

## Impacts of the Crown Land Management Regulation 2018 on Crown cemetery operators

*The Crown Land Management Regulation 2018 (CLM Regulation) commenced on 1 July 2018. This fact sheet covers the key changes that affect Crown cemetery operators specifically and how certain provisions apply differently to Crown cemetery operators.*

### Operating under the CLM Regulation

The *Crown Land Management Act 2016* (CLM Act) commenced on 1 July 2018 replacing various legislation relating to Crown land. The CLM Act applies to cemeteries on Crown land and Crown cemetery operators with the exception of local councils managing cemeteries on Crown land under section 48 of the *Local Government Act 1993*. The Crown Land Management Regulation 2018 also commenced as part of the new CLM Act.

There are no changes to burial rights or how consumers use and access cemeteries on Crown land as part of the new CLM Act and CLM Regulation.

### Provisions not exercisable in relation to Crown cemetery operators

Section 5(2) of the *Cemeteries and Crematoria Act 2013* (as amended) (C&C Act) states that if a provision is made both under the CLM Act and the C&C Act in relation to the exercise of functions by a Crown cemetery operator in the same or substantially the same circumstances, the function is not exercisable under the CLM Act. This extends to the CLM Regulation.

The following provisions under the CLM Regulation are not exercisable by a Crown cemetery operator because the C&C Act provides for the same or substantially the same matters.

**Table 1. Comparing provisions of the CLM Regulation and the C&C Act**

CLM Regulation provisions not exercisable by a Crown cemetery operator	C&C Act provisions for the same or substantially the same matters
Clause 18 Annual reports for non-council managers	Section 99 Annual report
Clause 19 Record keeping by non-council managers	Section 42 Records—civil obligation Clause 2 Schedule 3 Records
Clause 20 Receipts and disbursements of statutory land managers	Clause 20 Schedule 2 Receipts and disbursements
Clause 25 Committees	Section 103 Establishment and functions of committees

### More information

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