



Department of
**Local Government, Sport
and Cultural Industries**

Review of the *Cemeteries Act 1986* and *Cremation Act 1929*

Discussion Paper

Consultation Regulatory Impact Statement



Please note: This document contains information that may cause readers to experience emotions such as grief and anxiety. If you feel you would like to speak to someone, please contact: Lifeline WA: 13 11 14 or 13YARN—24/7 (national crisis line support for Indigenous Australians)

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Ministers' Foreword

The Cook Government recognises the importance to the Western Australian community of good governance regarding burial and cremation services. It is committed to ensuring that the legislation regulating the interment industry is responsive to community expectations and industry needs.

The *Cemeteries Act 1986* and the *Cremation Act 1929* may need to be modernised as they have not been substantially reviewed or amended since their introduction.

We are seeking your feedback on the adequacy and effectiveness of these Acts, in particular, on the following topics:

- potential consolidation of existing legislation into a single Act of Parliament
- alternative methods for the disposal of human remains
- cemetery redevelopment
- burials outside of proclaimed cemeteries
- licensing of funeral directors and monumental masons
- cremation services
- consistency of forms and fees.

Your views are important in ensuring that legislation in this area provides effective regulatory oversight of the interment sector so that all Western Australians can continue to access high-quality and dignified interment services in times of bereavement.



Hon David Michael MLA
Minister for Local Government



Hon Amber-Jade Sanderson MLA
Minister for Health

Invitation to make a submission

The Department of Local Government, Sport and Cultural Industries (DLGSC) is undertaking a public consultation as part of a review (the Review) of the *Cremation Act 1929* (Cremation Act) and the *Cemeteries Act 1986* (Cemeteries Act). The aim of the Review is to consider the adequacy and effectiveness of both Acts and relevant subsidiary legislation, and obtain feedback from the public, community groups, local government and stakeholders to inform potential legislative reforms that aim to strengthen regulatory oversight of the funeral industry and reflect contemporary needs and expectations of both the community and industry.

This Consultation Regulatory Impact Statement is presented as a discussion paper that identifies topics regarding the effectiveness of the current legislation. Feedback on the review can be provided via:

- online surveys for each of the seven topics and/or
- a written submission.

Online surveys

Online surveys on the key issues are available at dlgsc.wa.gov.au/cemeteries-and-cremation-review to assist you in providing a response:

- Topic 1: Legislation
- Topic 2: Alternative methods for the disposal of human remains
- Topic 3: Cemetery redevelopment
- Topic 4: Burials outside of proclaimed cemeteries
- Topic 5: Licensing of funeral directors and monumental masons
- Topic 6: Cremation Services in WA
- Topic 7: Consistency of forms and fees

You may choose to complete any or all of the surveys, which will be used to gather and analyse feedback provided in addition to written submissions.

Written submission

When providing a written submission, you may wish to:

- make comment on all topics raised or focus on topics and/or questions that are relevant to your areas of knowledge, experience or interest
- raise additional topics and options for reform where topics of concern to you have not been identified.

In providing your response, please explain the reasons behind your comments and where possible, provide evidence to support your views. This may be in the form of statistics, publications or other illustrative examples.

Submissions can be emailed to ccar@dlgsc.wa.gov.au or posted to:

Cemeteries and Cremation Acts Review
PO Box 8349
PERTH BUSINESS CENTRE WA 6849

The consultation period is open for comment for three months, with submissions closing at 5pm on Friday 16 February 2024.

Feedback

Privacy statement

Submissions will be treated as public documents unless explicitly requested otherwise. A summary of feedback will be released publicly after the consultation period has closed.

If you do not consent to your submission being treated as a public document, you should mark it as confidential, or specifically identify the confidential information, and include an explanation.

Please note, even if your submission is treated as confidential by DLGSC, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1992 (WA)*, or any other applicable written law.

DLGSC reserves the right to redact any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

Glossary of Key Terms

Acronyms

AFDA	Australian Funeral Directors Association
ALT	Aboriginal Lands Trust
DLGSC	Department of Local Government, Sport and Cultural Industries
DPLH	Department of Planning, Lands and Heritage
DMIRS	Department of Mines, Industry Regulation and Safety
DRIS	Decision Regulatory Impact Statement
MCB	Metropolitan Cemeteries Board

Definitions

Ashes	The remains of a human body after cremation.
Aquamation	The process for the reduction of human remains using water and an alkaline solution. Also referred to as alkaline hydrolysis or water cremation.
Burial	The placement of a dead body into a grave in the ground or other structure such as a mausoleum or vault.
Casket	A tapered hexagonal or octagonal shaped box used for keeping a dead body for burial or cremation.
Cemetery authority	A cemetery Board or local government responsible for the care, control and management of a cemetery.
Coffin	A rectangular box used for keeping a dead body for burial or cremation.
Cremation	The process for the reduction of human remains by fire or heat.

Crematorium	A facility with a cremator used for the cremation of human remains.
Crown land	Public land including land set aside for nature conservation and various government or public purposes, as well as vacant land.
Dual or multiple cremations	The cremation of two or more dead bodies at the same time.
Funeral director	A person who provides funeral services including preparing human remains for burial or cremation and arranging the funeral ceremony.
Local law or by-law	Law made by a local government or cemetery Board for a particular cemetery or district.
Memorial	Includes headstone, plaque, tombstone, monumental work, inscription, kerbing, enclosure and any other fixture commemorating a grave or the placement of ashes.
Monumental mason	A person who provides services including the creation, installation and repairs of headstones and memorials.
Natural burial	The process of burying a dead body that allows the body to decompose naturally. Embalming fluid is not used and the body may be placed in a biodegradable coffin or shroud.
Proclaimed cemetery	Land declared to be a cemetery under the <i>Cemeteries Act 1986</i> (WA).
Shroud	Cloth or material that may be wrapped around a dead body for burial or cremation.
Vertical burial	The burial of a dead body in the ground in an upright position.

Background

The then Minister for Health and the then Minister for Local Government announced the Review in Parliament on 10 September 2020. The Review is being undertaken by the DLGSC on behalf of the Minister for Local Government, in consultation with the community, the Department of Health, the MCB, regional cemetery Boards, local government and industry stakeholders.

Given the substantially unchanged legislation governing cemeteries and crematoria in Western Australia (WA), it was identified by the then Minister for Local Government that the following topics should be addressed through the review process:

- adequacy and effectiveness of both Acts;
- relationship between crematoria and cemeteries in WA;
- powers of the Chief Health Officer, the Minister for Health and the Minister for Local Government in administering both Acts;
- current regulatory and occupational licensing regime of the broader cemetery, crematoria and funeral industry;
- governance structure of the industry including the effectiveness of Boards;
- management of burial grounds in Aboriginal communities;
- approach to the renewal of cemeteries; and
- relevant industry models in other jurisdictions.

To adequately address the breadth and complexity of these key issues, the DLGSC has been informed by consultation with industry focus groups, relevant sector stakeholders, and the interagency Cemeteries and Cremation Act Review Working Group in the production of this paper and the online surveys.

Extensive early targeted stakeholder consultation was undertaken by the DLGSC to refine and guide the issues now presented for broader public consultation. Methods of consultation were tailored to best suit the needs and requirements of each stakeholder group and included electronic and hard copy surveys; in-person workshops; meetings; correspondence via email; correspondence via telephone; and webinars.

Stakeholders engaged with included members of the Western Australian funeral and monumental mason industries; medical referees; regional and metropolitan cemetery Boards; Aboriginal Community Controlled Organisations; Native Title Prescribed Body Corporates; the Western Australian Local Government Association; Local Government Professionals WA; and the AFDA.

This public consultation is being undertaken with the aim of obtaining feedback from the public and stakeholders to inform potential legislative reforms to provide Western Australians with legislation that is responsive to community expectations and industry needs; and provides contemporary regulatory oversight of the funeral industry.

Executive Summary

The key focus of this Review is to obtain stakeholder feedback on a range of issues identified within the WA cemetery and cremation industry. Analysis of various reform options for managing these issues is provided, including potential advantages and disadvantages for industry, consumers and government. All feedback received from this consultation will be considered and will assist in informing potential legislative reforms.

The Cemeteries Act has not been substantially updated since its commencement, and although the Cremation Act has had various amendments, most minor, neither Act reflects contemporary practices and current legislative drafting standards. Public attitudes towards cremation and burial have shifted, and significant changes in technology have naturally occurred. These changes may need to be better reflected in the legislation.

Policy issues

Need for contemporary legislation

The current legislative framework only provides for the disposal of human remains by burial and cremation by fire and does not regulate alternative methods for the disposal of human remains. Issues of sustainability and environmental consciousness continue to evolve and grow, new and alternative methods of disposal for human remains have emerged in Australia and overseas, for example, natural burials. Currently, the Cemeteries Act enables relevant local governments and cemetery Boards to make their own local laws and by-laws respectively regarding how burials are to take place and the specifications and materials for burials. This has led to inconsistencies between the approaches of local governments and cemetery Boards regarding what services they provide and the way these services are performed.

Redevelopment and sustainability of cemeteries

Under Part V, Division 4 of the Cemeteries Act, a local government or cemetery Board can apply for Ministerial approval to implement a scheme to redevelop existing cemetery burial areas to accommodate new gravesites and memorial locations. This enables cemetery Boards and local governments to meet the burial needs of the community through the development of new burial land. The cemetery redevelopment and renewal program at Karrakatta Cemetery is a community issue that highlights the complexities of cemetery sustainability.

