

NSW Government Response to the inquiry on the Cemeteries and Crematoria
Amendment Regulation 2018

Mr David Blunt
Clerk of the Parliaments
Parliament House
Macquarie Street
SYDNEY NSW 2000



David
Dear Mr Blunt,

I am pleased to submit the NSW Government response to the recommendations and findings made by the Regulation Committee of the Legislative Council (the Committee) following its inquiry into the Cemeteries and Crematoria Amendment Regulation 2018.

The Committee published its final report on the inquiry on 9 November 2018. The report included three recommendations and four findings for the NSW Government to address. The NSW Government has already acted on several of the Committee's recommendations and findings.

A table outlining the Government response to each of the recommendations and findings of the inquiry is below. The Government looks forward to ongoing engagement with the interment sector in order to ensure the findings of the Committee are effectively addressed.

If you require any further information, please contact Ms Steffanie von Helle, Chief Executive Officer of Cemeteries and Crematoria NSW, on 0428 590 770.

Yours sincerely



The Hon. Melinda Pavey MP
Minister for Water, Property and Housing

*Received at 12:38pm
Tuesday 6 August 2019*



NSW Government response to recommendations

| Rec # | Recommendation | Government Response |
|-------|---|---|
| 1 | <p><i>That the NSW Government invest in an education and public awareness campaign to improve community understanding and acceptance about renewable interment and its voluntary role for the operators of cemeteries and crematoria in New South Wales.</i></p> | <p>Supported</p> <p>The NSW Government is committed to improving community understanding and acceptance of renewable interment rights by providing greater public awareness surrounding renewable interment, including its voluntary status for the interment industry.</p> <p>Cemeteries & Crematoria NSW (CCNSW) has published a range of consumer and industry information resources including a General Consumer Guide and Quick Guides on interment topics including renewable interment to improve community understanding.</p> <p>In addition, CCNSW is finalising the framework for a new stakeholder engagement and communication strategy that maps out consultation with the interment industry, consumer representatives, faith groups and the wider community. This strategy will support CCNSW's ongoing work and relationships with key stakeholders.</p> <p>Targeted public engagement on the interment rights system will be an important component of this strategy.</p> |
| 2 | <p><i>That CCNSW publish on its website the relevant contact information for all religious and cultural leaders who must be consulted before human remains can be disturbed, so as to ascertain whether any religious and cultural practices apply to those remains and investigate the feasibility of including this</i></p> | <p>Supported</p> <p>The NSW Government is committed to ensuring that an individual's right to dignified interment is respected, and that religious and cultural practices are protected and supported.</p> <p>As part of this commitment, the Cemeteries and Crematoria Amendment Regulation 2018 (the Regulation) requires that before human remains can be disturbed, cemetery operators must make all reasonable efforts to ascertain any cultural or religious practices which apply to those remains.</p> <p>To assist cemetery operators in identifying relevant cultural or spiritual leaders who can be consulted, CCNSW maintains a register and publishes contact information for these stakeholders on its website. This information is regularly updated as required.</p> |

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| | <p>information as part of a schedule to the regulation</p> |
| <p>3</p> | <p><i>That the NSW Government investigate amending Clause 5 of the Regulation to require that "necessary enquiries must be made."</i></p> <p>Supported</p> <p>The Regulation requires that before human remains can be disturbed, cemetery operators must make all reasonable efforts to ascertain any cultural or religious practices which apply to those remains through a stepped process, including next-of-kin and cultural or spiritual leaders.</p> <p>Consideration of whether any further legislative or regulatory changes are required will occur as part of the statutory review of the Act. This will be conducted later in 2019.</p> |

| Fin d# | Finding | Government Response |
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| <p>1</p> | <p><i>The committee notes the concerns raised by several inquiry participants regarding the finite amount of land currently available for burials in the greater Sydney metropolitan area. The committee urges the government to look at potential opportunities to acquire further land for cemeteries in the greater Sydney metropolitan area as a matter of priority</i></p> | <p>Noted</p> <p>In February 2019 the Premier wrote to the Greater Sydney Commission requesting it to provide advice and recommendations on the strategic planning considerations for the provision of new cemeteries, with a focus on the Greater Sydney Region.</p> <p>CCNSW will work collaboratively with its partners to explore options to increase the supply of land for cemeteries and address burial capacity shortages, particularly in the Sydney metropolitan region.</p> <p>CCNSW will work with other government agencies and key stakeholders, including the Greater Sydney Commission, to resolve land supply issues. This will:</p> <ul style="list-style-type: none"> • Build community understanding and support for the importance of allocating enough cemetery space for future needs • Develop holistic criteria for identifying and acquiring new land for cemetery space, with a focus on metropolitan Sydney • Assist towards ensuring that cemeteries and crematoria are incorporated into land use planning. <p>While land acquisition for cemeteries and crematoria is an option that is being pursued, more sustainable burial practices are also important. CCNSW is engaging with the interment industry and key stakeholders to promote greater acceptance of renewable interment rights, as another sustainable option for dealing with burial capacity issues.</p> |

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| <p>2</p> <p><i>That the consultation process followed by CCNSW in developing the 2018 Regulation should have been more robust. Although the consultation process complied with the NSW Guide to Better Regulation it would appear that it was ineffective. This is made evident by the lack of understanding about the Regulation demonstrated by a number of key industry stakeholders who gave evidence to this inquiry</i></p> | <p>Noted</p> <p>Guidance and support has been provided by CCNSW to interment operators and the community during the 12 month transitional period for implementing renewable interment rights to June 2019. This transition period will give operators enough time to make any required changes to comply with the Regulation and Part 4 of the Act, and ensure that they have a clear understanding of their legal obligations.</p> |
| <p>3</p> <p><i>That design of coffins and use of certain materials will significantly delay decomposition of remains. The committee is of the view that more work must be undertaken by relevant government agencies to determine the appropriate coffin design and materials for use in the funeral industry to ensure there is no undue or significant delay in decomposition of remains, or possible environmental consequences.</i></p> | <p>Noted</p> <p>The NSW Government is required to balance a number of issues relating to interment, including health and coffin design considerations which predate the current Act and Regulation.</p> <p>The NSW Government is aware of decomposition issues raised through the inquiry, and will further explore options in conjunction with the interment industry.</p> <p>The duration of the initial period of renewable interment rights (between 25 and 99 years) may also be tailored at individual sites to provide sufficient time for decomposition to take place.</p> <p>The NSW Government will continue to consult with the interment industry to refine implementation of renewable interment rights.</p> |
| <p>4</p> <p><i>That the prescribed initial period of renewable interment of 25 years in the 2018</i></p> | <p>Noted</p> <p>The NSW Government is committed to working with the interment industry to ensure that renewable interment rights</p> |

*Regulation and the 2013 Act
may be inappropriate for
some soil types*

are implemented in the most effective manner and as appropriate for local conditions. The Regulation allows a renewable interment right to be varied to a term longer than the 25 year initial period.

For example, Waverley Cemetery has offered a renewable interment option since 1992, including an initial period of 50 years.

The Government will work to build community and industry understanding that the Regulation allows for a flexible initial term, which may be tailored to address specific soil types.