



New South Wales

Cemeteries and Crematoria Amendment Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Cemeteries and Crematoria Act 2013* (*the Act*) to make provision for the following matters—

- (a) the dissolution of the Board of the Cemeteries Agency and other matters concerning the governance and functions of the Cemeteries Agency,
- (b) the establishment of a scheme to exempt cemetery operators from the Act, Part 4 in relation to increasing the number of interment sites in parts of cemeteries with existing interment sites,
- (c) the permission for cemetery operators, and approval of other persons by cemetery operators, to carry out works in relation to memorials at interment sites,
- (d) the administration of interment rights and other matters concerning interment rights jointly held,
- (e) the making of guidelines by the Cemeteries Agency in relation to notification requirements and other matters under the Act,
- (f) matters concerning the land at Rookwood Cemetery,
- (g) other consequential and miscellaneous matters.

Certain amendments proposed by this Bill include Henry VIII provisions in the Act. The proposed amendments permit the Minister to grant an exemption to cemetery operators from provisions of the Act, Part 4 to enable the increase in the number of interment sites in parts of cemeteries with existing interment sites.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Cemeteries and Crematoria Act 2013 No 105

Schedule 1[1] amends an object of the Act.

Schedule 1[2] provides for the appointment of the Chief Executive Officer by the Governor on recommendation of the Minister.

Schedule 1[7] provides that the Cemeteries Agency must not be directed by the Minister in relation to activities about whether to carry out investigative, compliance or enforcement activities that may involve a contravention.

Schedule 1[9] extends the functions of the Cemeteries Agency to include the resolution of complaints made about cemetery operators that may involve contraventions in relation to the Act or other matters specified.

Schedule 1[10] provides for the dissolution of the Board of the Cemeteries Agency. The functions of the Board are transferred to the Chief Executive Officer. **Schedule 1[3]–[6], [8], [46], [47], [49]–[52] and [55]** make consequential amendments.

Schedule 1[11] clarifies that the Cemeteries Agency Fund is administered by the Chief Executive Officer.

Schedule 1[12] and [44] update references to the Director-General with references to the Secretary.

Schedule 1[13] removes the requirement for the Cemeteries Agency to make mandatory codes of practice for the interment industry within 5 years from the assent to the Act and provides that mandatory codes of practice may be made at any time.

Schedule 1[14] inserts Part 3, proposed Division 8. The proposed division establishes a scheme for the Minister to grant cemetery operators an exemption from specified provisions of the Act, Part 4 in relation to increasing interment sites within parts of cemeteries with existing interment sites.

Proposed section 43D creates a civil penalty for a cemetery operator who holds a renewal exemption and fails to act in accordance with the exemption.

Proposed section 43E provides regulations may be made about renewal exemptions and renewal works and including other matters specified.

Schedule 1[15] provides cemetery operators must take all reasonable steps to ensure an interment is carried out in accordance with relevant cultural or religious practices.

Schedule 1[16] clarifies cemetery operators may, on the application of the holder, approve memorials to be erected at interment sites with or without conditions. **Schedule 1[18]** makes a consequential amendment permitting a fee to be charged by the cemetery operator for the application.

Schedule 1[19] and [20] clarify that only the last surviving joint holder of an interment right jointly held may bequeath the right and the rules of intestacy will apply if the right is not bequeathed.

Schedule 1[21] amends the notification requirements and other matters in relation to the revocation of a perpetual interment right.

Schedule 1[22] clarifies the entitlement to compensation under section 53 only applies in relation to the revocation of a perpetual interment right under section 52.

Schedule 1[23] specifies the consequences for joint holders of a perpetual interment right when the perpetual interment right is revoked by a cemetery operator under section 52. **Schedule 1[24]** makes a consequential amendment.

Schedule 1[25] inserts proposed section 53A to provide that joint holders of an interment right must act jointly in relation to the interment right.

Schedule 1[26] permits a joint holder to apply for the renewal of a renewable interment right without acting jointly with all other joint holders of the renewable interment right and requires the cemetery operator to deal with the other holders in a specified way.

Schedule 1[28] provides that a renewable interment right expires for a joint holder who does not apply for the right to be renewed and the joint holder is not entitled to apply at a later date for another renewable interment right in its place.

Schedule 1[29] amends section 55, heading to state the provision relates to expired renewable interment rights.

Schedule 1[32] clarifies that, before an interment site is re-used, any cremated remains may be returned to one of the joint holders if all the other holders approve.

Schedule 1[33] amends the prohibition on the grant or transfer of interment rights by cemetery operators concerning persons holding existing rights.

Schedule 1[34] amends and inserts proposed provisions about the determination of a holder of an interment right by a cemetery operator.

Schedule 1[35] requires a cemetery operator to record, on the cemetery operator's register, whether an interment right is jointly held.

Schedule 1[36] amends the type of information that must be kept on a cemetery operator's register and makes it a civil penalty if the cemetery operator does not record the information as soon as reasonably practicable.

Schedule 1[37] substitutes section 65 in relation to certificates for interment rights and creates a civil penalty if the cemetery operator does not ensure a certificate for an interment right is consistent with information recorded on the cemetery operator's register before the certificate is issued.

Schedule 1[38] permits a cemetery operator to allow an interment in relation to an interment right jointly held if not all the holders have made the request for the interment because the holders are unavailable to act jointly.

Schedule 1[39] and [40] make amendments concerning orders for interments and create a civil penalty for a person to carry out an interment without holding an interment order.

Schedule 1[41] inserts proposed sections 68A and 68B.

Proposed section 68A provides an exclusion from liability for cemetery operators in certain circumstances.

Proposed section 68B requires the Cemeteries Agency to make guidelines for notification requirements and other matters under the Act. **Schedule 1[27], [30], [31] and [53]** provide for notification requirements in a way consistent with the guidelines.

