



New South Wales

Public Health Amendment (Terramation) Bill 2026

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Public Health Amendment (Terramation) Bill 2026

No , 2026

A Bill for

An Act to amend the *Public Health Act 2010* to provide for the terramation, also known as composting, of human remains as an alternative to burial or cremation; and for related purposes.

EXAMINED

Speaker

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Public Health Amendment (Terramation) Act 2026</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedule 1.1[1], 2.1[1]–[26] and [28]–[34] and 2.2—on a day or days to be appointed by proclamation,	6 7
(b) otherwise—on the date of assent to this Act.	8

Schedule 1 Amendment of public health legislation

1.1 Public Health Act 2010 No 127

[1] Section 5 Definitions

Insert in alphabetical order in section 5(1)—

human remains has the same meaning as in the *Cemeteries and Crematoria Act 2013*.

[2] Section 5(1)

Insert in alphabetical order—

terramation has the same meaning as in the *Cemeteries and Crematoria Act 2013*.

[3] Section 134 Regulations

Omit section 134(2)(n)–(v).

Insert instead—

- (n) when and how human remains may be cremated or terramated, including preliminary, consequential or related matters,
- (o) the following matters for the handling or disposing of human remains—
 - (i) embalming,
 - (ii) interment,
 - (iii) disposal,
 - (iv) exhumation,
 - (v) record keeping,
 - (vi) other public health matters,
- (p) the facilities involved in handling or disposing of human remains, including how the facilities manage the following matters—
 - (i) preparation rooms,
 - (ii) equipment,
 - (iii) apparatus,
 - (iv) other public health matters,
- (q) the inspection of the following in relation to the handling or disposing of human remains—
 - (i) documents,
 - (ii) equipment,
 - (iii) apparatus,
 - (iv) premises, including premises suspected of handling or disposing of human remains,
- (r) the registration of the cremation, terramation or burial of human remains,
- (s) fees for the following—
 - (i) cremation of human remains,
 - (ii) terramation of human remains,
 - (iii) the preservation or disposal of human remains after cremation or terramation,

(iv) related services,	1
[4] Section 134(2A)	2
Omit “subsection (2)(n)–(v)”.	3
Insert instead “subsection (2)(n)–(s)”.	4
1.2 Public Health Regulation 2022	5
[1] Part 8, heading	6
Omit “(v)”.	7
Insert instead “(s)”.	8
[2] Part 8, Division 4A	9
Insert after Division 4—	10
Division 4A Terramation	11
Note— Schedule 6A provides that this division does not have effect before the day that is 2 years after the date of assent to the <i>Public Health Amendment (Terramation) Act 2026</i> .	12 13
110A Body may be terramated	14
A terramation controller may, at a terramation facility, terramate a body.	15
110B No terramation against dead person’s wishes	16
A person must not terramate the body of a dead person if the person is aware that the proposed terramation would be contrary to a written direction made by the dead person before the dead person’s death.	17 18 19
Maximum penalty—10 penalty units.	20
110C Terramated remains	21
(1) After terramation of a body and in accordance with reasonable written directions left by the dead person or reasonable directions of the person who applied for the terramation of the body (the <i>applicant</i>), a terramation controller must—	22 23 24 25
(a) give the output of the terramation process to the applicant, or	26
(b) give the output of the terramation process to another person, including by agreement with an owner of land, or	27 28
(c) otherwise dispose of the output of the terramation process in a cemetery or land adjoining the terramation facility reserved for the disposal of the output of terramation.	29 30 31
(2) A terramation controller may dispose of the output of the terramation process in accordance with subsection (1)(b) or (c) despite reasonable written directions to give the terramated remains to the applicant in accordance with subsection (1)(a) if—	32 33 34 35
(a) the applicant to whom terramated remains must be given does not, within a reasonable time, take the remains, and	36 37
(b) the terramation controller has given 14 days notice to the applicant of the terramation controller’s intention to dispose of the terramated remains in accordance with subsection (1)(b) or (c).	38 39 40

110D	Bodies must be terramated separately	1
(1)	A person must not terramate more than one body at the same time in a single receptacle.	2
	Maximum penalty—10 penalty units.	3
(2)	Subsection (1) does not apply in circumstances approved by the Secretary.	4
(3)	The Secretary may provide an approval under this section generally or in a particular case.	5
[3]	Schedule 6A	6
	Insert after Schedule 6—	7
	Schedule 6A Savings, transitional and other provisions	8
	Part 1 Provision consequent on enactment of Public Health Amendment (Terramation) Act 2026	9
	1 Effect of Part 8, Division 4A	10
	Part 8, Division 4A does not have effect before the day that is 2 years after the date of assent to the <i>Public Health Amendment (Terramation) Act 2026</i> .	11
[4]	Schedule 7 Dictionary	12
	Insert in alphabetical order—	13
	<i>terramation controller</i> , for a terramation facility, means the person that directs the operations of the facility.	14
	<i>terramation facility</i> means premises used for the terramation of bodies.	15

