
**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

CREMATION (AMENDMENT) BILL 1996

EXPLANATORY MEMORANDUM

Circulated by authority of
Mr Tony De Domenico
Minister for Urban Services

Cremation (Amendment) Bill 1996

Outline

This is an amending Bill. It amends the *Cremations Act 1966*, referred to in the amending Bill as the Principal Act

This amending Bill reinstates the provision to appoint non public servants with the qualifications of being a medical practitioner with a minimum of 5 years experience to be a medical referee for the purposes of the Act.

The Principal Act was amended consequentially by the *Statutory Offices (Miscellaneous Provisions) Act 1994*. That amendment removed the ability to appoint qualified persons outside the public service as medical referees

It also placed an onus on Government to set up and maintain an office to perform the duties of a medical referee. This requirement had the potential to incur additional costs to Government and is in discord with the objectives of the regulatory reform process of cutting red tape

The private sector has proven it is well able to carry out the requirements of the Act and to do so cost effectively. The legislative processes that are in place enable the industry to be relatively self-regulatory, needing little or no other Government intervention

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement and definition of the Principal Act

Clause 4, in amending section 4 of the *Cremations Act 1966* essentially reinstates the provision as it existed prior to the 1994 consequential amendment to allow non public servants to be ministerially appointed as medical referees if they meet the qualifications of being medical practitioners and have been practising for at least 5 years

Clause 4 also omits the subsections that placed onus on the Government to set up and maintain a Government Office to carry out the duties of a medical referee