Licensing and administrative Inefficiencies

The Cemeteries Act requires funeral directors to be licensed but does not require monumental masons to be licensed. However, cemetery Boards and local governments may, under their cemetery by-laws or local laws, require monumental masons to apply for a licence to carry out monumental works within the cemetery.

The current licensing system for funeral directors requires a service provider to apply for a separate licence for each cemetery that they wish to operate in. Accordingly, licensing requirements for funeral directors and monumental masons vary across cemetery Boards and local governments which may place an administrative burden on applicants who need to apply for multiple licences across different cemeteries.

Additionally, the Cemeteries Act does not prescribe any forms that cemetery Boards and local governments can use in administering the Act. The form of applications, licences and notices are determined by each cemetery Board and local government. Accordingly, form requirements can vary between cemetery Boards and local governments which can also result in an administrative burden on funeral directors, monumental masons and the public.

Existing regulatory arrangements

Legislation

The disposal of deceased persons in WA is provided for in the Cemeteries Act, the Cremation Act and the *Cremation Regulations 1954* (Cremation Regulations).

Cemeteries Act

The Cemeteries Act is administered by the Minister for Local Government and deals with the:

- declaration and management of cemeteries;
- establishment, constitution and functions of cemetery Boards;
- licensing of funeral directors and conduct of funerals; and
- regulation of burials.

The Cemeteries Act replaced the repealed *Cemeteries Act 1897* and has not been substantively amended since 1 July 1987. There are no Regulations under the *Cemeteries Act 1986*.

Cremation Act

The Cremation Act is administered by the Minister for Health and deals with the:

- licensing of crematoria;
- disposal of ashes of human bodies;
- regulation of the cremation of bodies (following death).

The Cremation Act was last substantially amended in 1953.

The content of the Cremation Regulations which are also administered by the Minister for Health, were last amended in 2012.

Local laws

The Cemeteries Act enables cemetery Boards and local governments that manage cemeteries to make by-laws and local laws respectively, on matters detailed in section 55(1) of the Cemeteries Act. These local laws and by-laws generally regulate such matters including, but not limited to:

- applications for funerals, burials and cremations in a cemetery;
- licensing of funeral directors;
- specifications of burial, cremation, and the placement of ashes in the cemetery;
- applications for memorials and monumental work in the cemetery; and
- specifications for memorials and monumental work undertaken in the cemetery.

Local laws and by-laws are reviewed and amended periodically by relevant cemetery Boards and local governments.

Governance of cemeteries and crematoria

The operation and administration of cemeteries and crematoria in WA is managed on a day-to-day basis by local governments and metropolitan or regional cemetery Boards (cemetery authorities) that are State Government bodies. WA has over 200 cemeteries, both open and closed, and eight publicly owned crematoria which are situated within metropolitan and regional cemeteries.

Metropolitan Cemeteries Board

The MCB is a statutory authority and a body corporate with perpetual succession, responsible to the Minister for Local Government, and with responsibilities as provided for by the Cemeteries Act and the Cremation Act. The MCB is a key provider of burial, cremation and memorialisation facilities, services and records in WA, and is responsible for managing the following public cemeteries:

- Fremantle Cemetery
- Guildford Cemetery
- Karrakatta Cemetery
- Midland Cemetery
- Pinnaroo Valley Memorial Park
- Rockingham Regional Memorial Park
- Gnangara Aboriginal Cemetery

Fremantle Cemetery, Karrakatta Cemetery, Pinnaroo Valley Memorial Park and Rockingham Regional Memorial Park all operate public crematoria onsite.

Regional Cemetery Boards

WA has several regional cemetery Boards that operate as body corporates in perpetual succession under the *Cemeteries Act 1986*. These include:

- Albany Cemetery Board
- Bunbury Cemetery Board
- Chowerup Cemetery Board
- Dwellingup Cemetery Board
- Geraldton Cemetery Board
- Kalgoorlie-Boulder Cemetery Board

Albany Cemetery Board, Bunbury Cemetery Board, Geraldton Cemetery Board, and Kalgoorlie-Boulder Cemetery Board all operate crematoria onsite.

Local Governments

Western Australian legislation currently covers 139 local government areas, including Christmas Island and Cocos (Keeling) Islands.

There are currently 108 local government with responsibility for cemeteries, administering and/or maintaining around 200 cemeteries, both open and closed. Although some local governments are not directly responsible for the management of cemeteries, any cemetery being operated in their local government area is subject to relevant local government planning requirements.

Topics

Topic 1: Legislation

Background

Given the legislation relating to cemeteries and crematoria currently falls across the State Government portfolios of Health and Local Government, it may be argued that treating burials and cremations under two different legislative schemes is inefficient and creates an unnecessary administrative burden on members of the funeral industry and the general public. As such, Topic 1 proposes an option to combine the content of both Acts into a single Act.

In determining whether the Cemeteries Act and the Cremation Act should be combined, other considerations include the nature and quantity of amendments to be made to the legislation, current legislative drafting standards and practices, and which Minister and State agency would be responsible for administering the legislation.

Other jurisdictions

In most other jurisdictions, the management of cemeteries, burials and cremations are dealt with by a single Act. For example, in South Australia, burials and cremations are regulated by the *Burial and Cremation Act 2013* (SA Act) and is administered by the South Australian Attorney General's Department, which falls under the portfolio responsibilities of the Minister for Planning and Local Government. Alternatively in New South Wales, the *Cemeteries and Crematoria Act 2013* (NSW Act) is administered by the Minister for Lands and Water.

In Queensland, while cremations are governed by the *Cremations Act 2003* (QLD Cremations Act), other methods of disposal are not regulated by statute. Burials and cremations in Queensland are generally regulated by local government authorities under local laws and may be further regulated by State policy in relation to health or environmental impacts. Under the *Burials Assistance Act 1965* (QLD Burials Act), the Department of Justice and Attorney-General is authorised to make funeral arrangements for persons who have died in Queensland with no known next of kin who are willing or able to meet the cost of a funeral service. The QLD Cremations Act and the QLD Burials Act are both administered by the Queensland Department of Justice and Attorney-General.

Issues and reform options for Topic 1

TOPIC 1 - LEGISLATION	
ISSUE	REFORM OPTIONS
<p>Issue 1: There are currently two separate Acts dealing with cemeteries and cremations.</p>	<p>Option 1: Retain status quo.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Ministers and State agencies retain legislative schemes (no change). <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Current arrangement may be viewed as inefficient and places an unnecessary administrative burden on the funeral industry and general public. <p>Option 2: Combine the content of both Acts into a single Act.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Single Ministerial portfolio may result in greater administrative efficiencies. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Minister and State agency responsible for administering the legislation would need to be determined and appropriately resourced.
<p>GUIDING QUESTIONS</p> <ol style="list-style-type: none"> 1. To what extent do you agree that the content of the Cemeteries Act and the Cremation Act should be combined into a single Act? 2. If you think that the content of the Cemeteries Act and the Cremation Act should be combined into a single Act, which State Government portfolio should be responsible for administering the Act? <ol style="list-style-type: none"> a. Local government b. Health c. Other (please specify) <p>Please provide reasons for your responses.</p>	

Topic 2: Alternative methods for the disposal of human remains

Background

Key issue 2A - Burials

The Cemeteries Act does not define a traditional burial, or other types of burials such as Aboriginal customary burials or natural burials, and how these are to be regulated. The regulatory responsibility lies on cemetery authorities to determine how these are to be conducted. Some cemeteries in WA offer natural burials, including Bunbury Cemetery, Pinnaroo Valley Memorial Park and Meekatharra Cemetery.

Key issue 2B - Cremation

The Cremation Act does not define traditional cremation, or new method of cremation such as alkaline hydrolysis that essentially dissolves the body, commonly referred to as aquamation.

Section 7 of the Cremation Act provides for ashes to be delivered to the cremation permit holder when not buried at the site of the crematorium. Some cemetery authorities have requirements for the disposal of ashes within a cemetery, but there are no requirements regarding the disposal of ashes outside a cemetery.

Burials at sea are regulated under the *Environment Protection (Sea Dumping) Act 1981* (Commonwealth), which is administered by the federal Department of Agriculture, Water and the Environment. People seeking to arrange a burial at sea require a sea dumping permit. No permit is required to scatter ashes at sea.

Other jurisdictions

Natural burials are provided for in the NSW Act and the SA Act. In South Australia, natural burial grounds are treated separately from a cemetery.

In Victoria, the *Cemeteries and Crematoria Act 2003* (VIC Act) provides that the Secretary of the Department of Health can give approval for the use of a method other than cremation or burial either generally, or for a specific disposal.

In New South Wales, alkaline hydrolysis is included in the definition of cremation.

While alternative methods of disposal and natural burials are not dealt with in the QLD Burials Act, the Queensland Law Reform Commission has recommended that approval to dispose of a body other than by burial or cremation should sit with the relevant Minister.¹

The Northern Territory's *Cemeteries Act 1952* (NT Act) provides for burial and cremation.

