

**INQUIRY INTO CEMETERIES AND CREMATORIA
AMENDMENT REGULATION 2018**

Organisation: NSW Jewish Board of Deputies

Date Received: 23 August 2018

23 August 2018

The Honourable Scott Farlow MLC
Chairperson
Regulation Committee
Legislative Council of NSW

Email: Regulation.Committee@parliament.nsw.gov.au

Inquiry into Cemeteries and Crematoria Amendment Regulation 2018

The NSW Jewish Board of Deputies is pleased to make a submission to the inquiry into the Cemeteries and Crematoria Amendment Regulation 1028.

The NSW Jewish Board of Deputies is the officially-elected representative roof-body and voice of the Jewish community of New South Wales.

It is recognised by the NSW Government, its agencies, the media and other ethnic and religious groups as the representative body of the Jewish community. The Board leads, speaks and advocates on behalf of the NSW Jewish community, with 61 major communal organisations as its constituents.

At present land is consecrated for exclusively Jewish burial at Rookwood, Macquarie Park, Botany and Woronora cemeteries in the Metropolitan area. On present demographic projections, that land will be full - ie no longer available for Jewish burial - in approximately 10 years. The equivalent time period for the Muslim communities is shorter.

The Government's ability to provide affordable dignified burials to our communities depends now on the urgent acquisition and allocation of one or more new multi-faith cemeteries in the wider Sydney Metropolitan area.

Under the *Cemeteries and Crematoria Act 2013 (the "Act")*, cemetery operators are obliged to permit members of the Jewish faith to be interred (buried) in accordance with the Jewish community's religious practices.

Section 46 of the Act protects our community's religious practices in relation to internment, while Section 54 of the Act prevents renewable internment rights to be granted in respect of lands consecrated for Jewish religious burial.

The provision relating to re-use of internment sites and removal of memorial, which appears in subsection 55(5) of the Act, requires the remains of a Jewish person to be dealt with in accordance with Jewish religious practice.

Section 66 of the Act provides a similar protection in the case of exhumation.

Section 106 of the Act requires cemetery operators to permit Jewish religious ceremonies to be conducted at cemeteries.



ABN 82 990 574 147

NEW SOUTH WALES JEWISH BOARD OF DEPUTIES

The Representative Organisation of NSW Jewry

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President: Lesli
Chief Executive Officer: Vic A



These protections are important because all Jews are to be buried in a permanent resting place, which means renewable tenure does not, and must not, apply to Jewish burial.

Consequently, the NSW Jewish community is pleased that Part 4 of the Act has been proclaimed because it gives effect to statutory protections that ought to have been in place many years earlier.

In regard to the language of the regulation, we make one recommendation for change.

The provisions in Part 3, clause 5, relating to making enquiry about religious practices appear to have been developed so as to not reflect the particular practices of any affected faith community.

Similarly, Division 3, Clause 14 relates to disturbance or removal of human remains, yet adds no clarity to the statutory prohibition on doing so other than in accordance with, in the case of a Jewish person, the rulings of the Sydney Beth Din the rabbinic authority.

All cemetery managers are aware that the first point of contact in relation to lands consecrated for Jewish burial is the Sydney Chevra Kadisha. More importantly, the regulation is deficient in requiring merely that a cemetery manager take reasonable steps to make enquiries, given the statutory prohibitions outlined above.

Recommendation: Clause 5 should simply require that the necessary enquiries **must** be made.

We thank the Committee for the opportunity to make this submission.

Please direct any questions to David D. Knoll AM, Tel:

Email:

Yours sincerely

Lesli Berger
President



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