Schedule 1[42] inserts Part 4, proposed Division 2A, setting out the circumstances in which a cemetery operator or a person approved by a cemetery operator may disturb a memorial or erect a memorial in relation to an interment site.

Proposed section 70C makes it an offence if a person who holds an approval to carry out the works does not comply with the approval. Proposed section 70E creates a civil penalty if a cemetery operator grants a person approval to carry out memorial works for which the holder has given notice that the works must not be carried out. Proposed section 70H creates a civil penalty if a cemetery operator does not record, on the cemetery operator's register, the fact that a holder has

given notice that works must not be carried out. **Schedule 1[17]** makes a consequential amendment.

Schedule 1[43] removes the requirement for Crown cemetery operators to publish strategic plans in the Gazette.

Schedule 1[45] make consequential amendments to permit civil penalty infringements to be given for civil penalties proposed by this proposed Act.

Schedule 1[48] inserts proposed sections 139A, 139B and 139C.

Proposed section 139A requires the Registrar-General to record information about land being a cemetery to which the Act applies in the folio of the Register for the land if the landholder makes an application.

Proposed section 139B provides for the establishment of advisory groups to provide advice to the Cemeteries Agency.

Proposed section 139C permits the disclosure of information under the Act in connection with the administration, operation or enforcement of the Act, regulations or interment industry schemes.

Schedule 1[54] omits obsolete provisions and provides for the acquisition and vesting of the whole of Rookwood Cemetery in the Crown, to be held as Crown land, without affecting certain interests specified in the proposed section.

Schedule 1[56] makes consequential amendments to the Dictionary, including permitting the regulations to prescribe services as interment services.



New South Wales

Cemeteries and Crematoria Amendment Bill 2025

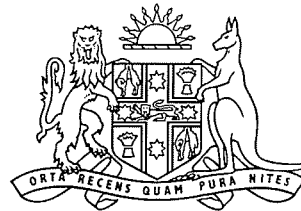
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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Cemeteries and Crematoria Amendment Bill 2025

No , 2025

A Bill for

An Act to amend the *Cemeteries and Crematoria Act 2013* to make further provision about the management and operations of cemeteries and crematoria; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Cemeteries and Crematoria Amendment Act 2025</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedule 1[54]—on a day or days to be appointed by proclamation,	6
(b) for Schedule 1[2]–[8], [10], [46], [47], [49]–[52] and [55]—on 1 July 2025,	7
(c) otherwise—on 1 September 2025.	8

Schedule 1	Amendment of Cemeteries and Crematoria Act 2013 No 105	1
		2
[1] Section 3 Objects of Act		3
Omit section 3(b). Insert instead—		4
(b) to ensure that the interment and memorialisation practices and beliefs of all religious and cultural groups are respected so that none is disadvantaged and adequate and proper provision is made for all, including the descendants of those individuals interred,		5 6 7 8
[2] Section 7A		9
Insert after section 7—		10
7A Chief Executive Officer		11
(1) There must be a Chief Executive Officer of the Cemeteries Agency.		12
(2) The Chief Executive Officer is appointed by the Governor on the recommendation of the Minister.		13 14
(3) Schedule 1 contains provisions about the Chief Executive Officer.		15
[3] Section 8 Control and management of Cemeteries Agency		16
Omit “the Board” from section 8(1). Insert instead “the Chief Executive Officer”.		17
[4] Section 8(2)		18
Omit “, subject to the policies and directions of the Board”.		19
[5] Section 8(2), note		20
Omit “(who is a member of the Board)”.		21
[6] Section 8(3)		22
Omit “the Board or”.		23
[7] Section 9 Ministerial control of Cemeteries Agency		24
Insert after section 9(1)(b)—		25
(b1) decisions whether to carry out investigative, compliance or enforcement activities in a particular case that may involve a contravention of this Act, regulations or interment industry schemes made under this Act, or licences granted under this Act,		26 27 28 29
[8] Section 11 Delegation of functions		30
Omit section 11(4). Insert instead—		31
(4) In this section—		32
<i>authorised person</i> means—		33
(a) a member of staff of a Government agency, or		34
(b) a person, or person of a class, prescribed by the regulations.		35
[9] Section 12 Functions—generally		36
Insert after section 12(1)(f)—		37

(f1)	to manage the resolution of complaints about cemetery operators that may involve contraventions by cemetery operators of this Act, regulations or interment industry schemes made under this Act, or licences granted under this Act,	1 2 3 4
[10] Part 2, Division 3		5
	Omit the division.	6
[11] Section 22 The Cemeteries Agency Fund		7
	Insert after section 22(3)—	8
	(4) The Cemeteries Agency Fund is administered by the Chief Executive Officer.	9
[12] Section 27(7) and Schedule 4, clause 12(4)		10
	Omit “Director-General of the Ministry of Health” wherever occurring.	11
	Insert instead “Secretary of the Ministry of Health”.	12
[13] Section 29 Nature of codes of practice		13
	Omit section 29(2). Insert instead—	14
	(2) The Cemeteries Agency may develop and approve codes of practice (a <i>mandatory code of practice</i>) for which compliance is intended to be mandatory.	15 16 17
[14] Part 3, Division 8		18
	Insert after Part 3, Division 7—	19
Division 8 Exemptions for additional interment sites		20
Note—	This division does not affect the operation of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Heritage Act 1977</i> .	21 22
43A Definitions		23
	In this division—	24
	<i>renewal exemption</i> means an exemption granted by the Minister under section 43C.	25 26
	<i>renewal works</i> means works carried out by or on behalf of a cemetery operator in a cemetery for the purpose of increasing the number of interment sites in a part of the cemetery with existing interments.	27 28 29
	<i>renewal works area</i> means the location and boundaries of the area in which renewal works are carried out.	30 31
43B Renewal exemption		32
(1)	A renewal exemption may exempt a cemetery operator from specified provisions of Part 4 in relation to interment rights within a renewal works area.	33 34
(2)	However, a renewal exemption must not exempt a cemetery operator from section 46(1)(d) or (2).	35 36
(3)	A renewal exemption must—	37
	(a) identify the renewal works area, and	38
	(b) describe the renewal works to be carried out within the area, and	39
	(c) specify the provisions of Part 4 to which the exemption relates.	40

