

### Terms of reference

<b>Purpose</b>	Section 144 of the <i>Cemeteries and Crematoria Act 2013</i> requires a statutory review five years from commencement to determine whether the policy objectives remain valid, and whether the terms of the Act remain appropriate for securing those objectives.
<b>Objectives</b>	<p>The objectives of the review are to:</p> <ul style="list-style-type: none"> <li>• Review the Act's policy objectives to see whether they remain valid and if the terms of the Act remain appropriate to secure those objectives</li> <li>• Make specific implementable recommendations to the Minister relating to the following: <ul style="list-style-type: none"> <li>a. a detailed strategy and plan for the cemetery sector (private, local government and Crown) to ensure it has the appropriate structures and capabilities to meet the challenges confronting the sector into the future;</li> <li>b. best practice governance models for the Crown Cemetery sector taking into account the options for ensuring its long-term financial viability;</li> <li>c. the need for any legislative and regulatory amendments to implement the strategy and plan proposed for the NSW cemetery sector; and</li> <li>d. a timeline for the implementation of the proposed recommendations.</li> </ul> </li> </ul>
<b>Background</b>	<p><b>Cemetery Reform in NSW</b></p> <p>In 2012, the NSW Government commenced reforms to the Crown Cemetery sector with the significant consolidation of Crown Trusts. This was accompanied by the development of NSW's first dedicated cemeteries legislation.</p> <p>The statutory review will build on these reforms and present options to Government that will not only ensure the sustainability of the sector, but also ensure the Act's framework remains appropriate to ensure it can meet the objectives of the Act.</p>
<b>Scope</b>	<p>The review of the <i>Cemeteries &amp; Crematoria Act 2013</i> is to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate to secure those objectives. The review will include:</p> <ol style="list-style-type: none"> <li>1. The challenges facing the Crown Cemetery sector in Sydney;</li> <li>2. The operational efficiency of the existing Crown Cemetery sector in Sydney;</li> <li>3. The existing governance and accountability arrangements for the Crown Cemetery sector, and advice on alternate governance models;</li> <li>4. The financial capacity and income streams of the Crown Cemetery sector and their ability to meet its existing and future operational and regulatory requirements;</li> <li>5. The implications, benefits and effectiveness of imposing requirements for an operator of a cemetery to ensure adequate provision is made for perpetual care of interment sites and the cemetery;</li> <li>6. The appropriateness of the existing legislative and regulatory framework to meet future requirements of the cemetery and crematoria industry, and</li> <li>7. Land use issues facing cemeteries and crematoria and options that could assist ensure new cemeteries and crematoria can be provided.</li> </ol>
<b>Timeframe</b>	The review will result in a report to Government including a detailed strategy and proposed delivery options, including regulatory and legislative options to enable Government consideration in the second half of 2020.