Issues and reform options for Topics 2A and 2B

TOPIC 2A - ALTERNATIVE METHODS FOR THE DISPOSAL OF HUMAN REMAINS – BURIALS	
ISSUE	REFORM OPTIONS
<p>Issue 2A.1: The Cemeteries Act does not provide definitions for types of burials.</p>	<p>Option 1: Retain status quo</p> <p><u>Pros:</u></p> <p>Cemetery authorities have the flexibility to determine what type of burial services they provide and how these are to be performed.</p> <p><u>Cons:</u></p> <p>Uncertainty as to what types of burials are regulated under the Cemeteries Act and what types of burials cemetery authorities can provide.</p> <p>Option 2: Legislation to provide for alternative methods of burial, refer to other types of burials and include a definition recognising traditional burials and alternative burials such as:</p> <ul style="list-style-type: none"> • Traditional burial entombment or burial in a vault • Aboriginal customary burials • Natural burial • Vertical burial • Burials of other faiths <p>Regulations to provide standards as to how certain types of burials should be undertaken.</p> <p><u>Definition</u></p> <p>“burial means:</p> <p>(a) the burial of human remains or cremated human remains in the ground;</p> <p>(b) the placement of human remains or cremated human remains in a mausoleum, vault, columbarium or other structure;</p> <p>(c) Aboriginal customary burials;</p> <p>(d) the burial or placement of human remains or cremated human remains, as prescribed by the regulations.”</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • May provide greater certainty and clarity as to forms of burials that cemetery authorities can provide. • New alternative methods of burials will be recognised in the legislation.

GUIDING QUESTIONS

1. To what extent do you agree that the legislation should expressly provide for alternative burials in addition to traditional burials?
2. To what extent do you agree that the legislation should provide for how certain types of burials are undertaken, for example, standards relating to how a body is prepared, etc?
3. If you support that the legislation should provide for alternative burials, do you agree with the proposed definition?

Please provide reasons for your responses.

Issue 2A.2: Current legislation does not set out requirements for coffins, caskets, shrouds, etc.

Option 1: Retain status quo.

Pros:

Cemetery authorities are able to determine their own requirements for coffins, caskets, shrouds, etc.

Cons:

Requirements may vary between cemeteries.

Costs: Nil

Option 2: Legislation to provide for requirements e.g., material, name plate, etc.

Pros:

Standardised requirements between cemeteries.

Cons:

- May result in cemetery authorities having less autonomy in determining their own operational requirements.
- May result in increased costs to cemetery authorities to ensure they comply with any new requirements under the legislation.

GUIDING QUESTIONS

1. To what extent do you agree that the legislation should set out requirements for coffins, caskets, shrouds, etc. instead of cemetery authorities determining their own requirements?

Please provide reasons for your response.

TOPIC 2B - ALTERNATIVE METHODS FOR THE DISPOSAL OF HUMAN REMAINS – CREMATIONS

ISSUE	REFORM OPTIONS
<p>Issue 2B.1: The Cremation Act does not provide definitions for types of cremation.</p>	<p>Option 1: Retain status quo.</p> <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Uncertainty as to what constitutes a cremation. • Uncertainty as to whether alternative methods of cremation can be undertaken by cemetery authorities. <p>Option 2: Legislation to provide a definition for cremation. Alternative methods of cremation to be prescribed in regulations.</p> <p>Definition:</p> <p>“cremation means a process for the reduction of human remains by fire or heat, or by any other means prescribed by the regulations.”</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Greater certainty as to what constitutes a ‘cremation’. • May allow for emerging alternative methods of cremations to be recognised in the legislation. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • If it is intended that the legislation recognises new alternative methods of cremation, the new definition(s) should be sufficiently broad. • Regulations will need to be updated if new methods of cremation are added in the future.

GUIDING QUESTIONS

1. To what extent do you agree that the legislation should include a definition of cremation?
2. To what extent do you agree that the legislation should expressly provide for alternative methods of cremation?
3. If you agree that the legislation should provide a definition of cremation, do you agree with the proposed definition?

Please provide reasons for your responses.

<p>Issue 2B.2: There are no legislative</p>	<p>Option 1: Retain status quo.</p>
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<p>provisions in the Cremation Act for the disposal of ashes where they remain unclaimed from a crematorium.</p>	<p><u>Pros:</u></p> <ul style="list-style-type: none"> • If the crematorium is located within a public cemetery, cemetery authorities have the flexibility to determine how unclaimed ashes are dealt with at that crematorium and cemetery. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Uncertainty as to how unclaimed ashes are to be dealt with if not provided for in legislation. • Possible inconsistencies between crematoria as to how unclaimed ashes are dealt with. <p>Option 2: The legislation should regulate how a crematorium should dispose of unclaimed ashes after a certain period of time where the ashes remain unclaimed and notice requirements have been met.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Clarity as to how unclaimed ashes are to be dealt with. • Consistency between crematoria. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • New requirements placed on the crematorium to deal with unclaimed ashes. • Crematoriums may incur costs in disposing of unclaimed ashes.
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GUIDING QUESTIONS

1. To what extent do you agree that the legislation should provide for how unclaimed ashes are to be dealt with?
2. If you agree that the legislation provides for the disposal of unclaimed ashes, how long should a crematorium be required to hold onto the ashes before it is able to dispose of the ashes after the crematorium has notified the cremation permit holder of its intention to dispose of the ashes due to being unclaimed?
 - a. 6 months
 - b. 12 months
 - c. Other

Please provide reasons for your responses.

<p>Issue 2B.3: The Cremation Act does not provide for dual or multiple cremations, i.e. cremating two or</p>	<p>Option 1: Retain status quo</p> <p>Option 2: Legislation to allow crematoriums to provide dual or multiple cremations and provide a definition of multiple cremations.</p> <p>Definition:</p>
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more bodies together.	“ multiple cremations means the cremation of two or more dead bodies together.” <u>Pros:</u> Clarity that dual or multiple cremations can be undertaken.
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GUIDANCE QUESTIONS

1. To what extent do you agree that the legislation should provide for dual or multiple cremations i.e. cremating two or more bodies together?
2. If you think that the legislation should allow multiple cremations, do you agree with the proposed definition?

Please provide reasons for your responses.

Topic 3: Cemetery Redevelopment

Background

Topic 3A: General cemetery redevelopment

Cemetery redevelopment is about redeveloping existing burial areas of the cemetery to allow for new burial areas and in doing so, meeting the ongoing burial needs of the community. The process of cemetery redevelopment can be likened to urban renewal. In the case of cemetery redevelopment the land is retained for cemetery purposes, maintaining and conserving the use of land for burials for perpetuity and in the public interest.

The redevelopment of existing burial areas to accommodate new gravesites, memorial locations and mausoleum crypts is provided for in the Cemeteries Act under Part V, Division 4 - Redevelopment Schemes. The Cemeteries Act does not regulate how a cemetery authority must go about redeveloping its existing cemetery but does provide that the authority must obtain Ministerial approval and undertake a community consultation process. Prior to a cemetery authority implementing a redevelopment scheme, they must prepare a register of all burials and make a plan of the redevelopment area publicly available, inform holders of rights of burial of their right to object to the proposed scheme and provide notice of its intention to implement the redevelopment scheme. A cemetery authority is required to consider each submission received during the consultation process and must not proceed with a redevelopment scheme if a specified area of that scheme is subject to an objection by the holder of a right of burial.

While cemetery redevelopment allows cemetery authorities to maximise the use of cemetery land to ensure the sustainability of the cemetery, it is a sensitive issue that remains the subject of community debate.

An example of a cemetery redevelopment strategy includes cemetery renewal, which involves placing new graves between existing graves without disturbing the existing interred remains.

Topic 3B – Redevelopment of Karrakatta Cemetery

Cemetery renewal is currently a major cemetery redevelopment strategy undertaken at Karrakatta Cemetery as there is no further land available to expand the cemetery grounds and there is a continued demand for burials within the cemetery.² The renewal program at Karrakatta Cemetery has evolved since it first commenced in the 1970s. Some elements of the current program are that:

- Historical research/analysis is undertaken through consulting with a committee, comprising historians, genealogists, the Office of Australian War Graves, MCB staff and Board members.
- Community consultation is conducted over an extended period, at least 12 months before Ministerial approval is granted. This includes site signage, letters and

information sent to families who have registered their contact details, press advertising and assessment of submissions received.

- Existing interred remains are not disturbed as new graves are established between the existing ones.
- Some old headstones are relocated following consultation phases so that new monuments can be erected to current Australian standards to commemorate new burials. Renewed areas not required for new burials are utilised as either memorial gardens for cremated remains or may host mausoleums for above ground entombment.
- Headstones are retained where possible and appropriate, and incorporated into the remodelled surface environment.
- War graves and crematorium niches of war dead are retained in their original position where possible.
- The graves and crematorium niches of post war dead marked with official commemorations are retained in their original position where possible.
- Renewal is conducted in older parts of the cemetery where it has been 50 or more years since most of the burials have been conducted, and the majority of tenure agreements have expired. Whilst families, in most instances, can repurchase their grant of burial rights prior to renewal, most do not opt to do so.
- As areas are renewed, they are also beautified with irrigation and landscaping being introduced. With the passage of time and lack of revenue to fund improvements, cemeteries and headstones become unkempt or unsafe. These headstones are dealt with as part of the maintenance of the cemetery.
- It is also an opportunity to develop general or non-religious areas which reflect the diversity of WA's multicultural community.
- A cemetery records system includes details of contact persons and ensures communication with the contact regarding redevelopment activities.
- Continual review of cemetery redevelopment processes is undertaken to identify how community engagement can be improved.

