

Cremations Regulation 2025

Explanatory notes for SL 2025 No. 104

made under the

Cremations Act 2003

General Outline

Short Title

Cremations Regulation 2025

Authorising law

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

Policy objectives and the reasons for them

The main objective of the *Cremations Act 2003* (the Act) 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. The secondary objective is to ensure bodies still containing cremation risks are not cremated.

The Act provides that a permission to cremate is required to cremate the human remains of a deceased person and outlines the process for a person to apply for a permission to cremate. The Act also imposes penalties for contravention of labelling requirements and record keeping requirements prescribed under a regulation.

The *Cremations Regulation 2014* (2014 Regulation) is due to expire on 31 August 2025 under the *Statutory Instruments Act 1992*. A sunset review has been undertaken to consider the continuing need, effectiveness and efficiency of the 2014 Regulation. The sunset review identified the need for the 2014 Regulation to be remade to ensure ongoing regulation of labelling and recordkeeping requirements in the cremation industry.

The policy objective of the *Cremations Regulation 2025* (Regulation) is to remake the 2014 Regulation to continue to place obligations on crematoriums with respect to the labelling of ashes and record keeping.

Achievement of policy objectives

To achieve the policy objective, the Regulation remakes the 2014 Regulation in substantially the same form. The Regulation will commence on 1 September 2025 to align with the expiry of the 2014 Regulation on 31 August 2025.

The Regulation prescribes:

- requirements for labelling ashes, including where the label should be placed and what information must be included on the label (such as the cremation date and the name and address of the crematorium); and
- particulars for a record of cremation, including the deceased person's name, age at the date of death and details of the applicant's instructions in dealing with the ashes and the date and way in which the instructions were carried out.

Consistency with policy objectives of authorising law

The Regulation supports the policy objectives of the Act by placing obligations on crematoriums with respect to the information to be included on the label for the labelling of ashes and information to be recorded for the record of cremation.

The Act requires that after cremation, a person in charge of a crematorium must label the ashes in accordance with the requirements prescribed under a regulation and must keep a record of particulars prescribed under a regulation of each cremation at the crematorium.

These obligations are consistent with the primary objective of the Act of ensuring that the body of a person whose death is suspicious or should otherwise be reported to a coroner is not cremated without discovery.

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 to achieve the policy objective of the Regulation.

Benefits and costs of implementation

This Regulation will not impose any additional costs to government. The 2014 Regulation already had some administrative costs for crematoriums with regard to the labelling of ashes and record keeping. As these costs are passed on, remaking the Regulation should not impose any additional costs for crematoriums. Any costs incurred are minimal and are outweighed by the benefits to consumers and the cremation industry.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

In conducting the sunset review of the 2014 Regulation, the Department of Justice conducted targeted consultation with industry and legal stakeholders. Industry bodies consulted included the Australasian Cemeteries and Crematoria Association, Australian Funeral Director Association (Queensland Division) and National Funeral Directors Association of Australia. Overall, feedback received confirmed that the Regulation is relevant and necessary.

In accordance with the *Queensland Government Better Regulation Policy*, the Office of Best Practice Regulation was notified of the regulatory proposal and a summary Impact Analysis Statement prepared that identifies that remaking the 2014 Regulation with minor drafting changes is required to continue to place obligations on crematoriums with respect to the labelling of ashes and record keeping.