

**FUNERAL SERVICES INDUSTRY (DAYS OF OPERATION) ACT
1990 No. 87**

NEW SOUTH WALES



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**FUNERAL SERVICES INDUSTRY (DAYS OF OPERATION) ACT
1990 No. 87**

NEW SOUTH WALES



Act No. 87, 1990

An Act to regulate the days of operation of businesses providing funeral, burial or cremation services. [Assented to 7 December 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Funeral Services Industry (Days of Operation) Act 1990.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Days of operation for funeral services

3. (1) A person who carries on business as an undertaker must provide the full range of services of the business each day from Monday to Friday, excluding public holidays, unless the person has a lawful excuse for not doing so.

Maximum penalty: 50 penalty units (or 100 penalty units in the case of a corporation).

(2) This section does not prevent a person from providing those services on any other day.

Days of operation for burial or cremation services

4. (1) A person who carries on the business of conducting a cemetery or crematorium must provide the full range of services of the business each day from Monday to Friday, excluding public holidays, unless the person has a lawful excuse for not doing so.

(2) This section does not apply to a cemetery or crematorium:

- (a) conducted by a public authority; or
- (b) conducted by or on behalf of a Church; or
- (c) prescribed by the regulations.

(3) This section does not prevent a person from providing those services on any other day.

(4) In this section, "**public authority**" means:

- (a) a city, municipal, shire or county council; or
- (b) a body constituted by or under an Act to conduct the cemetery or crematorium.

Maximum penalty: 50 penalty units (or 100 penalty units in the case of a corporation).

Closure etc. for repairs

5. Nothing in this Act requires a person to provide a service on a particular day if the person is unable to provide the service on that day during the normal hours of operation of his or her business:

- (a) because of the need to carry out repairs or maintenance work;
or
- (b) because of circumstances beyond the person's control.

Proceedings for offences

6. Proceedings for an offence against this Act may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Regulations

7. The Governor may make regulations prescribing the cemeteries and crematoria to which section 4 does not apply.

*[Minister's second reading speech made in—
Legislative Assembly on 14 November 1990
Legislative Council on 27 November 1990]*