The MCB does not currently receive any government grants or appropriation, and funds daily operations and infrastructure upkeep from monies paid by members of the public for products and services. Its cemeteries are currently cost neutral to the State Government.

The renewal program at Karrakatta Cemetery has been the subject of significant public debate over many years, particularly in relation to concerns regarding the need to ensure that family histories and traditions are respected through the preservation of headstones and the retention of war graves and memorials.

The MCB has conducted community market research indicating that, whilst not entirely comfortable with the concept, most families understand the rationale for the renewal program and support it as a means to keep Karrakatta Cemetery operating as a full-service cemetery if the implementation continues to be undertaken in a respectful manner.

Other jurisdictions

The NSW Act provides for the re-use of an interment site which is the subject of an expired renewable interment right and the removal of any memorial to a deceased person erected on or at the site, subject to certain conditions. The Rookwood General Cemetery in New South Wales is the largest cemetery in the southern hemisphere and it is expected that capacity will be reached by 2035 or sooner.

Strategies to maximise that cemetery's remaining land include re-purposing existing infrastructure, conducting extensive audits of older areas and researching new technologies. An aboveground structure offering earth-style interments and a decomposition project that could enable families to re-use their graves under renewable tenure for generations are examples of innovations under consideration.³

Under the SA Act, ownership of a gravesite reverts to the cemetery authority if the interment right has not been renewed or if a period of two years has elapsed since notice was given regarding the expiry of the interment right.

The site may then be re-used in accordance with the SA Act. All remains are recovered from the site and are placed within an ossuary box and re-interred at a lower depth in the same site; the site can then be re-sold. A cemetery authority in South Australia also has general powers which enable it to expand the cemetery, improve the cemetery, restrict interments in any part of the cemetery or take any other action that it considers necessary or desirable for the proper management and maintenance of the cemetery.

Under the VIC Act, a right of interment for a cremation memorial can be purchased for a period of 25 years, or in perpetuity. For 25-year rights, the option is given to renew the memorial at the end of that period, or to have the ashes scattered in the cemetery grounds. If the holder of the right is uncontactable, the Greater Metropolitan Cemeteries Trust may scatter the ashes in accordance with the regulated process.

Issues and reform options for Topics 3A and 3B

TOPIC 3A: GENERAL CEMETERY REDEVELOPMENT	
ISSUES	REFORM OPTIONS
<p>Issue 3A.1: The Cemeteries Act allows a cemetery authority to implement a cemetery redevelopment scheme provided that Ministerial approval is obtained following the completion of community consultation requirements.</p>	<p>Option 1: Retain current Ministerial approval process in legislation and make amendments to strengthen the effectiveness of public consultation requirements where needed.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Cemetery authorities can determine their own redevelopment strategies subject to Ministerial approval. • Cemetery redevelopment schemes contribute to preserving their financial viability, allowing them to remain open for new burials and memorials. • The requirement for community consultation is retained.
<p>GUIDING QUESTIONS</p> <ol style="list-style-type: none"> 1. To what extent do you agree that the current provisions, including public consultation, in the Division 4 of Part V Cemeteries Act regarding cemetery redevelopment schemes are effective? 2. Are you aware of other approaches that could be adopted to deal with space constraints in WA cemeteries? <p>Please provide reasons for your responses.</p>	

TOPIC 3B: KARRAKATTA CEMETERY REDEVELOPMENT SCHEME	
ISSUES	REFORM OPTIONS
<p>Issue 3B.1: At Karrakatta Cemetery, cemetery renewal involves redeveloping existing cemetery burial areas to accommodate new</p>	<p>Option 1: Retain status quo</p> <p><u>Pros:</u></p> <p>Karrakatta Cemetery will remain open to new burials. The safety of older monuments and headstones can be maintained, and the aesthetic value and functionality of the cemetery can continue to be</p>

<p>gravesites, memorial locations and mausoleum crypts.</p> <p>No existing remains are disturbed.</p>	<p>improved. The government land would remain set aside for cemetery purposes in perpetuity.</p> <p>Option 2: Modify or enhance existing Karrakatta Cemetery redevelopment policies where feasible to address any community concerns identified through this consultation.</p> <p><u>Pros:</u></p> <p>Identified community concerns may be addressed resulting in greater support for the redevelopment scheme.</p> <p><u>Cons:</u></p> <ul style="list-style-type: none"> • There may be additional costs related to new requirements which would likely be passed onto the consumer in the form of increased fees and charges.
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GUIDING QUESTIONS

1. To what extent do you agree that Karrakatta Cemetery should remain open for new burials?
2. Do you have any concerns regarding the Karrakatta Cemetery redevelopment scheme, such as the strategy of cemetery renewal?
3. If you have any concerns regarding the Karrakatta Cemetery redevelopment scheme, please outline potential solutions that could be implemented to address these concerns.

Please provide reasons for your responses.

Topic 4: Burials outside of proclaimed cemeteries

Background

The Cemeteries Act provides that a deceased person must be buried in a proclaimed cemetery that is not closed. However, under Section 12 of the Cemeteries Act, the Minister for Local Government or his/her delegate may authorise the burial of a dead body in a place other than a cemetery where the burial is to take place:

- on Crown land that is not a cemetery, where there is no conflict with the current land use, interests in the land or the allocated purpose; or
- in an area that is visibly set apart for and distinguishable as a burial place.

When making a decision whether a burial outside a proclaimed cemetery may take place, the Minister considers⁴:

- the distance from the nearest proclaimed cemetery. If the family is not able to undertake the return trip to the nearest cemetery in a day, special consideration may be given, and
- whether there is a particularly significant association with the land. This is either:
 - historical – generally this will be considered to be where the person has a direct and continuous association to the land for at least three generations, and has resided on the land for at least 30 years, either as a landowner, lessee/licensee or employee;
 - traditional or cultural – the person has a particularly significant traditional or cultural association to the land; or
 - immediate family members are already buried at the burial site;
- whether there are cultural practices, such as those within Aboriginal communities.

Consideration is also given to whether the granting of the request will create a risk to health or other nuisance or cause reasonable offence to others. This may include requiring an environmental report to ensure any burial would not impact on a public water supply or unreasonably damage the land.

Land reserved under the *Land Administration Act 1997* (LAA) for the purposes of burials includes those cemeteries that have been closed. In this situation, a person may request burial with other members of their family who are already buried at these sites.

Requirements of an application

The application must be accompanied by:

- a map and photographs or drawings clearly showing where the burial site is geographically located, and where in the existing burial ground that the grave is proposed to be dug and the Global Positioning System location, if possible. Any existing graves should be marked on the drawing;

- in the case of land reserved under the LAA for burials, written advice from the relevant management authority, usually the cemetery authority, stating that there is available space and that the land is suitable for the proposed burial;
- in the case of other Crown land, including reserves, Crown leases, pastoral leases, and unallocated Crown land;
 - death certificate or, where it is applicable, a Coroner's Order giving approval for the burial to take place;
 - written consent of the next of kin to the burial;
 - reasons for seeking the burial in that particular place, for example, details of the deceased's connection to and history with the land);
 - approval of all interest right holders referred to on the land title;
 - approval of the Minister responsible for the *Mining Act 1978*, or his/her delegate;
 - if applicable, written consent of all parties with claim over the land under the *Native Title Act 1993*.
- In the case of burials on ALT estate, approval of the ALT Board as well as from the local Aboriginal community/corporation with responsibility for the management of the land, and if there is Native Title over the area, from the Native Title Prescribed Body Corporate. If there are multiple Aboriginal bodies or corporations with interest in, or ownership of the land, it is important to gain consent from all parties involved to ensure that the burial has community support.
- Where the ALT is required to give its consent as the landholder in relation to an application, there are four key principles that will be considered:
 - Where the land is unleased and Native Title has been determined, then the ALT will defer to the Native Title Prescribed Body Corporate for consent.
 - Where the land is leased and Native Title has been determined, then the applicants will need to seek the views of the leaseholder/s and the relevant Native Title Prescribed Body Corporate before seeking the consent of the ALT. In these circumstances, the ALT will not grant its consent unless it receives written confirmation from the leaseholder/s and the relevant Native Title Prescribed Body Corporate.
 - Where the land is leased and Native Title has not been determined, then the applicants will need to seek the leaseholder/s views prior to seeking the consent of the ALT.
 - Where the land is neither leased to an Aboriginal corporation nor has Native Title been determined, then the ALT will be guided by the views of the Aboriginal inhabitants of the land where the burial is proposed to take place.

The consent of all parties with claim over the land area is required. In the case of Aboriginal burials in remote Aboriginal communities, this will be by the local Aboriginal bodies/corporations with responsibility for the management of the land. In addition, consent from Native Title Claim Groups, pastoral lease holders, ALT, Registrar of Aboriginal Sites, and the DPLH will also be required. It is important to gain consent from all parties involved to ensure that the burial has community support.

For burials in a closed cemetery, written consent from the relevant cemetery authority is required, stating that they support the proposed burial, and that the cemetery has the capacity for the burial. An exemption from the WA Governor may also be required.

Although the burial must be in an area that is visibly set apart for and distinguishable as a burial place, approval is not conditional on the grave itself being marked.

