

## Regulation Committee

### Inquiry into Cemeteries and Crematoria Amendment Regulation 2018

Hearing - Friday 21 September 2018

Questions Taken on Notice

#### Question 1 (page 40 of transcript)

**The Hon. TREVOR KHAN:** Was direct communication, for instance, made with the Catholic Church?

**Ms MANUEL:** The Archdiocese of Sydney is on the consumer advisory board—

**The Hon. TREVOR KHAN:** What about the Anglican Church?

**The CHAIR:** The Hon. Mick Veitch has suggested that you might want to take the question on notice and come back to the Committee.

**The Hon. MARK PEARSON:** Could it be the case that because religious organisations' plots were going to be exempted by the regulation it was decided—either knowingly or unknowingly—to not consult with them? These organisations are also grappling with finding the space to continue to be able to bury in perpetuity. Is that an explanation as to why they were not consulted?

**Ms LIVINGSTONE:** I cannot imagine that was a reason why they would not have been consulted. I will repeat that the CCNSW board will take that on notice and get a list of who was directly contacted so that you have the full information. But I do not think they would have excluded any religious groups thinking that because they are exempted it would not apply.

#### ANSWER:

**Two consultative groups were established to ensure consistent engagement and communication with the interment industry and community, an Industry Consultative Group and Community and Consumer Consultative Group.**

**The Industry Consultative Group included representatives of Rookwood Necropolis Trust, Rookwood General Cemeteries Reserve Trust, Northern Metropolitan Cemeteries Trust, Catholic Metropolitan Cemeteries Trust, Southern Metropolitan Cemeteries Trust, Palmdale, Ryde City Council, Lake Macquarie City Council, Australian Funeral Directors Association, Funeral Directors Association of NSW and Invocare.**

**A working group was formed to focus on implementation of Part 4 of the Act and contribute to development of a voluntary code of practice regarding Part 4. The working group included representatives from the Catholic Metropolitan Cemeteries Trust, Rookwood General Cemeteries Reserve Trust, Southern Metropolitan Cemeteries Trust, Lake Macquarie City Council, Pittwater/Northern Beaches Council, Palmdale Group and Invocare**

**The Industry Consultative Committee held meetings on 15 March 2016, 24 May 2016, 19 July 2016, 21 March 2017 and 12 September 2017. The Part 4 working group held meetings on 9 May 2016 and 31 January 2017.**

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At the 9 May 2016 meeting of the Part 4 working group it was discussed that the cemetery trusts were consulting with community groups about renewable tenure.

The Community and Consumer Consultative Group included representatives from the Jewish Board of Deputies, Lebanese Muslim Association, Catholic Archdiocese of Sydney, St Basils Aged Care [Greek orthodox community], Friends of Sandgate Cemetery, Combined Pensioners and Superannuants Association, Funeral Celebrants Association, NSW Aboriginal Land Council and the Turkish Islamic Centre.

Meetings of the Community and Consumer Consultative Group were held on 21 July 2016 and 24 October 2016.

In addition to the industry and community consultative groups, the communications plan specifically included invitations to the Jewish Board of Deputies, Lebanese Muslim Association, Anglican Church, Catholic Archdiocese of Sydney, Uniting Church, Greek Orthodox Church, Chinese Australian Forum, Vietnamese Community in Australia, NSW Aboriginal Land Council, Combined Pensioners and Superannuants Association, Ethnic Communities Council of NSW plus a range of other peak bodies including Local Government NSW and the Cemeteries and Crematoria Association of NSW.

Over 200 Crown, local government, private, community and church cemetery operators on the cemeteries register were formally notified of the consultation period and invited to participate.

Local Government NSW and the Cemeteries and Crematoria Association of NSW in turn promoted the consultation through bulletins to their members.

Presentations on progress with Part 4 were also included in the biannual conferences of the Cemeteries and Crematoria Association of NSW / Australian Funeral Directors Association from 2016 to 2018.

#### Question 2 (page 45 of transcript)

**The Hon. TREVOR KHAN:** If you do not mind, are you able to give a copy of the sustainable burials in the Sydney metropolitan area discussion paper to us?

**Ms MANUEL:** We can, yes—the actual report?

**The Hon. TREVOR KHAN:** It was a discussion paper.

**Ms MANUEL:** Yes.

#### ANSWER:

A copy of the 2008 discussion paper “Sustainable burials in the Sydney Greater Metropolitan Area” is provided at Attachment 1.

#### Question 3 (page 45 of transcript)

**The Hon. GREG DONNELLY:** With respect to your submission on page four, underneath a series of dot points, the paragraph states:

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The information gathered and issues raised by stakeholders throughout the public consultation period were used to refine the Regulation."

I am wondering, on notice, whether you can provide for the Committee a copy of what was the proposed regulation in draft form, and a copy of the regulation that picked up those refinements. That is the first thing. Secondly, with respect to the next sentence, "Non-regulatory matters will be included in guidelines"—again I am happy for you to take it on notice—would you provide a comprehensive list, or a list that is as complete as you can make it, of what are examples of non-regulatory matters to be incorporated into guidelines?

**Ms MANUEL:** Yes.

**Ms LIVINGSTONE:** Certainly. It is easy to provide both of those things. In fact, the better regulation statement, which addresses the first, is publicly available.

**ANSWER:**

**A copy of the public consultation draft of the regulation is provided at Attachment 2 and a copy of the regulation as made is provided at Attachment 3. A copy of the regulation as made showing changes from the public consultation draft is provided at Attachment 4. A copy of the Better Regulation Statement is provided at Attachment 5.**

**A number of submissions in response to the public consultation raised proposals which were not for inclusion in the regulation but are intended for guidelines for industry and/or consumers. CCNSW has prepared or is in the process of preparing a number of guideline documents including:**

- **an advisory guide to interment rights**
- **a general consumer guide**
- **a guide to commonly used terms in the interment sector**
- **a guide to cemetery registers of interment rights, memorials and cremations**
- **a voluntary industry code of practice**
- **a guide to heritage advisory committees.**

**Proposals for inclusion in the guidelines include:**

- **public education and familiarisation programs to improve the understanding of interment rights in the community**
- **compliance by cemetery operators**
- **guidance for managing bequests of interment rights including transferral under deceased estates.**

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**ATTACHMENT 1**

**Sustainable burials in the Sydney Greater Metropolitan Area  
Discussion Paper**

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**ATTACHMENT 2**

**Cemeteries and Crematoria Amendment Regulation 2017 (public consultation draft)**

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**ATTACHMENT 3**

**Cemeteries and Crematoria Amendment Regulation 2018 (as made)**

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**ATTACHMENT 4**

**Cemeteries and Crematoria Amendment Regulation 2018 (as made)  
showing changes from the public consultation draft**

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**ATTACHMENT 5**

**Cemeteries and Crematoria Amendment Regulation 2017  
(Part 4 of the Cemeteries and Crematoria Act 2013)  
Better Regulation Statement**