(4)	A renewal exemption may provide for the exemption to continue after the completion of the renewal works.	1 2
(5)	For this Act, renewal works carried out above the surface of the ground in accordance with a renewal exemption are to be taken as not disturbing remains below the ground.	3 4 5
43C	Grant or refusal of renewal exemptions	6
(1)	A cemetery operator may apply to the Minister for a renewal exemption.	7
(2)	The application must comply with the requirements prescribed by the regulations, if any.	8 9
(3)	The Minister may, on application—	10
(a)	grant the renewal exemption in accordance with the regulations, if any, or	11 12
(b)	refuse to grant the renewal exemption.	13
(4)	The Minister may require the cemetery operator to provide further information about the application before making a decision.	14 15
(5)	The Minister must not grant an exemption unless the Minister—	16
(a)	is satisfied the exemption is in the public interest and consistent with one or more objects of the Act, or	17 18
(b)	is otherwise permitted by the regulations.	19
(6)	In deciding whether to grant or refuse an application for a proposed renewal exemption specifying a renewal works area in part of a cemetery allocated for use by a religious or cultural group, the Minister—	20 21 22
(a)	must consider submissions made, if any, by the religious or cultural group in relation to the proposed renewal exemption, and	23 24
(b)	may refuse to grant the renewal exemption if the exemption would result in that part of the cemetery operating in a way inconsistent with the cultural or religious practices of the group.	25 26 27
(7)	The Minister may grant the exemption, subject to the regulations—	28
(a)	for a specified term, and	29
(b)	with or without conditions.	30
43D	Renewal exemptions—civil obligation	31
	A cemetery operator who holds a renewal exemption must comply with the renewal exemption, including the conditions of the renewal exemption.	32 33
	Maximum civil penalty—\$27,500.	34
43E	Regulations	35
	The regulations may make further provision about renewal exemptions and renewal works, including the following—	36 37
(a)	the grant, amendment, revocation, renewal, conditions and publication of renewal exemptions,	38 39
(b)	public consultation about proposed renewal exemptions, including consultation with the community and cultural and religious leaders within the community,	40 41 42

	(c) negotiations with holders of interment rights within a renewal works area in relation to renewal works, including dealing with objections by holders about renewal works,	1 2 3
	(d) compensation payable by cemetery operators to holders of interment rights within a renewal works area in relation to renewal works and renewal exemptions, including the imposition of conditions on renewal exemptions specifying requirements in relation to the compensation,	4 5 6 7
	(e) the care and management of memorials within a renewal works area, including the removal, relocation, disposal and erection of memorials.	8 9
[15]	Section 46 Nature of interment right	10
	Omit “permit the interment” from section 46(1)(b).	11
	Insert instead “take all reasonable steps to ensure the interment is carried out”.	12
[16]	Section 46(1)(c)	13
	Insert “, with or without conditions, on application by the holder of the interment right” after “cemetery operator”.	14 15
[17]	Section 46(1)(e)	16
	Omit the paragraph. Insert instead—	17
	(e) leave any memorial to the deceased person lawfully erected at that site, with the permission of the cemetery operator, undisturbed unless the disturbance is otherwise permitted under Part 4, Division 2A.	18 19 20
[18]	Section 46(1A)	21
	Insert after section 46(1)—	22
	(1A) A cemetery operator may require an application under subsection (1)(c) to be accompanied by a fee determined by the cemetery operator.	23 24
[19]	Section 50 Rules of intestacy to apply to interment rights not bequeathed	25
	Omit “If the holder” from section 50(1). Insert instead “Subject to section 51, if the holder”.	26
[20]	Section 51 Interment right to pass to surviving joint holder	27
	Insert at the end of the section—	28
	(2) The last surviving joint holder is the only holder of the interment right who may bequeath the interment right in accordance with section 49(1).	29 30
	(3) The interment right is not subject to section 50(1) unless the last surviving joint holder of the interment right dies and has not bequeathed the interment right.	31 32 33
[21]	Section 52 Revocation of perpetual interment rights	34
	Omit section 52(2)–(8). Insert instead—	35
	(2) The cemetery operator must not revoke the perpetual interment right until 90 days after the cemetery operator has taken reasonable steps to notify each holder of the interment right in a way consistent with the Reasonable Notification Guidelines.	36 37 38 39
	(3) A holder of the perpetual interment right may enter into negotiations with the cemetery operator for—	40 41
	(a) the sale of the perpetual interment right, or	42

	(b) the retention of the perpetual interment right.	1
	(4) Subject to subsection (2), the cemetery operator may revoke the perpetual interment right before agreement with a holder, if any, on the sale or retention of the perpetual interment right.	2 3 4
[22]	Section 53 Compensation	5
	Insert “, under section 52,” after “If” in section 53(1).	6
[23]	Section 53(8A)	7
	Insert after section 53(8)—	8
	(8A) For an interment right jointly held and revoked by the cemetery operator—	9
	(a) an interment right granted under subsection (1)(a) must be jointly held by the former holders, and	10 11
	(b) the payment of compensation under subsection (1)(b) must be paid in equal shares to the former joint holders, and	12 13
	(c) if an interment right for an alternative site is granted jointly to the former holders, the prohibition on the transfer of the interment right under subsection (5) applies to the former holders jointly, and	14 15 16
	(d) an application for review under subsection (7) may be made by a former holder of the revoked interment right, whether jointly or not.	17 18
[24]	Section 53(9)	19
	Insert “, or jointly held,” after “held”.	20
[25]	Section 53A	21
	Insert after section 53—	22
	53A Joint holders must act jointly	23
	For this Act, a holder of an interment right held by one or more other persons must act jointly with all holders of the interment right in connection with the interment right unless otherwise provided for by this Act.	24 25 26
[26]	Section 54 Grant and renewal of renewable interment rights	27
	Insert after section 54(3)—	28
	(3A) If an application for the renewal of a renewable interment right jointly held is not made by all holders, the cemetery operator must, before granting the application—	29 30 31
	(a) take reasonable steps, in a way consistent with the Reasonable Notification Guidelines, to notify the holders of—	32 33
	(i) the application for renewal, and	34
	(ii) the period within which a holder may join the application for renewal, and	35 36
	(b) if a holder requests to be joined within the period, permit the holder to be joined without payment of a fee.	37 38
[27]	Section 54(6)	39
	Omit the subsection. Insert instead—	40
	(6) Subject to the regulations, a cemetery operator must, at least 12 months before a renewable interment right granted by the cemetery operator is due to expire,	41 42

