

1991—No. 214

PUBLIC HEALTH ACT 1902—REGULATION

(Relating to the handling and viewing of bodies)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Public Health Act 1902, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS
Minister for Health.

The Public Health (Funeral Industries) Regulation 1987 is amended:

(a) by inserting in clause 18, in alphabetical order, the following definition:

“**specified disease**” means any one or more of the following infectious or proclaimed diseases:

- cholera
- diphtheria
- infectious tuberculosis
- plague
- smallpox
- yellow fever
- any viral haemorrhagic fever (including Lassa, Marburg, Ebola and Congo-Crimean).

(b) by omitting from clauses 21 (2), 23 (3), 24 (1) and 24 (3) the words “an infectious or proclaimed disease” wherever occurring and by inserting instead the words “a specified disease”;

(c) by inserting after clause 21 (2) the following subclause:

(2A) The body of a deceased person who is known or reasonably suspected to have been suffering from an infectious or

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proclaimed disease (other than a specified disease) at the time of death must, in addition to the requirements of subclause (1), be handled in accordance with the guidelines (if any) approved from time to time by the Director-General for the purposes of this clause.

- (d) by omitting from clause 21 (3) the matter “and (2)” and by inserting instead the matter “, (2) and (2A)”;
- (e) by inserting after clause 23 (1) the following subclause:

(IA) The body of a deceased person who is known or reasonably suspected to have been suffering from an infectious or proclaimed disease (other than a specified disease) at the time of death may be removed by an undertaker from the body bag referred to in clause 21 (1) for the purpose of:

- (a) preparing the body for viewing, transport, burial or cremation; or
- (b) transferring the body to a coffin,

but only if the guidelines (if any) approved from time to time by the Director-General are complied with.

- (f) by inserting in clause 23 (2) after the matter “(1)” the matter “or (1A)”;
- (g) by inserting at the end of clause 24 (1) (a) the word “and”;
- (h) by inserting at the end of clause 24 (1) (c) the following word and paragraph:

; and

- (d) the guidelines (if any) approved from time to time by the Director-General for the purposes of this clause are complied with.

EXPLANATORY NOTE

At present under the Public Health (Funeral Industries) Regulation 1987, the viewing by mourners of the body of a deceased person known or reasonably suspected to have been suffering from an infectious or proclaimed disease (that is, all diseases proclaimed under section 28 or 50G of the Act) is prohibited. Also, the body of a deceased person known or reasonably suspected to have been suffering from an infectious or proclaimed disease must be enclosed in a special bag in addition to being placed in a body bag.

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The object of this Regulation is to amend the above Regulation:

- (a) to provide that the prohibition on viewing the body of a deceased person only applies if the person is known or is reasonably suspected to have been suffering from certain specified infectious or proclaimed diseases, such as cholera, plague, smallpox etc. which are highly communicable diseases; and
 - (b) to provide that the double bagging requirement referred to above only applies if the person is known or is reasonably suspected to have been suffering from such a specified disease; and
 - (c) to provide that the handling and viewing of the body of a deceased person known or reasonably suspected to have been suffering from an infectious or proclaimed disease (other than a specified disease) is subject to the guidelines approved by the Director-General of the Department of Health.
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