Record of burial on Certificate of Title

When applications for burials outside of proclaimed cemeteries are approved, the Minister for Local Government may require that the burial is recorded on the Certificate of Title for the relevant land by way of a notification lodged with Landgate.

If the Minister places this condition on a burial approval, a notification can be lodged pursuant to section 70A of the *Transfer of Land Act 1893* (TLA).

Recording a burial on the title ensures that all interested parties to the land such as occupiers and prospective purchasers are aware of the existence of the burial. Additionally, family members of the deceased person have an official record of the exact burial site.

Burial records

Currently, burial records generally are maintained by the individual landowners or managing authorities of the unproclaimed cemetery. There is no legislative requirement under the Cemeteries Act to keep a central register of all burials which occur outside of proclaimed cemeteries.

When applications are received by the Minister for Local Government, the DLGSC will record each application in an internal record keeping system. This includes the application form and supporting documents as required by the DLGSC's *Burials Outside a Proclaimed Cemetery Policy* (Policy). The Minister's decision is also stored on the database.

The DPLH also records some limited information regarding burial applications received by the DLGSC which requires consent by the DPLH. Such applications generally relate to Crown land, ALT estate or Aboriginal Heritage Sites land. An online mapping tool and Western Australian Planning Commission Layout Plans are also available on the DPLH's website for those who are seeking further information regarding the land tenure of Aboriginal communities and cemeteries.

In some cases, there are limited records on historical burials, particularly those that have occurred without the knowledge of the DLGSC. In the past, Aboriginal community members have approached the DLGSC to express their concerns regarding the lack of records and unmarked graves within their community cemetery. The lack of records can cause difficulty in obtaining details about proposed burial locations, which may result in delays on processing applications for burials. While applications are progressed as quickly as possible, any delays often result in community frustration and concern regarding the timeframe and approval process.

Other jurisdictions

Burials outside of proclaimed cemeteries are permitted in limited circumstances in most Australian jurisdictions, subject to approval from relevant authorities. The conditions of approval are often prescribed in legislation or provided for in a guideline or policy document.

The VIC Act specifies that approval may be granted subject to conditions such as the zoning of the land, the existing arrangements for the care of the proposed burial site and the connection of the deceased to the land. Under the SA Act and Tasmania's *Burial and Cremation Act 2019* (TAS Act), the approval is subject to consideration and approval by the relevant council or local government authority that administers and manages the area. While there is no specific Queensland legislation that precludes burials outside of proclaimed cemeteries, a local government may have a local law that allows these types of burials. In Queensland, the Department of Environment and Resource Management has developed a policy in relation to burials on land administered under the *Land Act 1994* (QLD). While the policy states that burials outside recognised burial places are not generally supported, approval may be given in limited circumstances for burial on leasehold or land subject to an occupation licence, where there is evidence of existing grave sites on that land.⁵

Recording of the details of these burials occurs in various ways but is generally separate from interment information held for cemeteries. For instance, in Victoria, an approval for a burial outside of a public cemetery must be lodged with the Victorian Register of Titles. These burial approvals are then registered on the folio to which the land title relates, so that people are aware of the burial ground and its location.⁶ The South Australia Outback Communities Authority maintains a public register which was developed in consultation with the State Register of Births, Deaths and Marriages.⁷ Under the TAS Act, the relevant council records the burial site and request that the burial site be recorded on the land title.

Under the Northern Territory's *Burial and Cremation Bill 2019* (withdrawn in 2019), it was proposed that a register of burials outside of a cemetery be established and maintained by the Department of Local Government, Housing and Community Development. The Bill was originally introduced with the intention to reflect the current practices and wishes of the NT community which supports traditional burials, allow Aboriginal organisations and landowners to manage their own cemeteries, formalising kinship and cultural decision making and ensuring record keeping for future generations. However, due to cultural sensitivities and concerns on the proposed imposition of penalties, the Bill was withdrawn.⁸

Issues and reform options for Topics 4A and 4B

TOPIC 4A: BURIALS OUTSIDE OF PROCLAIMED CEMETERIES - RECORDING BURIALS	
ISSUES	REFORM OPTIONS
<p>Issue 4A.1: When the DLGSC considers applications for burials in places other than proclaimed cemeteries, it may experience difficulties in identifying existing burials relevant to the application which may cause delays in the approval process.</p> <p>There is a lack of a central register of names and locations of burials that can be used to search for burial sites and details of persons buried.</p>	<p>Option 1: Retain status quo.</p> <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Delays may occur with processing a burial application where information about existing burials is unknown or difficult to access. • May result in continued community concern and frustration regarding the application process and approval timeline. • Genealogists and Aboriginal families may have difficulty in locating burial sites of families/ancestors. <p>Option 2: Introduce legislative and/or policy reforms to consolidate information about burials outside of proclaimed cemeteries into one register to be held and maintained by a suitable State agency e.g. DLGSC or MCB.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • More efficient access to burial information which may facilitate burial approval processes. • Cultural benefits by ensuring improved access to genealogical information. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Information regarding burials will need to be gathered from a variety of stakeholders such as Aboriginal communities, relevant funeral directors, DPLH and DLGSC, and Existing internal systems may need to be adjusted to ensure that it has the functionality to meet new record keeping requirements. • Processes and criteria regarding who will have access to the system will need to be determined. • Costs will be incurred in moving records/information from the existing system into a new register.
<p>GUIDING QUESTIONS</p> <ol style="list-style-type: none"> 1. To what extent do you agree that information about burials outside of proclaimed cemeteries should be consolidated into one centralised register? 2. If burial information for burials outside of proclaimed cemeteries are consolidated into a centralised register, who should have access to the burial information? 	

3. Do you foresee any obstacles in having a centralised register for burials outside of proclaimed cemeteries? If so, please outline these obstacles and how they might be addressed, including other options.

Please provide reasons for your responses.

<p>Issue 4A.2 – There is no requirement under the Cemeteries Act for burials outside of proclaimed cemeteries to be recorded on the corresponding Certificate of Title.</p> <p>Currently, the Minister for Local Government may require an applicant to ensure that the approved burial is recorded on the relevant Certificate of Title as a condition of approval of the burial.</p>	<p>Option 1: Retain status quo.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> Minister for Local Government may already require an applicant to ensure that the burial is recorded on the relevant Certificate of Title in some instances <p><u>Cons:</u></p> <ul style="list-style-type: none"> No consistent approach to the recording of burials on land titles, e.g. burials are not recorded on titles for Crown land. The lack of burial details on land titles may cause issues with current or future interest holders or applicants with rights to access the land, such as mining companies, infrastructure or service providers, pastoral landholders, etc. <p>Option 2: Introduce a policy to require burials outside of proclaimed cemeteries to be recorded on the Certificate of Title, and update forms and guidelines as necessary.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> A policy can be easily amended as the need arises. Consistent approach to the recording of burial details on the land title. Current and prospective landholders and those with an interest in the land are aware of the burial. <p><u>Cons:</u></p> <ul style="list-style-type: none"> A requirement under a policy does not have the same force, effect and standing as a requirement under legislation. Costs associated with lodging a notification of a burial with the Registrar of Titles. <p>Option 3: Introduce a legislative requirement for a burial outside of a proclaimed cemetery to be recorded on the land title. Legislation may refer to the notification provision in the TLA.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> Consistent approach to the recording of burial details on the land title.
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	<ul style="list-style-type: none"> • Current and prospective landholders and those with an interest in the land are aware of the burial. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Person responsible for notifying the Registrar of Titles would need to be determined. • Person responsible for the cost of lodging a notification of a burial with the Registrar of Titles would need to be determined. • Costs associated with lodging a notification of a burial with the Registrar of Titles.
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GUIDING QUESTIONS

1. If a burial outside of a proclaimed cemetery is required to be recorded on the Certificate of Title, what type of land should this requirement apply to?
 - a. Freehold land e.g. residential land
 - b. Crown land
 - c. Aboriginal burial ground i.e. a cemetery in an Aboriginal community that is not a proclaimed cemetery under the Cemeteries Act
 - d. Other
2. If a burial outside of a proclaimed cemetery is required to be recorded on the Certificate of Title, what instrument should this requirement fall under?
 - a. Policy
 - b. Legislation

TOPIC 4B: BURIALS OUTSIDE OF PROCLAIMED CEMETERIES APPROVAL PROCESS

ISSUES	REFORM OPTIONS
<p>Issue 4B.1: Under the Cemeteries Act, the Minister for Local Government or his/her delegate may authorise the burial of a dead body in a place other than a cemetery where:</p> <ul style="list-style-type: none"> • the burial is to take place on Crown land that is not a 	<p>Option 1: Retain status quo.</p> <p><u>Pros:</u></p> <p>The Minister or his/her delegate have oversight of the approvals for such burials. Steps are taken to ensure that consent to the burial is obtained from the deceased person’s next of kin and from all parties that may have an interest in the land.</p> <p><u>Cons:</u></p> <p>Approval by the Minister or delegate may increase duration of approval process.</p>

<p>cemetery, where there is no conflict with the current land use, interests in the land or the allocated purpose; and</p> <ul style="list-style-type: none"> the Minister is satisfied that the burial is to take place in an area that is visibly set apart for and distinguishable as a burial place. 	<p>Option 2: A senior officer at the DLGSC to be responsible for approving burials outside of proclaimed cemeteries, with a right of review/appeal to the Minister.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> The DLGSC can continue to ensure that consent to the burial is obtained from the deceased person's next of kin and from all parties that may have an interest in the land. The Minister is still involved in the process and has the power to review and uphold or overturn a decision made by the DLGSC. Approval by the DLGSC may result in the approval process being more efficient. <p>Option 3: The relevant local government to be responsible for approving burials outside of proclaimed cemeteries in their district.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> A local government can ensure that consent to the burial is obtained from the deceased person's next of kin and from all parties that may have an interest in the land. A local government is familiar with the land the subject of the burial application as it is located in their district. Approval by a local government may result in the approval process being more efficient. <p><u>Cons:</u></p> <ul style="list-style-type: none"> There may be inconsistencies in the approval approach by different local governments. Some local governments may not have the resources to undertake this approval process.
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GUIDING QUESTIONS

1. To what extent do you agree that the Minister should be responsible for approving burials outside of proclaimed cemeteries?
2. To what extent do you agree that a senior officer at the DLGSC should be responsible for approving burials outside of proclaimed cemeteries with a right of review/appeal to the Minister?
3. To what extent do you agree that local governments should be responsible for approving burials outside of proclaimed cemeteries?
4. Should the DLGSC policy for burials outside of proclaimed cemeteries be amended, and if so, in what way?

