



New South Wales

Catholic Cemeteries and Crematoria Trust Bill 2024

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows—

- (a) to deal with matters arising from the decision in *Catholic Metropolitan Cemeteries Trust v Attorney General of New South Wales* [2024] NSWCA 30,
- (b) to make consequential amendments to the *Crown Land Management Act 2016*.

Outline of provisions

Part 1 Preliminary

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.

Clause 3 defines certain words and expressions used in the proposed Act, including the following—

- (a) **CCC**, which means Catholic Cemeteries and Crematoria Limited, ACN 638 153 689,
- (b) **CCC land**, which means certain land, other than land that has been divested, gifted or otherwise transferred from the Crown estate,
- (c) **CCC Trust**, which means the equitable trust referred to in the decision in *Catholic Metropolitan Cemeteries Trust v Attorney General of New South Wales* [2024] NSWCA 30.

Part 2 CCC, CCC Trust and CCC Lands

Clause 4 provides that land managed or operated by the Catholic Metropolitan Cemeteries Trust (*CMCT*) immediately before 30 June 2024, as described in Schedule 1 of the proposed Act (*existing CMCT land*), is vested in the Crown free of any other interest, including equitable interests. No duty is payable in relation to the vesting of land in the Crown.

Clause 5 provides that assets, rights and liabilities of *CMCT* immediately before 30 June 2024 are to be transferred to CCC as Trustee of the CCC Trust.

Clause 6 modifies the charitable purpose of the CCC Trust and sets out the arrangements for the management of CCC land and CCC land jointly managed under the *Crown Land Management Act 2016*.

Clause 7 sets out the Trustee of the CCC Trust.

Clause 8 provides that the CCC Trust is subject to the *Charitable Trusts Act 1993*.

Clause 9 allows the Trustee of the CCC Trust, with the consent of the Minister of Lands and Property, to use trust property to acquire new land in certain circumstances, and sets out the effect of the acquisition of the land.

Part 3 Miscellaneous

Clause 10 provides that the setting apart of Lot 6, DP 1140277 for use in connection with a crematorium is revoked.

Clause 11 provides that no compensation is payable arising from the enactment or operation of the proposed Act, or for a certain disbursement or other action by the Trustee of the CCC Trust in relation to trust property.

Clause 12 provides that the Governor may make regulations about certain matters.

Schedule 1 Existing CMCT Land

Schedule 1 contains details and maps of existing *CMCT* land.

Schedule 2 Savings, transitional and other provisions

Schedule 2 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 3 Amendment of the Crown Land Management Act 2016 No 58

Schedule 3 makes amendments to the *Crown Land Management Act 2016* to provide that any equitable interests or trusts for charitable purposes existing in land that, immediately before the commencement of the proposed Act, was used as a cemetery managed by Metropolitan Memorial Parks Land Manager, or in proceeds or other property arising from the use of the land for that purpose, are extinguished.