

Cemeteries & Crematoria NSW

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Guide: requirements for the cemetery operator's register

Version 2, September 2025



Acknowledgement of Country

Cemeteries & Crematoria NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Introduction

This guide provides information for cemetery operators about the obligations under the *Cemeteries and Crematoria Act 2013* (the C&C Act) and *Cemeteries and Crematoria Regulation 2014* (the C&C Regulation) relevant to keeping a cemetery operator's register.

'Cemetery operator' is defined under the C&C Act to include a crematorium operator, and the term is used throughout this guide to include an operator of a cemetery, a crematorium, or both.

A 'cemetery operator's register' describes the mandatory register every cemetery operator must keep under section 63 of the C&C Act. This register must record specific details in relation to the following activities conducted by the operator:

- granting of interment rights
- establishing memorials in respect of an interment right
- interments carried out
- cremations carried out
- disturbance/removal of remains.

The requirements in relation to Part 4 are not retrospective. Cemetery operators are not required to investigate activities that occurred before 25 June 2018 and retain detailed information for those activities except to the extent that the information was previously required by the Public Health Regulation 2012.

Details to be kept on the register

Details relevant to cremations

Where a cremation has occurred, the operator must, immediately after the cremation, include on the register:

- details of the deceased, including name, age and last address before death
- date of the person's death
- date of the cremation
- relevant cultural or religious practices of the deceased person

- details of the disposal of the cremated remains (e.g. given to family, interred or scattered on-site).

If cremated remains are buried at the cemetery, additional details about interment are required. See below.

Details relevant to interment rights and interments (burials or ash interments)

Where the cemetery operator grants an interment right, carries out an interment and/or establishes a memorial for an interment right, the register must include:

- the identity of each interment right holder and identify whether that holder is a joint holder of the interment right
- contact details for the holder of the interment right
- contact details for any next-of-kin or nominated secondary contact of the right holder.

Where an interment has occurred the operator must, immediately afterwards, also include on the register:

- details of the deceased, including name, age and last address before death
- date of the person's death
- date of the interment
- cultural or religious practices, if any, that apply to the deceased person
- section and allotment where the interment occurred: this does not need to use the exact terms of 'section' and 'allotment' where there is different terminology in use to describe sites in that cemetery but does need to align with the language used to describe sites in interment rights and consumer contracts, and uniquely describe the specific interment site.
- if the relevant section or allotment of the cemetery is consecrated for use by a cultural or religious group
- the name of the person (if any) who continues to hold an interment right to that allotment
- name of the funeral director who transported the body to the cemetery
- fees paid to the cemetery authority for the burial: in this context, the cemetery authority refers to the cemetery operator.

Details relevant to disturbances and/or removal of remains

For each disturbance or removal of human remains, the following details must be recorded in the register:

- the cultural or religious practices (if any) applying to the remains
- how the cultural or religious practices (if any) applying to the remains were ascertained
- if the remains were removed after the expiry of a renewable right, how the remains were dealt with (e.g. description of the site where remains were removed to or scattered, or if cremated remains were returned to another person, the name and contact details of that person).

Details relevant to memorials

When a memorial is erected, certain details must be recorded. The information can be kept either in the cemetery operator's register or in a way that can be linked to the register, such as a separate memorial database.

For cemeteries with renewable interment rights, maintaining accurate memorial register information is essential as certain actions may need to be taken in relation to that memorial when the interment right expires.

Under the C&C Act, operators who offer renewable interment rights are required to establish a heritage advisory committee. These committees rely on register information to assess the significance of memorials and ensure heritage values are respected.

From 1 September 2025, an interment right holder may, by written notice to the cemetery operator, prohibit any works by persons other than the right holder referred to in section 70D of the C&C Act. Such 'no works notices' must be recorded on the register as soon as reasonably practicable after receiving the notice.

Accuracy of the register

A cemetery operator must ensure the register is accurate and kept up to date. This can be challenging where operators receive information about the interment rights holder from other parties such as funeral directors. It is the responsibility of the cemetery operator to ensure that they obtain all the information that is required to accurately complete their register.

From 1 September 2025, under section 63(9) of the C&C Act, amendments to the register must be made by the operator as soon as reasonably practicable, to:

- correct an inaccuracy, error or omission once they become aware of it

- record changes to an interment right as the result of a transfer, revocation or determination, or the death of the interment right holder.