Please provide reasons for your responses.

Topic 5: Licensing of funeral directors and monumental masons

Background

Topic 5A - Funeral directors

The Cemeteries Act provides that a funeral director must be licensed by the cemetery authority responsible for the care, control and management of the cemetery at which they wish to conduct funerals. A funeral director's licence is issued for a period not exceeding one year. A cemetery authority may also issue a funeral director who already holds a licence issued by another cemetery authority with a single funeral permit to conduct the funeral of a person named in the permit.

A cemetery authority may also issue a single funeral permit to any person who is not a licensed funeral director. The MCB reports that while there are many enquiries for 'DIY' funerals from people who are not licensed funeral directors, very few of these enquiries result in an application for a single funeral permit.

In granting a funeral director's licence or a single funeral permit, a cemetery authority must be satisfied that an applicant is of good repute and is fit to hold a funeral director's licence, in addition to having suitable facilities and equipment for handling and storing dead bodies and conducting funerals. It is currently up to a cemetery authority to determine what evidence and supporting information an applicant is required to submit with their application and the decision of a cemetery authority to determine whether an applicant meets the criteria to be granted a licence or permit. A cemetery authority has the power to inspect the facilities and equipment of an applicant or holder of a funeral director licence. The Cemeteries Act also provides for the suspension and cancellation of licences, with review provisions.

Industry self-regulation occurs to some extent by those funeral directors who are members of AFDA and comply with a Code of Conduct, Code of Ethics and Prepaid Funerals Standard.⁹ The AFDA aims to enhance and promote professional funeral standards and advance the knowledge, quality and performance of funeral industry professionals. Membership is voluntary and re-accreditation is required every three years. Members are required to complete a statutory declaration to confirm their compliance to the AFDA's Codes and Standard. In 2021, about 74 per cent of funerals in WA were conducted by funeral directors who are members of the AFDA, and most AFDA members in WA are located in the Perth metropolitan area.

The MCB conducts approximately 12,000 funerals per year. According to MCB estimates, this number accounts for about 80 per cent of the State's (WA) funerals. In order to conduct a funeral at MCB cemeteries, a funeral director must hold a licence to conduct a funeral or a single funeral permit issued by the MCB. Funeral directors issued with an annual licence must adhere to the provisions of the MCB Funeral Director Licence Code of Conduct (MCB Code of Conduct),¹⁰ which includes matters such as legislative obligations, professional

conduct, care of the deceased, mortuary facilities, National Police Clearance and relevant insurances. Any breach of the MCB Code of Conduct may result in the cancellation, suspension or non-renewal of the funeral director's licence. The MCB has advised that it receives a low number of complaints from the public about funeral directors, with most complaints being resolved directly with the funeral director. The MCB may also refer relevant matters to the Consumer Protection division of the DMIRS.

Statistics provided by the DMIRS indicate that between 1 November 2016 and 31 October 2021, 246 enquiries and 50 complaints relating to funerals were received, with 31.7 per cent of the enquiries and 52 per cent of the complaints in relation to funeral directors. The key issues raised were billing and costs, as well as due care and skill.

Funeral directors in WA who are providing prepaid funeral contracts must comply with the *Fair Trading (Prepaid Funerals Code of Practice) Regulations 2020* (Prepaid Funerals Code of Practice), administered by DMIRS.¹¹ Additionally, the Department of Health has published guidelines developed in conjunction with the funeral industry which set out the minimum requirements expected of the funeral industries regarding preparation of the deceased for burial or cremation.¹²

Topic 5B - Monumental masons

There is no provision under the Cemeteries Act requiring monumental masons to be licensed, and there is no active masons' association in WA. However, cemetery authorities may make local laws or by-laws which require monumental masons to be licensed and which set out the circumstances in which a monumental mason's licence may be cancelled. Cemetery authorities may also issue a permit to carry out monumental works on a particular grave.

Monumental masons who are licensed by the MCB are required to comply with a Code of Conduct which includes qualifications, adherence to legislation, policy and procedures, Australian Standards, professional conduct, National Police Clearance, workwear and relevant insurances. The MCB assesses each application for compliance with standards, issues a work permit and assesses the work upon completion.

DMIRS has advised that 30 per cent of the 50 complaints received between 1 November 2016 and 31 October 2021 related to headstone and monumental works conducted by monumental masons.

Other jurisdictions

Funeral directors/providers

The Northern Territory has a similar licensing scheme to Western Australia. Under the *Cemeteries Act 1952* (NT), funeral directors are required to apply for a licence with the relevant cemetery Board to operate in those cemeteries. Each cemetery Board has their own processes in place to determine how applications are assessed.

In Victoria, funeral providers¹³ are required to be registered with Consumer Affairs Victoria and there is a publicly available list of funeral providers in Victoria. Obligations of a funeral director under the legislation include:

- Offering a basic funeral service for a burial or cremation;
- To produce a clear and legible funeral goods and service price list and a coffin price list; and
- Providing a statement of funeral costs to a customer prior to entering into an agreement for the provision of goods or funeral services.

Funeral directors also have obligations in relation to the provision of pre-paid funeral contracts and establishing a procedure for dealing with customer complaints. Funeral directors who fail to comply with such obligations are subject to penalties under the legislation.

In Queensland, funeral directors can voluntarily adopt the Queensland Funeral Industry Code of Conduct to demonstrate that they are committed to best practice.¹⁴ The Code is based on a shared commitment by the members of the funeral industry to the guiding principle of ethical and responsible behaviour. While commitment to the Code is voluntary, certain practices must be complied with under the legislation.

In Tasmania, funeral businesses must apply to the Director of Local Government to be a regulated business and comply with relevant legislation.

In the Australian Capital Territory (ACT), the *Cemeteries and Crematoria Code of Practice 2020* was made under the *Cemeteries and Crematoria Act 2020* (ACT), which outlines the operating requirements that apply to all cemeteries and crematoria in the ACT, whether public or private.

Funeral directors do not need a licence, specific training or qualifications to operate in New South Wales.

Monumental masons

Licensing and permit arrangements of monumental masons in other jurisdictions vary.

In Victoria, the legislation provides that a cemetery trust must assess all applications to establish or alter a memorial or place of interment. It does not directly require the licensing of stonemasons.

In all other jurisdictions, licensing requirements for monumental masons are not prescribed in the relevant legislation. However, most cemetery authorities have by-laws or policies which require all work carried out on monuments to be conducted by a monumental mason who holds a licence to work in that cemetery. Those cemeteries may also maintain a register or list of authorised monumental mason companies who are authorised to operate in those cemeteries.

Although membership is voluntary, there are several industry bodies and associations within each jurisdiction that issues annual licences to monumental masons. Members are bound by a code of ethics and must comply with the Australian Standards on Headstones and Cemetery Monuments.

Issues and reform options for key issues 5A and 5B

TOPIC 5A - LICENSING OF FUNERAL DIRECTORS	
ISSUES	REFORM OPTIONS
<p>Issue 5A.1: The Cemeteries Act requires all funeral directors to be licensed by way of:</p> <p>a) a funeral director's licence in relation to a particular cemetery, or</p> <p>b) a single funeral permit to hold a particular funeral.</p>	<p>Option 1: Retain status quo.</p> <p><u>Pros:</u></p> <p>Cemetery authorities have autonomy over the licence application process and the licence conditions they wish to impose.</p> <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Funeral directors who wish to conduct funerals at multiple regional cemeteries must apply for more than one licence. This may be an administrative burden. • Possible inconsistencies in standards and requirements regarding the provision of funeral services. • An annual funeral director's licence for regional cemeteries ranges between \$100 to \$350 per cemetery. The cost of an annual licence (2021/2022) from the MCB is \$1,446. Some funeral directors operating in regional cemeteries also hold a licence with the MCB. Holding multiple licences may be viewed as a costly expense. <p>Option 2: Replace the current licensing arrangement with a single licensing system that includes a centralised register which would allow funeral directors to work at all cemeteries in WA. Licences would be issued by a central licensing authority. A condition of the licence would be compliance with a mandatory code of conduct.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Reduces administrative burden for funeral directors and cemetery authorities. • Greater consistency and clarity throughout WA in relation to the licence application process and requirements and standards. • Members of the public would have access to a list of licensed funeral directors. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Cemetery authorities across WA may need to amend their relevant by-laws and local laws to account for the change.

