

Second Reading

The Hon. TONY KELLY (Minister for Police, Minister for Lands, and Minister for Rural Affairs) [11.12 a.m.]: I move:

That this bill be now read a second time.

The Necropolis, the City of the Dead, at Rookwood in Sydney's west, is one of the largest cemeteries in the world. It is, in fact, the largest cemetery in the Southern Hemisphere. It is a testament to our forebears that such a significant parcel of land was set aside for the burying of the dead. The history of Rookwood provides a fascinating insight into life in the fledgling colony. Sydney's first cemetery was on the site of the present day Sydney Town Hall, which was closed in 1820 by Governor Macquarie in favour of a new cemetery on Devonshire Street, which is now part of Central Railway Station. By the 1840s, the Devonshire Street site was also becoming overcrowded, and the Government of the day, which, incidentally, would have been this Legislative Council, began looking for an alternative site well outside the sprawling settlement. The Department of Lands led the search, and sites at Cabarita, the Parramatta Domain, and the Petersham estate were examined.

In 1862 the New South Wales Government finally purchased some 200 acres of land from Mr Cohen, which was part of the Liberty Plains estate near Homebush. The Rookwood Necropolis, or Haslems Creek Cemetery as it was known then, was formally established five years later with the passing of the Necropolis Act in 1867. Ever since 1867 Rookwood has played an important role in the lives of Sydneysiders. Rookwood has been added to over the years, and it is now the final resting place to more than one million souls: More than 70 different faiths and denominations are represented within its grounds. It even managed to enter the vernacular, with the expression "as crook as Rookwood" a commonly used expression to either denote one's ill health or a display of poor management. Until the 1980s Rookwood was a victim of neglect and mismanagement. It was the legislative reforms of the Wran-Unsworth Government in 1986 that set a more modern course for the management of Rookwood.

Under the auspices of the joint committee, much has been achieved over the last two decades in managing Rookwood as a single piece of dedicated Crown land. The bill is one outcome of a review the department conducted into the management of Rookwood. The main recommendations of the management review centred on the view that the current model had reached a point where it could not effectively push on further. The review was an exhaustive assessment of what was working at Rookwood and what was not. Most stakeholders agreed that the Rookwood Necropolis Act, and the joint committee, was holding back Rookwood from adequately dealing with the challenges of modern public land management. It was felt that the joint committee was ill equipped to meet the needs of Rookwood as we head into the future. Many felt we needed a new body, independent, but working closely with the denominational trusts, to bring a renewed focus on the sustainable management of Rookwood as a single parcel of Crown land. The central thrust of the bill is to bring the necessary components of the Rookwood Necropolis Act into the Crown Lands Act.

The Rookwood Necropolis Act 1901, itself a remake of previous legislation stretching back to the 1860s, is showing its age; many parts of the Rookwood Necropolis Act already have been repealed and made redundant. Most major cemeteries are managed in accordance with the Crown Lands Act. Indeed, the denominational trusts at Rookwood are already established and governed under the provisions of the Crown Lands Act. The 1989 Act is a modern, flexible piece of legislation, which will place Rookwood in a better position to face the challenges of modern public land management. The new Rookwood Necropolis Trust will replace the former Joint Committee of the Necropolis Trustees, a creation of the old Rookwood Necropolis Act.

The focus of the Joint Committee of the Necropolis Trustees, established in the 1920s, was to look at Rookwood as one integrated parcel of land. There has always been a tension between the needs of Rookwood as a whole and those of its individual trusts. Often this tension is played out within the Joint Committee of the Necropolis Trustees, dominated as it is by individual denominational trusts. The establishment of the Rookwood Necropolis Trust will finally break the structural conflict between the whole and its constituent parts. The Rookwood Necropolis Trust comprises board members chosen not because they represent a sectional interest, but because of their specific skills. By working with a committee of managers—the day-to-day operational managers of the denominational trusts—Rookwood will be better managed as one cemetery, albeit one with many parts.

I will now go into the bill in greater detail. The savings and transitional provisions of the bill—covered in proposed clauses 51 to 57—ensure the continuation of existing dedications, appointments, and vestings after the repeal, and ensures the existing rights and obligations of the Joint Committee of the Necropolis Trustees are carried over to the new Rookwood Necropolis Trust. This will underpin the seamless transition from the old management structure to the new one. Proposed clauses 52 and 53 abolish the Joint Committee of the Necropolis Trustees, and re-establish its successor—the Rookwood Necropolis Trust. Proposed clause 56 saves the provisions of the

general crematorium lease, and is taken to have been granted by the Minister for Lands under section 34A of the Crown Lands Act. The Minister will subsequently direct that the proceeds of the rent will go to the Rookwood Necropolis Trust, thus replicating the current funding arrangement. This brings me to a key objective of the bill—to ensure the income for the overall maintenance and improvement of common infrastructure within Rookwood is preserved.

Over the past two decades the Joint Committee of the Necropolis Trustees has achieved much in improving Rookwood and bringing it into at least the twentieth century. Rookwood was not a pretty site back in the mid 1980s. The Government takes this opportunity to thank the members, past and present, who have volunteered their time and energy to improving Rookwood Necropolis and helping to preserve our past. The improvements overseen by the Joint Committee of the Necropolis Trustees have been underpinned by a secure source of funding—the rent from the general crematorium lease and the interment levy—based on the number of burials and cremations carried out at Rookwood each year. The bill preserves those funding sources in their entirety.

I mentioned that much of the old Act has been repealed or carried over into the Crown Land by-laws. Along with the general crematorium lease, the other major funding source for Rookwood's common infrastructure is the payment of interment levies by the crematorium lessee and denominational trusts. The interment levies and fees payable by those trusts operating the crematoria are preserved in proposed clauses 41B, 41C and 41D. These proposed clauses will be incorporated within the existing Crown Lands (General Reserves) By-Law 2006, which already deals with specific issues affecting the management of Crown cemeteries. These clauses also provide for the move to a financial year budget, consistent with the provisions of trusts under the Crown Lands Act.

The bill tidies up a few provisions and makes allowances for importing some of the provisions of the Rookwood Necropolis Act. The amendment to section 84, allowing for partial revocation of a dedicated reserve, mirrors the provisions in section 90 that deals with the partial revocation of a Crown reserve. A partial revocation will allow for a boundary adjustment to be made more easily, for example so the position of a road may be altered. This will still require a revocation to sit before both Houses of Parliament, but will enable specific parts to be revoked rather than the entire dedication. Section 128 of the Crown Lands Act, which provides for the making of by-laws, will enable the payment of money from one reserve trust to another. This will provide a legislative basis for the payment of the denominational trust interment levy. Section 147 of the Crown Lands Act is expanded to provide for the recovery of money by a reserve trust as a debt, not merely by the Minister.

Finally, three amendments are made as a consequence of the repeal, namely to the Freedom of Information Act 2005, the Land and Environment Court Act 1979, and the Land and Environment Court Rules 2007. The bill repeals legislation that harks back to the nineteenth and early twentieth centuries, and places the management of the Rookwood Necropolis wholly within the modern day legislative provisions of the Crown Lands Act. In doing so, it will create a renewed focus on the overarching planning and sustainability issues facing Rookwood, whilst allowing the denominational trusts to continue to work with their communities and faiths in helping individuals and families in harrowing times. The new management structure, built around the more modern provisions of the Crown Lands Act, gives Rookwood, this great City of the Dead, a greater ability to respond to the social, religious, cultural and recreational needs of Sydney. I commend the bill to the House.