take reasonable steps, in a way consistent with the Reasonable Notification Guidelines, to notify the following persons of the entitlement to apply to renew the right and the application fee—	1
(a) the holder or holders of the renewable interment right,	2
(b) all persons shown in the cemetery operator's register as secondary contacts for the holder or holders.	3
[28] Section 54(7A)	4
Insert after section 54(7)—	5
(7A) For a joint holder of a renewable interment right who has not applied for the right to be renewed—	6
(a) the right is taken not to have been renewed and expires in accordance with subsection (5), and	7
(b) the holder is not entitled to apply for a new renewable interment right under subsection (7) in relation to the interment site to which the renewable interment right applied.	8
[29] Section 55, heading	9
Insert “in relation to expired renewable interment rights” after “memorials”.	10
[30] Section 55(2)(b)	11
Omit the paragraph. Insert instead—	12
(b) the cemetery operator has given notice, in a way consistent with the Reasonable Notification Guidelines, of the cemetery operator's intention to re-use the interment site or remove the memorial, and	13
[31] Section 55(2)(c) and (d)	14
Insert “, in a way consistent with the Reasonable Notification Guidelines,” after “notice” wherever occurring.	15
[32] Section 55(4)(b)	16
Omit the paragraph. Insert instead—	17
(b) that any cremated remains found at the site are—	18
(i) in relation to a renewable interment right held by one person— returned to the holder of the renewable interment right, or	19
(ii) in relation to a renewable interment right held jointly—returned to one of the holders with the agreement of all holders, or	20
(iii) scattered in the cemetery, and	21
[33] Section 56 Grant of interment right	22
Omit section 56(4). Insert instead—	23
(4) A cemetery operator for a cemetery must not, without the approval of the Cemeteries Agency, grant or transfer an interment right for the cemetery to a person if the grant or transfer of the interment right will result in the person holding, whether jointly or not, interment rights for more than—	24
(a) 10 interment sites in the cemetery, or	25
(b) 2 interment sites in the cemetery for which no interments have occurred.	26

[34] Section 61 Cemetery operator may determine holder of interment right	1
Omit the section. Insert instead—	2
60A Cemetery operator may determine holder of interment right on own initiative	3
(1) A cemetery operator may determine a person is a holder of an interment right if the cemetery operator—	4
(a) is of the opinion the person is the holder or joint holder of the interment right, or	5
(b) the person would be the holder or joint holder but for another person being incorrectly recorded as the holder on the cemetery operator's register.	6
(2) The cemetery operator must not make a determination unless the cemetery operator—	7
(a) has taken reasonable steps to notify all persons who are holders, or may be eligible to be a holder, of the interment right about the proposed determination in a way consistent with the Reasonable Notification Guidelines, and	8
(b) for each person notified—has given the person 90 days to make submissions to the cemetery operator about the proposed determination, and	9
(c) in deciding whether to make the determination, has considered the submissions made by each person notified by the end of the period.	10
61 Cemetery operator may determine holder of interment right on application	11
(1) A person or 2 or more persons may apply to the cemetery operator for a determination that the person or persons hold an interment right.	12
(2) An application must be given in the way approved by the cemetery operator.	13
(3) An application must—	14
(a) be accompanied by particulars required by the cemetery operator, and	15
(b) be accompanied by other information prescribed by the regulations, including personal or confidential information, and	16
(c) demonstrate, to the satisfaction of the cemetery operator, that reasonable steps have been taken, in a way consistent with the Reasonable Notification Guidelines, to notify holders or possible holders of the application.	17
(4) The cemetery operator must, as soon as practicable after receiving an application—	18
(a) determine the applicant is a holder of the interment right, or	19
(b) refuse to determine the application.	20
(5) A cemetery operator must not make a determination unless the cemetery operator is satisfied the applicant—	21
(a) has taken reasonable steps, in a way consistent with the Reasonable Notification Guidelines, to notify all persons who are holders, or may be eligible to be a holder, of the interment right about the making of the application, and	22
(b) either—	23
(i) by operation of section 49, 50 or 51, would be entitled to be the holder or joint holder had a person who was entitled to be the	24

