



NSW Government Cemetery Reforms

September 2013

On 2 April 2012 the Minister for Primary Industries, the Hon. Katrina Hodgkinson MP, announced significant reforms to cemetery management in NSW.

Under Stage 1 of these reforms, 16 Crown cemetery trusts responsible for the eight Crown cemeteries in metropolitan Sydney were amalgamated to form three major trusts in addition to the existing Catholic Metropolitan Cemeteries Trust. Strong professional boards have been appointed to lead these trusts.

Stage 1 is complete and the four Crown Trusts are working cooperatively to develop stronger and more accountable corporate governance and common policies and systems. Details of the restructured Crown cemetery sector are provided under a separate heading below.

Cemeteries and Crematoria Bill 2013

The Crown sector represents only around 25% of the cemetery and crematorium industry. Under Stage 2 of the reforms, the Government is developing an overarching Cemeteries and Crematoria Act that will cover private and local government operators as well as Crown operators. Late last year, the Minister appointed an advisory Interim NSW Cemeteries and Crematoria Board, with top industry representatives including the four Crown trust Chairs, to help the Government develop this legislation.

An Exposure Draft of the *Cemeteries and Crematoria Bill 2013* has been developed. The Department is currently undertaking a comprehensive targeted consultation program on the Exposure Draft with all key stakeholders with an interest in the area of cemetery reform.

All sectors of the industry have been given the opportunity to comment on the content of the legislation, and the Department has worked closely with major religious, cultural and community groups, relevant state government agencies and local government representatives throughout the drafting process.

This consultation program is on track to be completed by 20 September, after which the Bill will be finalised for introduction into Parliament during the Spring Session.

Interested members of the public are also encouraged to make comments on the Exposure Draft. The Exposure Draft can be accessed [HERE](#) and comments are welcome by 20 September at cemeteries.reform@lands.nsw.gov.au.



The Bill is the centrepiece of the Government's cemetery reforms. Its intended outcomes may be summarised as:

- sufficient land is acquired and/or allocated so that current and future New South Wales generations have equitable access to cemetery and crematoria services;
- human remains are treated with dignity and respect;
- interment practices and beliefs of all religious and cultural groups are respected such that none are disadvantaged and all are adequately and properly provided for;
- a consistent and coherent regime operates for the governance and regulation of cemeteries and crematoria in New South Wales;
- cemeteries and crematoria demonstrate satisfactory levels of accountability, transparency and integrity; and
- cemeteries and crematoria on Crown land are managed in accordance with the principles of Crown land management in section 11 of the *Crown Lands Act 1989*.

The Bill will provide a sound framework for long-term planning and management of all cemeteries and crematoria, whether on Crown, local government or private land. It will establish Cemeteries and Crematoria NSW, led by an independent Board, with functions and powers enabling it to work with all three cemetery sectors to find solutions to the pressing problem of diminishing cemetery space.

The Board will develop strong linkages with the NSW planning system and establish benchmarks for cemetery space. The Board will also be responsible for ensuring that the burial needs of individual religious and cultural communities are respected and protected through legislation.

The legislation will establish a new governance regime for the Crown cemetery sector and the Board will provide oversight of cemetery and crematoria operators across all three sectors. These new arrangements will ensure that the performance of these organisations is monitored through increased levels of transparency and accountability.

Sustainable burial practices, including Renewable Tenure Burial currently available in South Australia, Western Australia and non-Crown cemeteries in NSW, have also been considered.



The legislation will provide for introduction of **optional** Renewable Tenure Burial for new graves on a consistent basis across all three cemetery sectors. There will be **no** retrospective renewable tenure burial. Perpetual Tenure Burial will continue to be available and there will be no impact on existing perpetual burial licences. Renewable Tenure Burial will not be allowed in cemetery portions where perpetual tenure is required for religious or cultural reasons.

Restructure of the Crown cemetery sector

The Crown cemetery sector was restructured to achieve the following:

- implementation of a 'Two Trust' management model for Rookwood Necropolis;
- a single General Trust for Crown cemeteries in northern Sydney; and
- a single General Trust for Crown cemeteries in southern Sydney.

Details are provided below. In addition, the Liverpool General Cemetery Trust was dissolved. The Catholic Metropolitan Cemeteries Trust was appointed to manage the general portions of Liverpool Cemetery in addition to the Catholic portion. This Trust now manages the whole of Liverpool Cemetery.

A Review of the Governance Framework of Crown Cemetery Trusts was undertaken during 2012 to assist the restructure process. A Board Chairs Group and a Senior Managers Group, both drawn from the four major Crown cemetery trusts, have been established to implement the agreed actions arising from the Review and collaborate in development of common policy approaches for all Crown cemetery trusts.

Rookwood Necropolis

Five denominational trusts (Anglican, General, Jewish, Muslim and Independent) at Rookwood Necropolis were dissolved and amalgamated to form the Rookwood General Cemeteries Reserve Trust (RGCRT). The RGCRT Board was appointed on 14 September 2012 and comprises Bob Wilson (Chair), Patricia Lloyd, Barry Collier, Nick Pappas, Ahmad Kamaledine, Richard Seidman and Robyn Hawes.

Under the 'Two Trust' model, Rookwood Necropolis is now jointly managed by the RGCRT and the Catholic Metropolitan Cemeteries Trust (CMCT).

The Rookwood Necropolis Trust, which manages the Rookwood common areas, now has a three-person Board comprising a senior officer from each of the RGCRT and CMCT, and a Ministerial nominee as Chair. A Memorandum of Understanding covering management of the common areas has been signed by RGCRT and CMCT.



When establishing the RGCRT, the Minister directed that the area known as Lot 10 at Rookwood be allocated 50 per cent for Muslim burials and 50 per cent for Jewish burials. Lot 10 is now ready to accept burials following its launch on 8 May 2013 by the Minister and Muslim and Jewish leaders.

Northern Sydney Cemeteries

The trusts established to manage the Crown cemeteries in northern metropolitan Sydney were dissolved and amalgamated to form the Northern Metropolitan Cemeteries Trust (NMCT). The Gore Hill Memorial Cemetery, Macquarie Park Cemetery, the non-Catholic components of the Field of Mars Cemetery and the Frenchs Forest Bushland Cemetery are now managed by the NMCT.

The NMCT Board was appointed on 30 November 2012 and comprises Bruce Tanner (Chair), Robert McCotter, Kim Sanford, Margaret Conley, Lyn Morehen, Rosetta Trovatiello and Bob Birchall.

Southern Sydney Cemeteries

The trusts established to manage the Crown cemeteries in southern metropolitan Sydney were dissolved and amalgamated to form the Southern Metropolitan Cemeteries Trust (SMCT). The Botany Cemetery and Crematorium, known as the Eastern Suburbs Memorial Park, and the Woronora Cemetery are now managed by the SMCT.

The SMCT Board was appointed on 18 January 2013 and comprises Anthony Simpson (Chair), Anthony Lee, Paul Rappoport, Ivona Kadlec, Michael McMahon, Les Bursill and Elizabeth Fitzsimmons.