Schedule 2 Amendment of other legislation

2.1 Cemeteries and Crematoria Act 2013 No 105

[1] Sections 3(d)–(f), 12(1)(d), 27(1) and Dictionary, definitions of “interment matter”, paragraphs (b), (c), (e), (f) and (i)–(k)

Omit “and crematoria” wherever occurring.

Insert instead “, crematoria and terramation facilities”.

[2] Section 3(h) and Dictionary, definition of “interment matter”, paragraphs (a) and (j)

Omit “and cremations” wherever occurring.

Insert instead “, cremations and terramations”.

[3] Section 4 Interpretation

Omit section 4(2)(a)(ii).

Insert instead—

- (ii) a terramation facility, and
- (iii) a part of a cemetery, crematorium or terramation facility, and

[4] Section 4(2)(b)(ii)

Omit the subparagraph.

Insert instead—

- (ii) a terramation facility operator, and
- (iii) an operator of part of a cemetery, crematorium or terramation facility.

[5] Section 12 Functions—generally

Omit “and crematorium” from section 12(1)(b).

Insert instead “, crematorium and terramation facility”.

[6] Section 12(1)(g)

Insert “terramation facilities,” after “crematoria,”.

[7] Section 27 Cemeteries and Crematoria Register

Omit “or crematorium,” from section 27(3)(a).

Insert instead “, crematorium or terramation facility,”.

[8] Section 27(3)(c)

Omit “the cemetery or the crematorium or the cemetery operator,”.

Insert instead—

one or more of the following—

- (i) the cemetery,
- (ii) the crematorium,
- (iii) the terramation facility,
- (iv) the cemetery operator,

[9] Section 27(5), note	1
Insert “and terramation facility operator” after “crematorium operator”.	2
[10] Sections 28(2)(a) and 31(4)(a)	3
Insert “or terramation” after “cremation” wherever occurring.	4
[11] Section 44 Definitions	5
Omit the definition of <i>interment</i> .	6
Insert instead—	7
<i>interment</i> , of human remains—	8
(a) means—	9
(i) the placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of human remains, or	10
(ii) the burial in the earth of human remains, either directly in the earth or in a container, and	11
(b) does not include the placement of human remains within a terramation facility for the purpose of terramation.	12
[12] Section 54 Grant and renewal of renewable interment rights	13
Insert after section 54(1)(a)—	14
(a1) for the interment of human remains of the person or persons to whom the right relates after they have been terramated (<i>terramated remains</i>)—for an initial term of 25 years commencing on the day the right is granted, and	15
[13] Sections 54(1)(b), 55(4)(a) and (b), 62 and 66(3), definition of “exhumation”	16
Insert “or terramated remains” after “cremated remains” wherever occurring.	17
[14] Section 63, heading	18
Insert “, terramations” after “cremations”.	19
[15] Section 63(1)(d1)	20
Insert after section 63(1)(d)—	21
(d1) each terramation carried out at the cemetery after the commencement of this paragraph,	22
[16] Section 63(4)(f)	23
Omit “remains.” from section 63(4)(e).	24
Insert instead—	25
remains, and	26
(f) include the name, age and last address of the person whose remains have been terramated, the date of the person’s death, the date the	27

	terramation commenced and details of the disposal of the terramated remains.	1 2
[17] Section 63(5)		3
	Omit the subsection, including the penalty.	4
	Insert instead—	5
	(5) The cemetery operator must make an entry—	6
	(a) for an entry relating to an interment or cremation—immediately after the interment or cremation is carried out, or	7 8
	(b) for an entry relating to a terramation—immediately after the terramation commences.	9 10
	Maximum civil penalty— \$2,200.	11
[18] Section 64 Keeping of register and documents		12
	Insert “or terramation” after “cremation” wherever occurring.	13
[19] Section 64(3)		14
	Insert “or terramation facility” after “crematorium” wherever occurring.	15
[20] Section 64(3)		16
	Insert “and terramations” after “cremations”.	17
[21] Section 66 Exhumations		18
	Omit section 66(1)(a), note.	19
	Insert instead—	20
	Note— See the <i>Public Health Regulation 2022</i> , Part 8, Division 3.	21
[22] Section 70 Offence relating to conduct in cemeteries		22
	Omit “(whether cremated or not)” from section 70(b).	23
[23] Section 106 Planning, conduct and maintenance		24
	Insert after section 106(1)(n)—	25
	(n1) the disposition and memorialisation of terramated human remains,	26
[24] Section 107 Fees and charges		27
	Omit “or cremations,” from section 107(3)(b).	28
	Insert instead “, cremations or terramations,”	29
[25] Dictionary		30
	Omit “cremated.” from the definition of <i>bodily remains</i> .	31
	Insert instead “cremated or terramated.”	32
[26] Dictionary, definition of “cemetery”, paragraph (b)		33
	Insert “or terramated” after “cremated”.	34
[27] Dictionary		35
	Insert in alphabetical order—	36
	<i>cremated remains</i> —see section 54(1)(a).	37