holder or joint holder been recorded as the holder on the cemetery operator's register, or	1
(ii) would be the holder or joint holder but for another person incorrectly recorded as the holder on the cemetery operator's register.	2
(6) The cemetery operator must give an applicant reasons if the cemetery operator refuses the application.	3
	4
	5
61A Matters affecting consideration of applications for determination	6
(1) In making a determination under section 61, the cemetery operator—	7
(a) must consider all relevant information given by the applicant, and	8
(b) may rely on written information given by a person to the cemetery operator that the person is not the holder or does not claim any other kind of interest in the right, and	9
(c) may consider other matters the cemetery operator considers relevant.	10
(2) The cemetery operator may, by written notice given to the applicant, require the applicant to give, by a specified time, additional information to assist the cemetery operator in making a determination.	11
	12
	13
(3) The cemetery operator may—	14
(a) delay consideration of the application until the required information is given, or	15
(b) refuse to consider the application if the additional information is not given within the time specified.	16
	17
[35] Section 63 Register of interment rights, memorials, cremations and interments	18
Insert after section 63(4)(a)—	19
(a1) include whether that holder is a joint holder of the interment right, and	20
[36] Section 63(9)	21
Omit the subsection. Insert instead—	22
(9) The cemetery operator must, as soon as reasonably practicable, amend the cemetery operator's register—	23
(a) to correct an inaccuracy, error or omission on becoming aware of the inaccuracy, error or omission, or	24
(b) to record changes to an interment right as a result of—	25
(i) a transfer, revocation or determination of a holder of an interment right, or	26
(ii) the death of the holder of an interment right, or	27
(iii) another matter, or	28
(c) to record information, including a direction or notice, required by this Act to be recorded on the register.	29
Maximum civil penalty—\$2,200.	30
	31
[37] Section 65	32
Omit the section. Insert instead—	33
	34
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	41

65	Certificates for interment rights	1
(1)	A cemetery operator who grants or renews an interment right, or transfers an interment right under section 58, must issue to the person to whom the right is granted, renewed or transferred a certificate for the interment right—	2
	(a) stating that the person holds an interment right that is in force in relation to an interment site described in the certificate and setting out the matters specified in section 57, and	3
	(b) setting out the notice required to have been given by section 54(4).	4
(2)	A cemetery operator must issue a certificate for an interment right to a person if, at any other time, the cemetery operator becomes aware the person is entitled to hold an interment right under this Act.	5
(3)	A cemetery operator must issue an updated certificate for an interment right to a holder—	6
	(a) if an amendment to the cemetery operator's register causes a statement in the holder's certificate to be incorrect, and	7
	(b) stating the certificate replaces a previous certificate issued to the holder for the interment right.	8
(4)	If a certificate for an interment right is stolen, lost or destroyed, the cemetery operator may, on application and payment of the appropriate fee, issue a replacement certificate.	9
(5)	A certificate for an interment right must be in a form—	10
	(a) prescribed by the regulations, or	11
	(b) approved by the Cemeteries Agency.	12
(6)	A cemetery operator must, before issuing a certificate for an interment right, ensure the information in the certificate is consistent with information recorded on the cemetery operator's register.	13
	Maximum civil penalty—\$27,500.	14
[38]	Section 66A	15
	Insert after section 66—	16
66A	Approval of interments if joint holders unavailable	17
(1)	Despite section 53A, a cemetery operator may permit the interment of remains in relation to an interment right jointly held if—	18
	(a) a written application is made to the cemetery operator by at least one of the joint holders requesting the interment, and	19
	(b) the application is accompanied by a declaration by the applicant that the other holders of the interment right who are not making the application are unavailable to act jointly.	20
(2)	The application must be made in the way determined by the cemetery operator.	21
[39]	Section 67 Order for interment	22
	Omit section 67(1). Insert instead—	23
(1)	A person must not carry out an interment in a cemetery unless the person holds an order for interment issued by the cemetery operator for the cemetery.	24
	Maximum penalty—250 penalty units.	25
(1A)	A cemetery operator must issue an order for interment in writing.	26

(1B)	A cemetery operator must not issue an order for interment that—	1
(a)	applies to more than 1 site, or	2
(b)	permits the interment of the remains of more than 1 person at the interment site unless the remains will be interred at the same time.	3
		4
[40]	Section 67(4) and (5)	5
	Insert after section 67(3)—	6
(4)	A cemetery operator must keep, for the period prescribed by the regulations, a record of the issue of an order for interment.	7
		8
(5)	Subsection (4) does not affect the operation of the <i>State Records Act 1998</i> or the regulations made under that Act.	9
		10
[41]	Sections 68A and 68B	11
	Insert after section 68—	12
68A	Exclusion from civil liability for cemetery operators	13
(1)	A cemetery operator is not subject to civil liability in connection to a protected action if done in good faith and in accordance with this Act.	14
		15
(2)	In this section—	16
	<i>civil liability</i> includes an action, claim or demand.	17
	<i>protected action</i> means the following—	18
(a)	a determination of a holder under section 61,	19
(b)	an approval granted under section 66A,	20
(c)	a memorial works approval under section 70D.	21
68B	Reasonable Notification Guidelines	22
(1)	The Cemeteries Agency must, by order, publish guidelines for cemetery operators about taking reasonable steps in relation to notifications, decisions and other matters concerning interment rights under this Act or the regulations.	23
		24
		25
		26
(2)	The Cemeteries Agency must publish the guidelines on the website of the Cemeteries Agency.	27
		28
(3)	The guidelines may make provision for the following—	29
(a)	the actions considered reasonable for the purposes of identifying or notifying, or attempting to identify or notify, holders or persons who may be eligible to be holders,	30
		31
		32
(b)	the amount of time considered reasonable in the circumstances for persons to respond to notifications concerning interment rights, including works relating to memorials,	33
		34
		35
(c)	the appropriate way to notify persons in relation to interment rights,	36
(d)	the extent to which information, including information on a cemetery operator's register, may be reasonably relied on in relation to decisions concerning interment rights,	37
		38
		39
(e)	other matters concerning interment rights.	40
[42]	Part 4, Division 2A	41
	Insert after Division 2—	42

Division 2A Memorial works other than by holders

70A Definitions

In this division—

memorial works approval means an approval granted under section 70D.

no works notice is a notice given by a holder under section 70H.

70B Memorial works by cemetery operators

A cemetery operator for a cemetery may disturb a memorial that is lawfully erected in the cemetery if—

- (a) before the disturbance occurs, the holder of the interment right for the interment site to which the memorial relates has requested or authorised the disturbance by written notice to the cemetery operator, or
- (b) the interment right for the interment site in relation to the memorial is no longer in force, or
- (c) the memorial is damaged or vandalised—to repair or remediate the memorial to the state, or likely state, the memorial was in immediately before the damage or vandalism, or
- (d) the disturbance is to ensure compliance with the *Work Health and Safety Act 2011*, or
- (e) the disturbance is otherwise permitted under this Act.

