

Cemeteries and Crematoria Code of Practice 2026 (No 1)

Disallowable instrument DI2026-8

made under the

Cemeteries and Crematoria Act 2020, section 123 (Code of practice - approval)

EXPLANATORY STATEMENT

Section 123 of the *Cemeteries and Crematoria Act 2020* (the Act) provides that the Minister may approve a code of practice in relation to facilities (cemeteries and crematoria), the burial, cremation, exhumation or transportation of human remains, the interment and disinterment of cremated remains, and the memorialisation of a deceased person.

This instrument determines standards of operational activities undertaken by cemeteries and crematoria and provides guidance to licensees of these facilities.

The code has been revised with input from cemetery and crematoria operators operating in the ACT, the ACT Human Rights Commission and with consideration of frameworks in other Australian jurisdictions to ensure national consistency.

Clause 7.9 has been inserted to clarify the requirements for crematorium operators regarding the notification and collection of cremated remains. The amendment clarifies the process of notifying the applicant that cremation has occurred and the process for collecting the ashes. It ensures licensees understand their obligations to notify applicants promptly and to manage the collection of cremated remains in accordance with the updated code.

In summary, the code:

- clarifies processes relating to the memorialisation of a deceased person and the responsibilities of maintaining memorials;
- outlines the requirements of information privacy and the provision and disclosure of information;
- provides guidance on approval of monuments and memorials;
- provides guidance on multiple burials in a grave or burial site;
- outlines the requirement of a complaints and disputes resolution process; and
- provides guidance on suitable contents of coffins for cremation and handling of cremated remains.