

CEMETERIES AND CREMATORIA AMENDMENT BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The purpose of the Cemeteries and Crematoria Amendment Bill 2025 (the Bill) is to amend the *Cemeteries and Crematoria Act 2013* (the Act) to:

1. Strengthen the consumer protection provided by the regulator, Cemeteries & Crematoria NSW (CCNSW)
2. Cut red tape and make it easier for families to do important things like repair the grave of a loved one or transfer an interment right
3. Address the State's burial supply crisis by allowing for the sensitive renewal of cemeteries
4. Strengthen respect for religious and cultural needs
5. Streamline the operation of CCNSW while maintaining its independence as a regulator
6. Clarify and improve minor provisions for better customer experiences

The policies proposed in the Bill are based on extensive consultation with industry, consumer and community representatives as well as analysis of data including on burial supply in NSW and CCNSW's complaints and enquiries. These revealed problems including in relation to burial supply, consumer protection and the operation of interment rights.

Objectives: What is the policy's objective couched in terms of the public interest?

The bill's primary objective is to improve the customer experience for the people of NSW as they navigate the process of laying loved ones to rest.

Cemeteries & Crematoria NSW (CCNSW) analysed customer complaints received over the last decade of its operation and identified issues concerning monument maintenance and record keeping as significant contributors to poor customer experience. The Bill addresses these and other issues by making various amendments to the Act to:

Strengthen the consumer protection provided by the regulator

- Enable CCNSW to share information about its regulatory activities with the public
- Give CCNSW an explicit function to manage complaints
- Allow for mandatory codes of practice as a light touch but effective form of regulation

Cut red tape and make it easier for families to do important things

- Enable families and others to repair and maintain loved ones' memorials without a cumbersome and expensive process of proving they are the interment right holder
- Improve how operators can resolve uncertainties about how who owns an interment right are resolved
- Reduce the cost of and simplify antiquated processes associated with contacting interment right holders before taking various actions
- Enable families to plan for death more easily by clarifying the total number of unused interment rights that may be held by one person

Address the State's burial supply crisis

- Enable operators to increase burial space through the sensitive renewal of parts of a cemetery, potentially moving older monuments which would otherwise be prohibited but never disturbing the remains of anyone interred

Strengthen respect for religious and cultural needs

- Require operators to take all reasonable steps to meet religious and cultural requirements in parts of a cemetery dedicated to religious or cultural groups

Streamline the operation of CCNSW while maintaining its independence as a regulator

- Update CCNSW's governance by dissolving the Board and creating the statutory office of CEO
- Require CCNSW to have consultative bodies comprising (i) industry and (ii) consumer and community representatives

Clarify and improve minor provisions for better customer experiences

- Allow land holders to list cemeteries on land titles if they choose
- Clarify that the definition of interment service includes cremation, and provide the ability to update this definition by regulation to recognise innovations in interment technology
- Require various forms to be in writing and the cemetery register to be kept up to date
- Clarify land management at Rookwood Cemetery to support the two Crown operator model
- Make other minor administrative clarifications

Options: What alternative policies and mechanisms were considered in advance of the Bill?

The NSW Government considers the policy is best implemented through legislative change. Legislative change is the only mechanism through which to clarify or otherwise amend the structure and operation of the interment rights system, which defines operators' obligations and responsibilities concerning the provision of interments.

Alternative options considered include publishing fact sheets and other guidance material where this could provide clarity without requiring legislative change. CCNSW has been doing so since the Act first came into effect, but this has had limitations in circumstances where the terminology of the Act creates interpretation uncertainties.

Non-legislative options would not enable the objectives described above to be fully realised and therefore would not improve CCNSW's capacity to serve the community by responding to customer and operator needs.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The bill does not impose any appreciable cost or burden on the public or any group of the public. Rather, it seeks to streamline and clarify processes to remove some of the burden on operators. As such, no alternative policies and mechanisms have been considered or analysed.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The provision dissolving the Board of CCNSW will commence on 1 July 2025 to give certainty to the governance of the agency in a timely manner, including to commence the process for appointing a Chief Executive Officer.

The balance of the provisions will commence on 1 September 2025 to provide time for cemetery operators to understand and operationalise the changes. CCNSW is responsible for the enforcement of new and existing provisions of the Act and will play an active role in communicating the changes to operators and providing support as they come into effect.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The proposals are the synthesis of the industry's feedback to CCNSW since the Act commenced in 2014. They also address some of the major issues customers have raised in complaints to CCNSW about cemetery operators.

A discussion paper outlining the key proposals was distributed to all cemetery and crematorium operators in October 2024 who were afforded the opportunity to participate in consultation in October-November 2024. CCNSW held webinars along with small group and one-on-one meetings gain operator feedback. CCNSW received 13 written submissions on the discussion paper.

The proposed changes have also been discussed extensively with CCNSW's two consultative groups, representing industry and community and cultural groups.

CCNSW has also conducted targeted stakeholder engagement with the two Crown cemetery operators and various community, representative and religious groups.

The bill has been prepared in consultation with a number of NSW Government agencies including Crown Lands and the Office of the Registrar General.