Note— See section 46(2) for a civil penalty in relation to cemetery operators disturbing memorials unless otherwise permitted under this section.

70C Persons may carry out works under memorial works approvals

- (1) The holder of a memorial works approval may, in accordance with the conditions on the approval, carry out the works specified in the approval.
- (2) The holder of a memorial works approval must comply with the approval.
Maximum penalty—100 penalty units.

70D Applications for memorial works approvals

- (1) A cemetery operator may, on application, grant a person a memorial works approval to carry out one or more of the following—
 - (a) works to repair or remediate a memorial or part of a memorial—
 - (i) to restore the memorial, or part of the memorial, to the memorial's original state, or
 - (ii) that are in keeping with the memorial's original state,
 - (b) minor works to, or in relation to, a memorial, including works to inscribe a name, date of birth or death on a memorial, that are—
 - (i) not likely to be inconsistent with the holder's intention for the memorial, or
 - (ii) otherwise not inconsistent with any written instructions, plans or other documents indicating the holder's intention for the memorial design,
 - (c) works to erect a memorial for a burial at an interment site if—
 - (i) there is no existing memorial at the site, and
 - (ii) 5 years have passed since the last interment at the site.
- (2) The application—

(a)	must be in the form approved by the cemetery operator, and	1
(b)	must demonstrate, to the satisfaction of the cemetery operator, the holder of the interment right in relation to the works is unavailable to give consent, and	2 3 4
(c)	must be accompanied by the information prescribed by the regulations, if any, and	5 6
(d)	must be accompanied by the appropriate fee.	7
(3)	In this section—	8
	memorial—	9
(a)	means a memorial, or proposed memorial, for an interment site that is the subject of an interment right, and	10 11
(b)	does not include a memorial erected unlawfully.	12
70E	Determination of applications for memorial works approvals	13
(1)	As soon as reasonably practicable after receiving an application for a memorial works approval, a cemetery operator must—	14 15
(a)	grant the approval, or	16
(b)	refuse to grant the approval.	17
(2)	A memorial works approval may be granted unconditionally or subject to conditions.	18 19
(3)	Before refusing to grant the approval, the cemetery operator must have—	20
(a)	given written notice to the applicant of the proposed refusal, and	21
(b)	given the applicant a reasonable opportunity to make submissions to the cemetery operator about the proposed refusal, and	22 23
(c)	in deciding whether to refuse to grant the approval, considered the submissions, if any, made by the applicant.	24 25
(4)	The cemetery operator must give an applicant reasons for refusing to grant an approval.	26 27
(5)	A memorial works approval takes effect on the day on which notice of the decision to grant the approval has been given to the applicant.	28 29
(6)	A cemetery operator must not grant a memorial works approval permitting works that are prohibited by a no works notice. Maximum civil penalty—\$27,500.	30 31 32
(7)	The holder of a memorial works approval must not be taken as the holder of an interment right.	33 34
70F	Cancellation of memorial works approvals	35
(1)	A cemetery operator may cancel a memorial works approval at any time.	36
(2)	A cemetery operator is not required to cancel a memorial works approval if a no works notice relating to an interment site to which the memorial works approval relates is given after the grant of the memorial works approval.	37 38 39
70G	Directions by cemetery operators to holders of memorial works approvals	40
(1)	A cemetery operator may, by written notice, direct a holder of a memorial works approval in relation to the carrying out of the works in the cemetery of the cemetery operator.	41 42 43

(2)	A holder of a memorial works approval must comply with a direction under subsection (1).	1
	Maximum penalty—100 penalty units.	2
		3
70H	Holders may prohibit works with no works notices	4
(1)	The holder of an interment right may, by written notice to the cemetery operator, prohibit works referred to in section 70D in relation to the interment site.	5
		6
		7
(2)	A cemetery operator must, as soon as reasonably practicable after receiving the notice, make a record of the notice on the cemetery operator's register.	8
	Maximum civil penalty— \$2,200.	9
		10
70I	When holders of interment rights are unavailable to give consent	11
	For this division, a holder of an interment right is taken to be unavailable to give consent if—	12
		13
(a)	the holder or joint holders are dead or unknown, or	14
(b)	the holder or joint holders have not responded about the proposed memorial works after reasonable steps have been taken in a way consistent with the Reasonable Notification Guidelines—	15
		16
(i)	to notify or attempt to notify the holder or joint holders, and	17
(ii)	if notified, to allow for the holder or joint holders to respond within a reasonable time specified in the notice.	18
		19
		20
[43]	Section 90 Strategic plans	21
	Omit “is published in the Gazette and” from section 90(11).	22
[44]	Sections 109(1) and (2) and 110(2)–(4)	23
	Omit “Director-General” wherever occurring. Insert instead “Secretary”.	24
[45]	Section 124(8)	25
	Omit the definition of <i>civil penalty provision</i> , paragraphs (h)–(l). Insert instead—	26
(h)	section 43D,	27
(i)	section 46(2),	28
(j)	section 55(6)(a),	29
(k)	section 63(1), (5), (6), (9) and (12),	30
(l)	section 64(1) and (3),	31
(m)	section 65(6),	32
(n)	section 70E(6),	33
(o)	section 70H(2),	34
(p)	section 101(2).	35
[46]	Section 125 Authorised officers	36
	Omit “The Chair of the Board”.	37
	Insert instead “The Chief Executive Officer”.	38
[47]	Section 127 Identification	39
	Omit “the Chair of the Board” wherever occurring in section 127(1) and (2)(e).	40

Insert instead “the Chief Executive Officer”.

