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| Comparison of exhumation and lift and reposition procedures |
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# Exhumation

## Why are the remains to be removed from a place of interment?

To remove the bodily remains for relocation to a different place of interment or for cremation.

1. Person makes an application to the Secretary to the department for an exhumation licence to exhume or remove human remains from a place of interment.  
   Note that an application must:
   * + be in the prescribed form as detailed in Schedule 1 of the Cemeteries and Crematoria Regulations 2015
     + include a statement by the cemetery trust detailing whether they have any objections to the exhumation application
     + include a statutory declaration regarding consent of direct and indirect family members
     + be accompanied by the prescribed fee.
2. Secretary to the department considers application.
3. The Secretary may grant or refuse to grant an exhumation licence.  
   Note that an exhumation licence may be granted subject to such terms and conditions the Secretary thinks fit. Failure to comply with the terms and conditions of an exhumation licence is an offence punishable by a maximum penalty of 240 penalty units or two years imprisonment or both.
4. Exhumation takes place.  
   Note that it is an offence to exhume or remove human remains from a place of interment other than with an exhumation licence or for an approved lift and reposition procedure. This offence is punishable by a maximum penalty of 600 penalty units or 5 years imprisonment or both.

# Lift and reposition

## Why are the remains to be removed from a place of interment?

To allow the place of interment to be reused where there is insufficient space to accommodate any further interments.

1. The holder of the right of interment or monumental agent/representative makes an application to the cemetery trust for approval to carry out a lift and reposition procedure.  
   Note that an application must be in writing and accompanied by the relevant cemetery trust fee.
2. Cemetery trust considers application. A trust should not approve an application if it considers it would be inappropriate for any of the following reasons:
   * + The nature of the soil would prevent or hinder the process.
     + It would be impractical because the place of interment can’t be sufficiently deepened.
     + The physical state of the human remains.
     + In the case of a mausoleum, the chamber is not able to accommodate additional human remains.
     + Religious, cultural, health or safety considerations.

Note a trust must not approve an application if it relates to bodily remains that have been interred for less than ten years.

1. Cemetery trust grants approval to carry out lift and reposition procedure.  
   Note that this procedure can only be approved by delegated trust members. Approvals must be in writing.
2. Lift and reposition takes place.  
   Note that an exhumation licence is not required to carry out this procedure. Details about what may be done as part of the procedure are provided in section 90 of the *Cemeteries and Crematoria Act 2003*.

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