Other record-keeping requirements for cremation

For cremations, operators are required to keep, for at least 15 years, copies in relation to each cremation of all:

- applications made
- certificates issued
- permits
- other documents relating to any cremation carried out at the cemetery.

These records must be marked with the number allocated to the cremation in the cemetery operator's register to clearly show the relationship between the records.

After 15 years from the date of cremation, the cemetery operator can destroy the above documents (but not any part of the register that relates to that cremation).

It is the responsibility of the cemetery operator to ensure, before destroying any document, that all relevant required information is kept in the register.

Form of, and access to, the register

Cemetery operators can decide the best way to keep their register. For example, the register can be wholly or partly in the form of a computer database, or in documentary form.

Specialised software packages are available that are used in the sector by some operators.

Other operators use modified database software to capture the information.

A cemetery operator must keep a copy of the register at the cemetery. This must be available for public inspection free of charge. Operators must also provide a copy of a register entry upon application by any person and payment of an appropriate fee. Some operators have certain parts of their cemetery register online in a searchable format.

Cemetery operators should make themselves aware of relevant privacy laws that can affect what information is private and how it can be released or published.

The requirements might be different for different operators, for example:

- Crown and local government-run cemeteries have obligations under the NSW state legislation, the *Privacy and Personal Information Protection Act 1998* (NSW) - the PPIP Act.

- private operators might have obligations under the Commonwealth's *Privacy Act 1988* depending on the specific organisational definition and requirements as described in Commonwealth law.

Many cemetery operators in NSW are likely to operate under the PPIP Act.

Section 57 of the PPIP Act states that a public sector agency responsible for keeping a public register must not disclose any personal information (including health information as defined in the *Health Records and Information Privacy Act 2002 (NSW)* unless it is satisfied that it is to be used for a reason relating to the purpose of the register or the Act under which the register is kept. Accordingly, if a public sector agency is satisfied that disclosure of the personal information contained in the operator's register is related to the purpose of the register or the C&C Act, then disclosure will not offend section 57 of the PPIP Act.

The Information and Privacy Commission sets out relevant information about public registers [here](#).

The PPIP Act can apply to information about deceased individuals, but only for the first 30 years after their death. Information about someone who has been deceased for more than 30 years is generally not considered "personal information" under the PPIP Act and is therefore exempt.

Contact details of any next-of-kin or other nominated secondary contacts in a cemetery operators' register will likely be personal information.

Legislative privacy requirements may require operators to consider the reason why a third-party applicant is requesting access to the register. Operators can request an applicant to provide a statutory declaration to determine the intended use of information obtained from the register. There are also requirements about removing personal information from a public register if requested by the individual to whom the information relates. For this reason, registers held by cemetery and crematoria operators must have adequate safeguards in place to limit unrestricted access by third parties.

When a cemetery register must be surrendered

Where a cemetery operator ceases to manage or direct a cemetery, the operator must send the register to CCNSW or dispose of it in a manner directed by CCNSW.

In surrendering a register, CCNSW will require:

- all computer files relating to the register for electronic registers
- access to the location and files of registers stored in an electronic external operating environment such as a cloud platform

- all physical records for paper-based registers.

Where a register is surrendered by a cemetery operator and there is no new operator appointed to manage the cemetery site, CCNSW will store the register.

If a new operator subsequently takes over the cemetery, CCNSW will provide the register to the new cemetery operator.

Failure to comply

Failure to comply with the requirements under Part 4 of the C&C Act by an operator may lead to the following penalties being imposed:

- Section 63 (1) not keeping a cemetery register with prescribed events recorded such as granting interment rights, memorials erected, interments and cremations carried out, and such other events as may be prescribed the C&C Regulations: maximum civil penalty \$2,200.
- Section 63 (5) not making an entry in the register relating to an interment or cremation immediately after the interment or cremation is carried out: maximum civil penalty \$2,200.
- Section 63 (6) not ensuring a copy of the cemetery's register is available on request by an authorised officer under this Act or the *Public Health Act 2010*: maximum civil penalty \$2,200.
- Section 63 (7) not making a cemetery register available for public inspection free of charge: maximum civil penalty \$2,200.
- Section 63 (10) not making available to a person, on application, a copy of any entry made in the cemetery register in relation to an interment right or memorial: maximum penalty \$2,200.

Section 63 (12) not ensuring the cemetery's register is sent to CCNSW when the cemetery ceases to operate or not disposing of the register as CCNSW directs: maximum civil penalty \$2,200.

For more information

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