



Australian Capital Territory

City and Environment Legislation Amendment Act 2026

A2026-11

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J2025-1409

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Australian Capital Territory

City and Environment Legislation Amendment Act 2026

A2026-11

An Act to amend legislation about the city and environment, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *City and Environment Legislation Amendment Act 2026*.

2 Commencement

This Act commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Cemeteries and Crematoria Act 2020](#)
- [Electoral Act 1992](#)
- [Heavy Vehicle National Law \(ACT\) Act 2013](#)
- [Road Transport \(Offences\) Regulation 2005](#)
- [Road Transport \(Safety and Traffic Management\) Regulation 2017](#).

Part 2 Cemeteries and Crematoria Act 2020

4 Section 25

substitute

25 Licensee must make remains available for collection

- (1) If human remains are cremated at a crematorium, the licensee must, within 7 days after the cremation, notify the applicant that the cremated remains are available for collection.
- (2) The licensee must make the cremated remains available for collection by the applicant for 3 years after the day the applicant is notified (the *retention period*).
- (3) If the applicant does not collect the cremated remains within the first year of the retention period, the licensee must make the remains available for collection by a suitable person until the end of the retention period.
- (4) If the cremated remains have not been collected within the first 2 years of the retention period, the licensee must ask the applicant or a suitable person to collect the remains by—
 - (a) contacting the last known telephone number of the applicant or suitable person on at least 2 days; and
 - (b) sending a written notice to the last known postal or email address of the applicant or suitable person.
- (5) A notice under subsection (4) (b) must state—
 - (a) the day the retention period ends; and
 - (b) that the licensee may dispose of the cremated remains after that day.

- (6) In this section:

applicant, in relation to the cremation of human remains, means the person who applied to the licensee of a crematorium for the cremation under section 22.

suitable person means a person who is—

- (a) a family member of the deceased person whose human remains were cremated; and
- (b) over 16 years of age.

25A Offences—failure to notify applicant or suitable person about collection of cremated remains

- (1) A person commits an offence if—
- (a) the person is the licensee of a crematorium; and
 - (b) human remains are cremated at the crematorium; and
 - (c) the person fails to comply with section 25 (1).

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) the person is the licensee of a crematorium; and
 - (b) human remains are cremated at the crematorium; and
 - (c) the cremated remains are not collected within the first 2 years of the retention period; and
 - (d) the person fails to comply with section 25 (4).

Maximum penalty: 20 penalty units.

- (3) In this section:

retention period—see section 25 (2).

25B Offences—disposal of cremated remains

- (1) A person commits an offence if—
- (a) the person is the licensee of a crematorium; and
 - (b) human remains are cremated at the crematorium; and
 - (c) the person fails to comply with section 25 (1); and
 - (d) the person disposes of the cremated remains.
- Maximum penalty: 50 penalty units.
- (2) A person commits an offence if—
- (a) the person is the licensee of a crematorium; and
 - (b) human remains are cremated at the crematorium; and
 - (c) the cremated remains are not collected within the first 2 years of the retention period; and
 - (d) the person fails to comply with section 25 (4); and
 - (e) the person disposes of the cremated remains.
- Maximum penalty: 50 penalty units.
- (3) A person commits an offence if—
- (a) the person is the licensee of a crematorium; and
 - (b) human remains are cremated at the crematorium; and
 - (c) the person disposes of the cremated remains before the end of the retention period.
- Maximum penalty: 50 penalty units.
- (4) In this section:
- retention period*—see section 25 (2).

5 Section 27 heading

substitute

27 Offence—cremation at crematorium**6 Section 27 (2), penalty**

omit

7 Sections 59 to 61

omit

keep

substitute

comply with

8 Section 63A

substitute

63A Register—collection of cremated remains

- (1) The licensee of a crematorium must keep a register of information in relation to the collection of cremated remains from the crematorium.
- (2) The register must include the following information in relation to cremated remains available for collection from the crematorium:
 - (a) for an applicant notified under section 25 (1)—
 - (i) the date the licensee notified the applicant; and
 - (ii) the applicant's name and contact details;

- (b) for a person asked to collect the cremated remains under section 25 (4)—
 - (i) the date the licensee contacted the person; and
 - (ii) the person's name and contact details.
- (3) The register must include the following information in relation to cremated remains collected from the crematorium:
 - (a) the name and contact details of the person who collected the cremated remains;
 - (b) the relationship of the person who collected the cremated remains to the deceased person;
 - (c) whether all or some of the cremated remains of the deceased person were collected;
 - (d) the date the cremated remains were collected.
- (4) If the licensee disposes of cremated remains, the register must also include the date the licensee disposed of the cremated remains.

9 Offences—keeping registers
Section 64 (1) (b) (iii) and (3) (b)

omit

section 63A (Register—cremation collections)

substitute

section 63A (Register—collection of cremated remains)

Part 3 Electoral Act 1992

10 Timing of redistributions Section 37 (1) (a)

after

2 years

insert

and 1 month

Part 4 **Heavy Vehicle National Law (ACT) Act 2013**

11 **Offences against Heavy Vehicle National Law (ACT)— application of Criminal Code Section 6**

omit

subject to section 21 (Offences for which person charged does not have benefit of mistake of fact defence—the Law, s 14)

12 **Offences for which person charged does not have benefit of mistake of fact defence—the Law, s 14 Section 21**

omit

Part 5 Road Transport (Offences) Regulation 2005

13 Infringement notice penalties—Act, dict, def *infringement notice penalty*, par (a) Section 6 (2)

substitute

- (2) However, the penalty payable by a corporation for an infringement notice offence (other than an offence against the *Road Transport (Road Rules) Regulation 2017*, part 12 (Restrictions on stopping and parking)) is—
- (a) for a heavy vehicle infringement notice offence— $P \times 5$; or
 - (b) in any other case—worked out as follows:

$$(P \times 5) - 240$$

Part 6 **Road Transport (Safety and
Traffic Management)
Regulation 2017**

14 **Testing and maintenance requirements—Act, s 24 (2) (b)
Section 16 (2) (a) (i)**

substitute

- (i) for a speed measuring device, or the speed measuring component of the device—within an accuracy tolerance of 2% or 2km/h; and

15 **Testing and maintenance requirements for police vehicle
speedometer—Act, s 24 (2) (b)
Section 17 (2) (a)**

substitute

- (a) within an accuracy tolerance of 2% or 2km/h; and

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 March 2026.

2 Notification

Notified under the [Legislation Act](#) on 5 June 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the City and Environment Legislation Amendment Bill 2026, which was passed by the Legislative Assembly on 27 May 2026.

Clerk of the Legislative Assembly

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