

# **Cremation Regulation 2014**

Explanatory notes for SL 2014 No. 178

made under the

*Cremations Act 2003*

## **General Outline**

### **Short title**

*Cremations Regulation 2014*

### **Authorising law**

Sections 11, 14 and 19 of the *Cremations Act 2003*

### **Policy objectives and the reasons for them**

The primary objective of the *Cremations Act 2003* is to ensure that the body of a person whose death is suspicious or should otherwise be reported to a coroner is not cremated without discovery. Its secondary purpose is to ensure, as much as possible, that bodies which still contain cremation risks (for example cardiac pacemakers) are not cremated. Cremation risks are something that, if cremated, might expose someone to the risk of death, injury or illness.

The *Cremations Regulation 2003* (2003 Regulation) places obligations on crematoriums regarding the labelling of ashes and recordkeeping. In particular it provides specific requirements about how ashes are to be labelled including where the label should be placed and what information the label must include. It also prescribes the records of particulars that a crematorium must keep for each cremation including the deceased's name, age at death, last known place of residence and details of the cremation and ashes.

The 2003 Regulation will automatically expire on 1 September 2014 under section 54(1) of the *Statutory Instruments Act 1992* and must be remade before this date.

### **Achievement of policy objectives**

The *Cremations Regulation 2014* (the Regulation) achieves these objectives by repealing and replacing the 2003 Regulation with one minor adjustment.

The terminology within the Regulation has been changed from 'deceased' to 'deceased person' to align with the Act.

All other amendments are technical.

### **Consistency with policy objectives of authorising law**

This Regulation is consistent with the policy objectives of the Act.

### **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

### **Alternative ways of achieving policy objectives**

There are no alternative ways in which the objectives could be achieved.

### **Benefits and costs of implementation**

There are negligible costs associated with the implementation of the regulation.

### **Consistency with Fundamental Legislative Principles**

The Regulation is consistent with fundamental legislative principles.

### **Consultation**

All relevant government and industry stakeholders were invited by letter to make comment on the relevance, effectiveness and efficiency of the existing Regulation.

Industry bodies consulted included the Australasian Cemeteries and Crematoria Association, the Australian Funeral Directors Association of Australia, the Queensland Funeral Directors' Association and the National Funeral Directors Association of Australia.

Feedback received confirmed that the Regulation is relevant and necessary and no areas for change or improvement were identified.