# Secretary’s directions to Class A cemetery trusts under section 18 of the Act with respect to buildings or structures for the viewing or temporary refrigerated storage of bodily remains

## Directions with respect to proposals to construct or provide certain facilities

1. If a cemetery trust proposes to construct or provide buildings or structures to be used at a public cemetery to enable viewing or temporary refrigerated storage of the bodily remains of deceased persons (facilities), the trust must –
2. give the department reasonable notice in writing of its intention to provide the facilities at an early stage in the planning process, and at least eight weeks before any such proposal is made public;
3. provide information to the department in writing about how the trust intends to consult with stakeholders and the community in relation to the proposed facilities; and
4. provide information to the department in writing about how the proposed facilities will enable the trust to perform its statutory functions and meet the cultural or religious needs of the communities served by the trust.

Note: While the department is not generally required to approve the construction of such facilities under the Act, the department will consider whether the proposal to construct or provide the facilities is consistent with the trust’s statutory functions, and whether any form of approval may be required under the Act.

## Directions with respect to the operation of the facilities

1. When operating the facilities a cemetery trust must ensure that –
2. reasonable systems are place to ensure that access to the facilities is available on a fair, equitable and transparent basis to all funeral providers who may seek to use the facilities;
3. bodily remains are transported to and from the facilities in coffins or other appropriate receptacles; and
4. the Secretary has approved any fees to be charged for the use of the facilities as required under the Act.
5. A cemetery trust must not require any person to use its facilities rather than external facilities provided by a funeral provider (whether as a condition of accessing any other services or products available from the trust or otherwise).

## Definitions and interpretation

1. In these directions:
2. the Act means the *Cemeteries and Crematoria Act 2003*;
3. the singular includes the plural and vice versa;
4. “funeral provider” has the same meaning as it has in the *Funerals Act 2006*; and
5. Department means the Department of Health and Human Services.

## Commencement

These directions take effect on 1 September 2016.