- Costs associated with the establishment of a central licensing authority.
- Potential loss of revenue for cemetery authorities who receive revenue from granting licences.

Option 3 – Replace the current licensing arrangement with a registration system whereby funeral directors register their business details with a central authority. Funeral directors could adopt a voluntary code of conduct.

Pros:

- Removes the need for funeral directors to obtain licences. This reduces the regulatory and administrative burden on funeral directors and cemetery authorities.
- Members of the public could access a list of all funeral directors in WA.
- A code of conduct which covers best practice would support consumer protection and confidence in the industry.
- Central point of management reduces administrative burden.
- Lower costs and greater consistency.
- Industry code is flexible and could be amended easily to meet the needs of the industry and community.

Cons:

- Funeral directors are not assessed for fitness to provide funeral goods and services prior to being registered.
- Limited complaint and enforcement options available should a funeral director breach the voluntary code of conduct.
- Potential loss of revenue for cemetery authorities who receive revenue from granting licences.

GUIDING QUESTIONS

1. To what extent do you agree that the current licensing regime for funeral directors in WA should be retained?
2. To what extent do you agree that funeral directors should be able to apply for a single licence which allows them to work at all cemeteries in WA?
3. To what extent do you agree that the proposal in Option 2 for a single licence allowing funeral directors to work at all cemeteries in WA on compliance with the Code of Conduct?
4. To what extent do you agree with retaining the ability for a person who does not hold a funeral director's licence to apply for a single funeral permit?
5. To what extent do you agree that funeral directors should be required to undertake continuing professional development?
6. What criteria should an applicant satisfy before being issued with a funeral director's licence?
7. For how long should a funeral director's licence be valid?
 - a. One year
 - b. Two years
 - c. Three years

d. Other (please specify).

8. Should funeral director licences be issued to individual persons only or individual persons and companies i.e. one licence per company which covers all funeral directors employed by that company?
9. Are you aware of other licensing approaches that could be adopted for WA funeral directors?

Please provide reasons for your responses.

TOPIC 5B - LICENSING OF MONUMENTAL MASONS	
ISSUES	REFORM OPTIONS
<p>Issue 5B.1: The Cemeteries Act does not require monumental masons to be licensed.</p> <p>The requirement for a monumental mason to be licensed is currently provided for in cemetery Board by-laws and local government local laws.</p> <p>A cemetery authority may also issue a permit authorising a person to carry out monumental work on a particular grave in that cemetery.</p>	<p>Option 1: Retain status quo.</p> <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Monumental masons who wish to carry out work at multiple cemeteries must apply for more than one licence. This is an administrative burden. • Possible inconsistencies in standards and requirements regarding the provision of masonry work. • An annual monumental mason’s licence for regional cemeteries is approximately \$200 per cemetery. The MCB’s annual licence fee (2021/2022) is \$1,289. Holding multiple licences may be viewed as a costly expense. <p>Option 2: Replace current licensing arrangements with a single licensing system for monumental masons which would allow monumental masons to work at all cemeteries in WA. Licences would be issued by a central licensing authority. A condition of the licence would be compliance with a code of conduct.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Reduces administrative burden for monumental masons and cemetery authorities. • Greater consistency and clarity throughout WA in relation to the licence application process and requirements and standards. • Members of the public would have access to a list of licensed monumental masons. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Cemetery authorities across WA may need to amend their relevant by-laws and local laws to account for the change. • Costs associated with establishment of a central licensing authority. • Potential loss of revenue for cemetery authorities who receive revenue from granting licences. <p>Option 3: Replace the current licensing arrangements with a registration system whereby monumental masons register their business details with a central registration authority. Monumental masons can adopt a voluntary code of conduct.</p>

Pros:

- Reduces the regulatory and administrative burden on monumental masons and cemetery authorities. Members of the public could access a list of all monumental masons in WA.
- A code of conduct which covers best practice would support consumer protection and confidence in the industry.
- Industry code is flexible and can be amended easily to meet the needs of the industry and community.

Cons:

- Monumental masons are not assessed for fitness to provide funeral goods and services prior to being registered.

GUIDANCE QUESTIONS

1. To what extent do you agree with the current licensing arrangements for monumental masons in WA?
2. To what extent do you agree that monumental masons should be licenced?
3. To what extent do you agree that monumental masons should be able to apply for a single licence which allows them to work at all cemeteries in WA?
4. To what extent do you agree that a monumental mason's licence should carry a requirement to comply with a code of conduct i.e. being a fit and proper person, etc?
5. To what extent do you agree that the ability to apply for a single monumental works permit should be retained?
6. If monumental masons were required to be licensed, should licences be issued to individual persons only or individual persons and companies i.e., one licence per company which covers all monumental masons employed by that company? Please provide reasons for your response.
7. If monumental masons were required to be licensed, what criteria should an applicant satisfy before being issued with a licence?
8. For how long should a monumental mason's licence be valid?
 - a. One year
 - b. Two years
 - c. Three years
 - d. Other (please specify).
9. Are you aware of other licensing approaches that could be adopted for WA monumental masons?

Please provide reasons for your responses.

Topic 6: Cremation Services in WA

Background

In WA, the first cremations were considered a means of hygienic disposal of diseased bodies. As a result, the Woodman Point Crematorium was established in the early 1900s, although some cremations were also performed on private property.

In the early 1920s, debate on public demand for cremation grew and land was set aside for a future crematorium at Karrakatta Cemetery. In 1929, the Cremation Act was passed, endorsing the cremation principle and regulating the cremation process.

In 1936, a public crematorium was constructed at Karrakatta Cemetery.

Community expectations of burial and cremation services have changed significantly over the years and it remains important the community has confidence in those entrusted to carry out these duties.

Eight crematoria have since been established and are situated in cemeteries in WA under public ownership, administered by a cemetery Board.

Although the Cremation Act in its current form requires the Chief Health Officer to be satisfied with certain public health and safety matters relating to the operation of crematoria, it does not provide for more general regulatory oversight or powers that allow for the creation, monitoring and enforcement of industry standards; nor does it allow for codes of practice and consumer protection akin to other contemporary licensing regimes.

There are currently no crematoria located north of Geraldton and deceased persons from the Gascoyne, Pilbara and Kimberley regions are generally transported to Geraldton, Pinnaroo Valley Memorial Park or to the Northern Territory for cremation. Pinnaroo Valley Memorial Park conducts most of the cremations from the North-West within WA.

Throughout Australia, the cost of cremation varies depending on the jurisdiction and the age of the deceased person, with the cremation of an adult human body ranging from around \$500 to about \$1,200.¹⁵ In WA, the cremation of an adult human body ranges from \$1,150 - \$1,200. Some WA crematoriums also include chapel hire in their prices. For example, the MCB charges \$1,200 for an adult cremation, including using any MCB cemetery chapel for one hour.

Cemetery authorities utilise funds from cremations and other revenue-generating services to meet the community's burial and memorial needs and cemeteries' maintenance, operation and administrative costs. For example, the MCB is currently a self-funded statutory authority registered as a not-for-profit charitable organisation.

Issue and reform option for Topic 6

TOPIC 6 – CREMATION SERVICES IN WA	
ISSUE	REFORM OPTION
<p>Issue 6.1 The State Government will continue to operate cremations under section 4(1)(a) of the <i>Cremations Act 1929</i>.</p>	<p>Option: Cremations will continue to be operated by publicly owned crematoria under public ownership through the State Government and administered by Cemetery Boards.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Cemetery authorities can remain financially viable under their current operating model. • Cemetery authorities utilise funds from cremations and other revenue-generating services to meet the community’s burial and memorial needs, and the maintenance, operation and administrative costs of cemeteries. • Consistent regulatory oversight that allows for the creation, monitoring, and enforcement of industry standards. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Lack of services available north of Geraldton.
<p>GUIDANCE QUESTIONS</p> <p>1. What further improvements could be considered to publicly owned crematoria services in WA?</p> <p>Please provide reasons for your responses.</p>	

Topic 7: Consistency of forms and fees

Background

Topic 7A - Cemetery Forms

Although regulation-making powers exist under the Cemeteries Act, there are currently no regulations or prescribed forms for cemeteries.

Cemetery authorities have by-laws and local laws which provide for their own forms covering a range of matters, such as:

Applications:

- Application for burial and instruction for grave;
- Application for cremation and disposal of ashes;
- Application for funeral director's licence;
- Application for single funeral permit;
- Application for monumental work; and
- Application for monumental mason's licence.

Notices:

- Infringement notices; and
- Withdrawal of infringement notices.

Licences:

- Funeral director's licence; and
- Monumental mason's licence.

Grants/assignments/authorities:

- Grant of right of burial;
- Assignment of grant of right of burial; and
- Authority for placement of ashes.

Through the provision of by-laws and local laws, each individual cemetery develops their own forms to meet their specific operational requirements for their regions. This results in inconsistencies. A sample of licence application forms currently in use by cemetery authorities demonstrated that the following matters are not universally required:

- a) Details of relevant insurance policies for funeral director and monumental mason licensing;
- b) Referees, national police clearances and declaration of past bankruptcies/receiverships for an annual funeral director's licence;
- c) Details of any offences committed by applicants; and
- d) Cremation certificate number for interment of ashes.