[48] Sections 139A–139C

Insert after section 139—

139A Registrar-General to record cemeteries in Register

- (1) The Registrar-General must, on application, record information about land being a cemetery to which this Act applies in the folio of the Register for the land.
- (2) An application may be made by the registered proprietor of the land if the land is recorded as a cemetery in the Cemeteries and Crematoria Register.
- (3) An application must be—
 - (a) in the form approved by the Registrar-General, and
 - (b) accompanied by the fee determined by the Registrar-General, if any.
- (4) The Registrar-General may—
 - (a) correct an error made in the Register relating to a recording of the information, or
 - (b) remove the information from the Register if the Cemeteries Agency approves.
- (5) This section does not limit powers of the Registrar-General under the *Real Property Act 1900* to correct the Register.
- (6) In this section—

land includes part of the land.

Register means The Register kept under the *Real Property Act 1900*.

139B Advisory groups

- (1) The following advisory groups are established to give advice to the Cemeteries Agency about matters in relation to the Act—
 - (a) the industry advisory group,
 - (b) the consumer and community advisory group.
- (2) The Cemeteries Agency may establish other advisory groups.
- (3) The Cemeteries Agency may abolish an advisory group other than an advisory group established under subsection (1).
- (4) The regulations may make provision about the following—
 - (a) the establishment of an advisory group,
 - (b) the membership, procedures and functions of an advisory group,
 - (c) the extent to which any of the matters referred to in paragraph (b) may be determined by the Cemeteries Agency.

139C Disclosure of information

- (1) A relevant person must not disclose information obtained in connection with the administration or execution of this Act unless the disclosure is made—
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration, operation, or enforcement of this Act, regulations or interment industry schemes, or

(c)	for the purposes of legal proceedings arising out of this Act or a related Act or a report of the proceedings, or	1
(d)	in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> , or	2
(e)	with other lawful excuse.	3
(2)	In this section—	4
	relevant person means the following—	5
(a)	the Chief Executive Officer,	6
(b)	a member of the Cemeteries Agency staff.	7
[49]	Section 141 Personal liability	8
	Omit section 141(1)(c)–(e). Insert instead—	9
(c)	the Chief Executive Officer, or	10
(d)	a person acting under the direction of the Minister, Cemeteries Agency, or Chief Executive Officer,	11
[50]	Section 141	12
	Omit “member of the Board,” from subsection (1).	13
[51]	Schedule 1	14
	Omit the schedule. Insert instead—	15
	Schedule 1 Chief Executive Officer	16
	section 7A(3)	17
1	Definition	18
	In this schedule—	19
	CEO means the Chief Executive Officer.	20
2	Term of office	21
(1)	The CEO holds office for the term, not more than 5 years, stated in the instrument of appointment.	22
(2)	The CEO is eligible for reappointment.	23
3	Employment conditions and remuneration	24
(1)	The employment of the CEO must, subject to this Act, be governed by a contract of employment between the CEO and the Minister.	25
(2)	The CEO is not a Public Service employee under the <i>Government Sector Employment Act 2013</i> and the provisions of that Act relating to the employment of Public Service employees do not apply to the CEO, except as provided by this clause.	26
(3)	The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the CEO—	27
(a)	provisions relating to the band in which an executive must be employed,	28
(b)	provisions relating to the contract of employment of an executive,	29

(c)	provisions relating to the remuneration, employment benefits and allowances of an executive.	1 2
(4)	For subclause (3), a reference in the provisions to the employer of a Public Service senior executive is taken to be a reference to the Minister.	3 4
(5)	Without limiting subclause (3)(b), the provisions of or made under the <i>Government Sector Employment Act 2013</i> that prescribe a model contract of employment for statutory officers, including provisions that specify mandatory model provisions, apply to the CEO's contract of employment.	5 6 7 8
4	Removal from office	9
(1)	To avoid doubt, the <i>Government Sector Employment Act 2013</i> , Part 6 applies in relation to the CEO.	10 11
(2)	The Minister may remove the CEO from office, but only for incompetency, incapacity or misbehaviour.	12 13
	Note— Under the <i>Government Sector Employment Act</i> , Part 6, the Governor may remove the CEO from office at any time for any or no stated reason and without notice.	14 15
5	Vacancy in office	16
(1)	The office of CEO becomes vacant if the CEO—	17
(a)	dies, or	18
(b)	completes a term of office and is not reappointed, or	19
(c)	resigns from office by notice to the Minister, or	20
(d)	is removed from office by—	21
(i)	the Governor under the <i>Government Sector Employment Act 2013</i> , Part 6, or	22 23
(ii)	the Minister under this schedule, clause 4(2), or	24
(e)	becomes personally insolvent, or	25
(f)	becomes a mentally incapacitated person, or	26
(g)	is convicted—	27
(i)	in New South Wales of an offence punishable by imprisonment for 12 months or more, or	28 29
(ii)	elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more, or	30 31 32
(h)	is imprisoned—	33
(i)	in New South Wales in relation to a conviction for an offence, or	34
(ii)	elsewhere than in New South Wales in relation to a conviction for an offence that, if committed in New South Wales, would be an offence punishable by imprisonment.	35 36 37
(2)	If the office of CEO becomes vacant, a person must, subject to this Act, be appointed to fill the vacancy.	38 39
6	Acting CEO	40
(1)	The Minister may appoint a person to act as CEO during—	41
(a)	the illness or absence of the CEO, or	42
(b)	a vacancy in the office of the CEO.	43
(2)	A person acting as CEO—	44

