



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

Cemeteries and Cremation Act Review

Update



Background of the Review

- Review announced in Parliament September 2020
- Early targeted consultation
- Public consultation:
16 November 2023 – 15 March 2024





Current Status of the Review

- Analysing the responses to the public consultation

Respondent Category	Number of respondents	Number of submissions
Community Member	50	126
Local Government	18	55
Interest Group/community organisation	11	15
Funeral Director	5	16
Industry Representative Group (incl. AFDA)	3	3
Cemetery Board	3	3
State Government Agency	2	2
Monumental Mason	2	3
Aboriginal Corporation	1	6
TOTAL	95	229



Topic 1 – Legislation

- Two pieces of legislation dealing with cemeteries and cremations, across two state government portfolios

Options:

1. Status quo
2. Combine into one single Act



Topic 2: Alternative methods of disposal of human remains – burials and cremations

- Legislation has no definitions for types of burials or cremations
- No legislative requirements for coffins, caskets, shrouds - requirements vary between cemeteries
- No legislative provisions regarding unclaimed ashes.

Options:

1. Status quo
2. Provide definitions, provide alternative options and specify requirements

Topic 3: Cemetery redevelopment

- Effectiveness of cemetery redevelopment schemes - any need for amendments
- Other approaches to deal with space constraints in WA cemeteries
- Karrakatta Cemetery Redevelopment policies
 - Options:
 - Status Quo
 - Modify/enhance redevelopment policies





Topic 4A: Burials outside of proclaimed cemeteries – Recording burials

No central register of burials and not recorded on Certificate of Title

Options:

1. Status quo
2. Policy reforms
3. Legislative requirement



Topic 4B: Burials outside of proclaimed cemeteries – Approvals process

Currently, Minister may delegate the authorising of a burial outside of a proclaimed cemetery

Options:

1. Status quo
2. Senior Officer of Department to approve
3. Local Government to approve

Topic 5: Licensing of funeral directors and monumental masons



1. Funeral directors and monumental masons are licenced in relation to a particular cemetery
2. A single permit can be issued for a particular funeral/grave

Options:

1. Status quo
2. Introduce single licensing system, centralised register, voluntary code of conduct
3. Funeral directors/monumental masons register their business details with a central authority, voluntary code of conduct



Topic 6: Cremation services in WA

- What improvements to publicly owned crematoria services in WA could be considered ?



Topic 7A: Cemetery forms

7A: CEMETERY FORMS

- Cemeteries Act does not provide prescribed forms
- Forms determined by cemetery authorities' by-laws and local laws

7B: CREMATION FORMS

- Forms for the regulation of cremations are prescribed

7C: FEES

- Cemetery authorities set their own fees
 - Options:
 - Status quo
 - Legislation to include forms and fees



What happens next?

- Analyse responses to public consultation
- Consultation Summary – intent to publish by end of 2024



Questions about the Review

Contact DLGSC Local Government Policy and Legislation Team:

ccar@dlgsc.wa.gov.au