Topic 7B - Cremation Forms

Forms for the regulation of cremation are prescribed under the *Cremation Regulations 1954* (Schedule 1):

No.	Application Form Title
1.	Application for a licence to use and conduct a crematorium
2.	Application for certificate of Chief Health Officer to give effect to a licence to a licence granted to use and conduct a crematorium
3.	Application for permit to cremate

No.	Certificate/Permit/Licence Title
1.	Licence to use and conduct a specified crematorium (for Cemetery Boards)
2.	Licence to use and conduct a specified crematorium (for Associations)
3.	Certificate of the Chief Health Officer giving effect to a licence to use and conduct a crematorium
4.	Certificate of Medical Practitioner
5.	Coroner's certificate
6.	Permit to cremate (for medical referee)
7.	Notice of refusal of application to cremate
8.	Register of cremations (to be kept by every licensee of a crematorium and available for inspection by the public for a small fee)
9.	Certificate of cremation (notice to the Chief Health Officer and the Registrar General)
10.	Certificate of Medical Practitioner who has conducted a post-mortem examination

Topic 7C - Cemetery and Cremation Fees

Cemetery authorities currently set their own cemetery fees as part of their wider annual Schedule of Fees and Charges. Like the forms, this allows individual cemeteries to set their own prices to meet operational requirements for their regions, however, this results in inconsistencies. In addition to basic fees for items such as the grant of right of burial and interment services, fees also differ between cemeteries for annual funeral director and monumental mason licences.

Similarly, cremation service fees are set by the cemetery authority that operates a crematorium within their facilities. While fees for a licence to use and conduct a crematorium, as well as fees for a permit to conduct the cremation are prescribed under the *Cremation Regulations 1954*, the cost of the cremation service varies throughout each cemetery.

Other Jurisdictions

Examples of how some other jurisdictions administer their forms for the cemetery and cremation industry include:

- Victoria: the application for a right of interment form, which was developed by the State’s Department of Health & Human Services, is available to all cemetery trusts but is not mandatory.
- New South Wales: Cemeteries & Crematoria NSW has developed templates for industry use. Cemetery operators are not required to use the templates, but they must ensure that the required information collected is compliant with the relevant Act.
- Tasmania: each cemetery authority has its own bespoke forms. The Local Government Division of the Department of Premier and Cabinet is the regulator.
- Northern Territory: each cemetery authority has their own bespoke forms.

Issues and reform options for Topics 7A, 7B and 7C

TOPIC 7A – CEMETERIES FORMS	
ISSUE	REFORM OPTIONS
<p>Issue 7A.1: The Cemeteries Act does not provide any prescribed forms. Cemetery authorities currently prescribe their own forms in their by-laws or local laws.</p>	<p>Option 1: Retain status quo.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • No legislative amendment. • Cemetery authorities have the autonomy to create their own forms. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Inconsistency of forms across cemetery authorities. • Administrative burden particularly for funeral directors in regional areas who operate across several local government areas. <p>Option 2: Introduce prescribed forms in legislation.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Forms consistent between cemetery authorities. • Reduces administrative burden. <p><u>Cons:</u></p> <ul style="list-style-type: none"> • Cemetery authorities will not have the autonomy to create their own forms to meet the specific operational needs of their own region. • May be costs associated with the administration and enforcement of the new requirements.
<p>GUIDING QUESTIONS</p> <ol style="list-style-type: none"> 1. To what extent do you support the current position whereby cemetery authorities provide their own forms? 2. Do you think that forms used in the administration of the Cemeteries Act should be standardised across the State? <p>Please provide reasons for your response.</p>	

TOPIC 7B – CREMATION FORMS	
ISSUE	REFORM OPTIONS
<p>Issue 7B.1: There are prescribed forms set out in the Cremation Regulations.</p>	<p>Option 1: Retain status quo and amend current forms if appropriate.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Consistency and clarity. • Any form(s) which are outdated or require amendment can be amended.
<p>GUIDING QUESTIONS</p> <p>1. Are there any prescribed forms under the current Cremation Act that you think should be amended and/or combined, or removed?</p> <p>Please provide reasons for your response.</p>	

TOPIC 7C – CEMETERY AND CREMATION FEES	
ISSUE	REFORM OPTIONS
<p>Issue 7C.1: Fees charged by cemetery authorities vary.</p>	<p>Option 1: Retain status quo.</p> <p><u>Benefit:</u></p> <ul style="list-style-type: none"> • Cemetery authorities have the autonomy to determine their own fees. <p><u>Issues:</u></p> <ul style="list-style-type: none"> • Inconsistent fees. • Administrative burden particularly for funeral directors in regional areas who operate across several local government areas. <p><u>Costs:</u> Nil.</p> <p>Option 2: Standardise certain fees and charges in legislation if considered appropriate.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> • Consistency in fees.

- Reduces administrative burden and confusion.

Cons:

May reduce flexibility of cemetery authorities to determine certain fees and charges.

GUIDING QUESTIONS

1. Are there any cemetery and cremation fees or charges that you think should be standardised in legislation?

Please provide reasons for your response.

Next steps

Consideration of feedback

Following consultation, the feedback will be considered and analysed, and will inform a DRIS which will include preferred options.¹⁶ The Minister for Local Government and the Minister for Health will consider the DRIS and determine the next steps.

Implementation

Legislation may need to be drafted and subsequently passed by the WA Parliament. This could be in the form of a new Act(s) and regulations, or amendments to the existing Acts and regulations. The form of the reforms will be determined once preferred options have been identified. There may also be a need for consequential amendments to other legislation.

Transitional provisions may be required to allow the industry and the community time to adjust to changes and comply with any new requirements. Further information about the implementation process will be outlined in the DRIS once the preferred options have been identified.

Evaluation

It is proposed that the effectiveness of any new or amended legislation will be reviewed five years after it has been implemented. Feedback and data will be sought from the public, industry stakeholders and interest groups via surveys and written submissions to inform the effectiveness of the reforms.

Further details of an evaluation process will be outlined in the DRIS once the preferred options have been identified.

Endnotes

¹ *A Review of the Law in Relation to the Final Disposal of a Dead Body*, Report No.69 December 2011, Queensland Law Reform Commission

https://www.qirc.qld.gov.au/_data/assets/pdf_file/0008/372545/r69.pdf

² MCB Cemetery Renewal brochure: https://mcb.wa.gov.au/docs/default-source/General-website-documents/renewal-brochure-ensuring-the-future.pdf?sfvrsn=1f8884b_6

³ Rookwood General Cemetery Annual Report 2020:

http://www.rookwoodcemetery.com.au/assets/Annual%20Reports/RGC_AnnualReport_2020.pdf

⁴ The Department of Local Government, Sport and Cultural Industries' policy on burials outside of proclaimed cemeteries is available at: <https://www.dlgsc.wa.gov.au/department/publications/publication/burials-outside-a-proclaimed-cemetery>

⁵ https://www.resources.qld.gov.au/?a=109113;policy_registry/burials-lands-administered-land-act.pdf&ver=4.01

⁶ <https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/interments-and-memorials/private-burials>

⁷ <https://www.oca.sa.gov.au/resources/outback-burials>

⁸ <https://www.katherinetimes.com.au/story/6457346/nt-govt-buries-its-plans-to-change-cemetery-laws/>

⁹ Consultation Regulatory Impact Statement and Discussion Paper – Proposals for the Regulation of Prepaid Funerals' (December 2011) by the Department of Commerce (WA).

¹⁰ MCB Funeral Director Licence Code of Conduct available at: <https://www.mcb.wa.gov.au/planning-ahead/choosing-a-funeral-director/funeral-director-licence-code-of-conduct>

¹¹ https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s49388.html

¹² https://ww2.health.wa.gov.au/Articles/N_R/Preparation-of-the-deceased-for-burial-or-cremation

¹³ "Funeral provider" is defined as any person carrying on the business of supplying funeral goods and funeral services to the public. "Funeral services" means services for the care and preparation of human bodies for burial, cremation or other final disposition; the arrangement, supervision or conduct of a funeral ceremony or final disposition of human remains. "Funeral goods" means products supplied to a consumer in connection with funeral services (Section 3, *Funerals Act 2006*)

¹⁴ <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/regulated-industries-licensing-and-legislation/personal-services-industries-regulation/funeral-industry-regulation/funeral-industry-code-of-conduct>

¹⁵ Based on the DLGSC's consideration of cremation costs throughout Australia (2019-20 and 2020-21)

¹⁶ <https://www.wa.gov.au/organisation/department-of-treasury/regulatory-impact-assessment>

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DLGSC acknowledges the Aboriginal people throughout Western Australia as the Traditional Owners and Custodians of the lands, waters, and communities in which we operate. DLGSC is committed to developing strong working relationships with Aboriginal people and is proud to celebrate the cultural diversity, strength and resilience of Aboriginal people, and is deeply grateful for the contributions they make to the State of Western Australia. We pay our respects to all Aboriginal people and their cultures, and to Elders past and present.

About DLGSC

DLGSC works with partners across government and within its diverse sectors to enliven the Western Australian community and economy through support for and provision of sporting, recreational, cultural, and artistic policy, programs and activities for locals and visitors to the State. DLGSC provides regulation and support to local governments and the racing, gaming, and liquor industries to maintain quality and compliance with relevant legislation, for the benefit of all Western Australians.

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