(a)	has and may exercise the CEO's functions, and	1
(b)	is taken to be the CEO.	2
(3)	The Minister may, at any time, remove a person from office as acting CEO.	3
(4)	An acting CEO is entitled to be paid the same remuneration and allowances as the CEO.	4 5
[52]	Schedule 3 Savings, transitional and other provisions	6
	Insert at the end of the schedule, with appropriate part and clause numbering—	7
Part	Provisions consequent on enactment of Cemeteries and Crematoria Amendment Act 2025	8 9
	Definition	10
	In this part—	11
	<i>amending Act</i> means the <i>Cemeteries and Crematoria Amendment Act 2025</i> .	12
	Dissolution of Board of Cemeteries Agency	13
(1)	The Board of the Cemeteries Agency is dissolved on the commencement of the amending Act, Schedule 1[10].	14 15
(2)	On the dissolution, the assets, rights and liabilities of the Board immediately before its dissolution become the assets, rights and liabilities of the Cemeteries Agency.	16 17 18
(3)	The persons who were members of the Board immediately before its dissolution are no longer the members of the Board and are not entitled to any remuneration or compensation because of the loss of office.	19 20 21
	Chief Executive Officer	22
(1)	Until the first appointment of the Chief Executive Officer by the Governor, the Minister may appoint an acting Chief Executive Officer for a term of no more than 6 months.	23 24 25
(2)	The person acting as Chief Executive Officer is taken to be removed on the appointment of the Chief Executive Officer by the Governor.	26 27
[53]	Schedule 3 Savings, transitional and other provisions	28
	Insert at the end of the part inserted by item [52], with appropriate clause numbering—	29
	Revocation of perpetual interment rights	30
(1)	This section applies to a perpetual interment right—	31
(a)	for which the holder and cemetery operator were in negotiations referred to in section 52(7) immediately before the commencement of the amending Act, Schedule 1[21], and	32 33 34
(b)	until the negotiations end or the perpetual interment right is revoked, whichever occurs first.	35 36
(2)	For a perpetual interment right to which this clause applies—	37
(a)	section 52 does not apply, and	38
(b)	section 52 as in force immediately before the commencement of the amending Act, Schedule 1[21] continues to apply.	39 40

Determination of holders	1
For an application made, but not determined, under section 61 before the commencement of the amending Act, Schedule 1[34]—	2
(a) sections 61 and 61A do not apply, and	3
(b) section 61 as in force immediately before the commencement continues to apply.	4
[54] Schedule 5 Transferred and other provisions relating to certain cemeteries and crematoria	5
Omit Part 5. Insert instead—	6
Part 5 Rookwood Cemetery	7
21 Definitions	8
In this part—	9
<i>commencement day</i> means the day on which this part commences.	10
<i>Crown land</i> has the same meaning as in the <i>Crown Land Management Act 2016</i> .	11
<i>Crown land manager</i> means a Crown land manager within the meaning of the <i>Crown Land Management Act 2016</i> .	12
<i>land claim</i> has the same meaning as in the <i>Aboriginal Land Rights Act 1983</i> .	13
<i>native title rights and interests</i> has the same meaning as in the <i>Native Title Act 1993</i> of the Commonwealth.	14
<i>road</i> includes a road, path or other track for access, carriage or right of way.	15
<i>Rookwood Cemetery</i> means the land, including all roads within the land, comprising all the following—	16
(a) Lot 1, Deposited Plan 1184042,	17
(b) Lot 10, Deposited Plan 829656,	18
(c) Lot 500, Deposited Plan 1015565,	19
(d) Lot 7053, Deposited Plan 1029128.	20
22 Resumption of Rookwood Cemetery	21
(1) On the commencement day, Rookwood Cemetery—	22
(a) is acquired and vested in the Crown as Crown land for an estate in fee simple, and	23
(b) is freed and discharged from all trusts, obligations, estates and interests.	24
(2) Subsection (1)(b) does not affect the following in relation to the land—	25
(a) interment rights in relation to the land held immediately before the commencement day,	26
(b) reservations or dedications over the land immediately before the commencement day,	27
(c) holdings, permits or permissions over the land held immediately before the commencement day and granted under the <i>Crown Land Management Act 2016</i> ,	28
(d) easements registered in relation to the land immediately before the commencement day,	29

	(e) land claims for the land existing immediately before the commencement day,	1 2
	(f) rights to appeal a land claim held immediately before the commencement day in relation to a refusal of a land claim for the land,	3 4
	(g) the CCC Trust within the meaning of the <i>Catholic Cemeteries and Crematoria Trust Act 2024</i> .	5 6
(3)	Subsection (2) does not affect a registered easement for a road.	7
(4)	To avoid doubt, the acquisition and vesting of land is a resumption for the purposes of the <i>Real Property Act 1900</i> , section 31A.	8 9
(5)	The land is held subject to native title rights and interests existing, if any, in relation to the land immediately before the commencement day.	10 11
(6)	A Crown land manager for the land immediately before the commencement day continues to be the Crown land manager for the land after the commencement day.	12 13 14
(7)	Development consent or other approval under the <i>Environmental Planning and Assessment Act 1979</i> is not required for the following—	15 16
	(a) a consolidation of the land,	17
	(b) a subdivision of the land by the Minister administering the <i>Crown Land Management Act 2016</i> .	18 19
(8)	No compensation is payable in relation to the operation of this clause.	20
(9)	For this clause, a reference to land includes a reference to part of the land.	21
[55] Dictionary		22
	Omit the definitions of <i>Board</i> , <i>Chief Executive Officer</i> and <i>voting member</i> .	23
	Insert in alphabetical order—	24
	<i>Chief Executive Officer</i> means the person appointed as the Chief Executive Officer by the Governor under section 7A(2).	25 26
[56] Dictionary		27
	Omit the definitions of <i>Department</i> , <i>Director-General</i> and <i>interment service</i> .	28
	Insert in alphabetical order—	29
	<i>Department</i> means the department in which this Act is administered.	30
	<i>interment service</i> means a service, other than the supply of goods, provided for the interment of human remains, including—	31 32
	(a) cremation, and	33
	(b) other services prescribed by the regulations.	34
	<i>Reasonable Notification Guidelines</i> means the guidelines made under section 68B.	35 36
	<i>Secretary</i> means the Secretary of the Department.	37