	<i>terramation</i> , of bodily remains—	1
	(a) means a process to provide for the controlled aerobic biological conversion of bodily remains into humus or humus-like products, and	2
		3
	(b) includes the removal of bones or another part of the bodily remains to be separately crushed, ground or otherwise reduced by kinetic or mechanical means with the resulting debris being mixed into the humus or humus-like products.	4
		5
		6
		7
[28]	Dictionary, definition of “Crown cemetery”	8
	Omit “a public cemetery or crematorium (or both)”.	9
	Insert instead “a public cemetery, crematorium or terramation facility”.	10
[29]	Dictionary, definition of “funeral director”	11
	Omit “or cremation” from paragraph (a).	12
	Insert instead “, cremation or terramation”.	13
[30]	Dictionary, definition of “human remains”, paragraph (b)	14
	Omit “cremated.”.	15
	Insert instead—	16
	cremated, and	17
	(c) bodily remains in the process of being terramated or after they have been terramated.	18
		19
[31]	Dictionary, definition of “interment service”	20
	Insert after paragraph (a)—	21
	(a1) terramation, and	22
[32]	Dictionary, definition of “maintenance”	23
	Insert “terramation facility,” after “crematorium,” wherever occurring.	24
[33]	Dictionary, definition of “operator”	25
	Omit “cemetery or crematorium” wherever occurring.	26
	Insert instead “cemetery, crematorium or terramation facility”.	27
[34]	Dictionary	28
	Insert in alphabetical order—	29
	<i>terrimated remains</i> —see section 54(1)(a1).	30
	<i>terramation facility</i> means a building in which deceased persons are terramated, whether or not it contains an associated building for conducting memorial services.	31
		32
		33
2.2	Coroners Act 2009 No 41	34
[1]	Section 91A	35
	Insert after section 91—	36

91A	Warrant for terramated body	1
(1)	A coroner may issue a warrant (a <i>terramation warrant</i>) to a police officer for the production of the remains of a deceased person that are being terramated if the coroner considers it desirable for directing—	2
		3
		4
(a)	a post mortem examination, or a further or more complete post mortem examination, of the remains or part of the remains, or	5
		6
(b)	a special examination or test, or a further or more complete special examination or test, of the remains or part of the remains.	7
		8
(2)	A terramation warrant may be issued if—	9
(a)	an inquest concerning the death of the deceased person has not been held, or	10
		11
(b)	an inquest concerning the death of the deceased person has been suspended because of a person being charged with, or there being evidence that may lead to a person being charged with, an indictable offence, or	12
		13
		14
		15
(c)	an inquest concerning the death of the deceased person was terminated following a finding that the person had not died, or	16
		17
(d)	an inquest concerning the death of the deceased person was otherwise not completed, or	18
		19
(e)	the Supreme Court has quashed an inquest concerning the death of the deceased person and ordered a fresh inquest be held.	20
		21
(3)	Despite subsection (2), the coroner must not issue a terramation warrant if a previous inquest concerning the death of the deceased person has been suspended or terminated as referred to in subsection (2)(b) or (c) unless the inquest may be resumed or a fresh inquest may or must be held under this Act.	22
		23
		24
		25
(4)	A police officer to whom a terramation warrant has been issued must—	26
(a)	arrange for the warrant to be executed, and	27
(b)	report the execution of the warrant to the coroner.	28
(5)	In this section—	29
	<i>terramation</i> has the same meaning as in the <i>Cemeteries and Crematoria Act 2013</i> .	30
		31
[2]	Section 100 Unauthorised disposal of human remains	32
	Omit “bury or cremate” from section 100(1).	33
	Insert instead “bury, cremate or compost”.	34
[3]	Section 100(1)	35
	Insert “, composted” after “cremated”.	36
[4]	Section 100(2)	37
	Insert “or composted” after “cremated”.	38