

LEGISLATIVE COUNCIL

Cemeteries and Crematoria Bill 2013

First print

Proposed amendments

- No. 1 Page 2, clause 3. Insert after line 22:
- (g) to promote environmental sustainability of the interment industry, including provision for natural and private burials,
 - (h) to promote that cost structures for burials and cremations are transparent across all sectors of the interment industry,
 - (i) to promote affordable and accessible interment practices, particularly for those of limited means.
- No. 2 Page 5, clause 11 (3) (c), line 14. Omit all words on that line.
- No. 3 Page 5, clause 12 (1). Insert after line 26:
- (c) to promote environmentally sustainable practices in the interment industry,
- No. 4 Page 5, clause 12 (1) (c), line 27. Omit “voluntary”.
- No. 5 Page 5, clause 12. Insert after line 38:
- (2) The Cemeteries Agency must, within 12 months after it is constituted, prepare a strategic plan outlining its key objectives and time frames for implementation of those objectives.
 - (3) The Cemeteries Agency must publish the strategic plan in the Gazette.
- No. 6 Page 7, clause 16. Insert after line 20:
- (3) The persons appointed under subsection (2) (b) must include one person nominated by nominated by the Combined Pensioners and Superannuants Association of NSW who has knowledge and expertise relevant to consumer and customer advocacy.
- No. 7 Page 13, clause 28 (4), line 24. Insert “(including, without limitation, the Combined Pensioners and Superannuants Association of NSW)” after “stakeholders”.
- No. 8 Page 13, clause 29, lines 28–30. Omit all words on those lines. Insert instead:

29 Nature of codes of practice

- (1) Except as provided by this section, codes of practice are in the nature of guidelines and compliance is not mandatory.
- (2) The Cemeteries Agency must, before the end of the period of 5 years after the date of assent to this Act, develop and approve codes of practice under section 28 for the interment industry and compliance with which is intended to be mandatory (a *mandatory code of practice*).
- (3) A mandatory code of practice has no effect unless it is incorporated in an interment industry scheme under section 31 (2).
- (4) A person must comply with any requirement of a mandatory code of practice that applies to the person.

Maximum civil penalty: the amount specified in the interment industry scheme not exceeding \$27,500.

- No. 9 Page 14, clause 32 (1), line 37. Insert “(and other relevant stakeholders including, without limitation, the Combined Pensioners and Superannuants Association of NSW)” after “sector of the interment industry”.
- No. 10 Page 21, clause 52 (2). Insert after line 37:
- (3) If no response to the notice under subsection (2) is received within 28 days after the date on which it is sent, the cemetery operator is to cause a further notice of the intention to be sent, by registered post, to each person shown in the relevant cemetery operator’s register as a secondary contact with respect to the holder.
- No. 11 Page 21, clause 52 (3), line 38. Insert “under subsection (2) or (3)” after “the notice”.
- No. 12 Page 24, clause 54 (6), line 5. Insert “and any person shown in the relevant cemetery operator’s register as a secondary contact with respect to the holder” after “right”.
- No. 13 Page 24, clause 54 (8), lines 12 and 13. Omit all words on those lines. Insert instead:
- (8) The regulations may:
 - (a) prescribe a different period of any term of a renewable interment right to a period specified in subsection (1) or (3), and
 - (b) prescribe the matters which a cemetery operator must disclose to an applicant for a renewable interment right, and
 - (c) make provision for or with respect to a cooling off period prescribed by the regulations for the taking of effect of an interment right, and
 - (d) with out limiting paragraph (c), provide for the waiver of the cooling off period in circumstances prescribed by the regulations.
- No. 14 Page 24, clause 55 (2) (c), line 29. Insert “and person shown in the relevant cemetery operator’s register as a secondary contact with respect to the holder” after “right”.
- No. 15 Page 27, clause 63 (4). Insert after line 28:
- (c) include contact details for any next-of-kin or other persons nominated by the holder as secondary contacts with respect to the holder, and
- No. 16 Pages 30–32, Division 3, Part 4, line 9 on page 30 to line 43 on page 32. Omit all words on those lines.
- No. 17 Page 40, clause 93 (3), lines 8 and 9. Omit “on payment of a fee of \$25 (or such other amount as may be prescribed by the regulations)”.

No. 18 Page 62. Insert after line 9:

151 Investigation and report by IPART

- (1) The Independent Pricing and Regulatory Tribunal is to conduct an investigation of interment costs and the pricing of interment rights within the interment industry with regard to:
 - (a) the relativity of costs and pricing factors for perpetual and renewable interment rights, and
 - (b) full-cost pricing of perpetual interment rights, including provision for the perpetual care of interment sites and cemeteries.
- (2) The investigation is to include a review of competition, cost and pricing factors within the funeral industry.
- (3) A report on the outcome of the investigation is to be provided to the Minister within 3 years after the commencement of this section.
- (4) The Minister is to make the report publicly available free of charge by publishing it on a website maintained by the Department.
- (5) Except to the extent that the regulations otherwise provide, Division 7 of Part 3 of the *Independent Pricing and Regulatory Tribunal Act 1992* applies to and in respect of an investigation under this section.

No. 19 Page 72, clause 6, Schedule 3, lines 1–8. Omit all words on those lines.

No. 20 Page 93, Dictionary. Insert after line 6:

natural burial of human remains means burial in the ground:

- (a) without preparation of the remains using chemical preservatives and by containment of the remains only in a shroud or biodegradable coffin, and
- (b) with no memorialisation on the interment site.

No. 21 Page 93, Dictionary. Insert after line 12:

private burial means placing human remains in a grave or vault located on private land where the area of landholding is 5 hectares or more and the location has been approved for that purpose by a local government authority or on other private land prescribed by the regulations.

No. 22 Page 93, Dictionary, definition of “renewal scheme”, line 14. Omit all words on that line.