

2. Commencement

These regulations come into operation on the same day as Part 6 of the *Acts Amendment (Lesbian and Gay Law Reform) Act 2002* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Cremation Regulations 1954**.

[* Reprinted 1 December 2000.]

4. **Regulation 3 inserted**

After regulation 2 the following regulation is inserted —

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3. **Interpretation**

In these regulations —

“nearest surviving relative” in relation to a deceased person, means the first person who is available from the following persons in the order of priority listed —

- (a) a person who, immediately before the death, was living as —
 - (i) the spouse of the person; or
 - (ii) a de facto partner of the person, and who is of or over the age of 18 years;
- (b) a person who, immediately before the death, was the spouse of the person;
- (c) a son or daughter, who is of or over the age of 18 years, of the person;
- (d) a parent of the person;
- (e) a brother or sister, who is of or over the age of 18 years, of the person.

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5. **Forms 6 and 7 amended**

- (1) The amendments in this regulation are to Appendix “A”.
- (2) Form 6 is amended as follows:
 - (a) by deleting “Next of kin” and inserting instead —
“ Nearest surviving relative* ”;
 - (b) in Item (1) by deleting “relative” and inserting instead —
“ relative* ”;
 - (c) in Item (2) by deleting “relative” in both places where it occurs and inserting instead —
“ relative* ”;
 - (d) by deleting Item (4);
 - (e) by inserting at the end of Part I of the Form —

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***nearest surviving relative** in relation to a deceased person, means the first person who is available from the following persons in the order of priority listed —

- (a) a person who, immediately before the death, was living as —
 - (i) the spouse of the person; or

- (ii) a de facto partner of the person, and who is of or over the age of 18 years;
 - (b) a person who, immediately before the death, was the spouse of the person;
 - (c) a son or daughter, who is of or over the age of 18 years, of the person;
 - (d) a parent of the person;
 - (e) a brother or sister, who is of or over the age of 18 years, of the person.
- ”.
- (3) Form 7 is amended in item 3 by deleting “relative to” and inserting instead —
- “ spouse, de facto partner or relative of ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
