

# FACT SHEET

## *Burial and Cremation Bill 2019*

The Burial and Cremation Bill 2019 (the Bill) remakes the *Burial and Cremation Act 2002*. The Bill clarifies and strengthens the existing regulatory framework for cemeteries, crematoria and businesses that handle human remains.

The Bill retains the existing framework for the management of cemeteries, crematoria and regulated businesses while making a number of important improvements that reflect the feedback received through the public consultation process. Importantly, the Bill retains the strengthened sale and closure processes introduced in Stage 1.

Key changes from the existing Act include:

- increasing protection of cremated remains by providing for exclusive rights of interment in monuments (i.e. columbariums), requiring access to monuments and notification requirements if cremated remains in a monument are to be moved;
- aligning the requirements for crematoria and regulated businesses with those for cemeteries by establishing the Regulator role for crematoria and regulated businesses and introducing an application process to manage these businesses;
- strengthening compliance and enforcement powers by allowing the Regulator to request an audit of a cemetery, crematoria or regulated business, requiring managers to notify the Regulator if they become aware that their business is not listed on the Register held by the Regulator, and new and increased penalties for non-compliance;
- allowing the Regulator to approve a person other than a body corporate to purchase cemeteries that were purchased by individuals under the previous legislative framework;
- clarifying that cemetery owners may participate in non-binding pre-sale negotiations;
- clarifying that cemetery managers may lease a cemetery on publicly owned land;
- restructuring the legislation to improve clarity and consistency and support potential changes to administrative responsibility; and
- introducing minor amendments to improve overall clarity and consistency of the Bill.

The Act will be supported by the development of new Regulations.

The Regulations will retain most existing provisions in the *Burial and Cremation Regulations 2015*, with minor amendments to support the policy intent of the Bill, including providing for matters identified in the Bill that are to be prescribed.

Drafting of the new Regulations will be finalised before the Bill is proclaimed.