

Josie Higgins

From: Harry Galea
Sent: Thursday, 4 October 2018 11:56 AM
To: katrena.stephenson@lgat.tas.gov.au; Josie Higgins
Cc: Dion Lester; Councillors
Subject: George Town Council reply - Burials and Cremations Act
Attachments: Burials and Cremations Act

Hello Katrena

The elected members have discussed the Burials and Cremations Act (and attached supporting consultation supporting documents) and determined a collective view on the merits of the Act. You raise others points below which were not obvious in our first examination but which I shall also address below.

For the purposes of the LGAT submission I shall be succinct and to the point. These are:

- The main provisions of the changes - i.e. reasonable access for visitors, 5 yearly compliance audits, record keeping and maintenance – are not unreasonable obligations on cemetery managers
- The length of time before a cemetery can close is proposed to extend from 30 to 100 years which is considered to meet community expectations
- The trend is for less and less practitioners attending church. The result is that in time church (with or without cemeteries) will be disused. A disused church that has attached a cemetery may find it difficult to separate the cemetery from the building footprint. Hence the church building will remain permanently unoccupied. It is likely that the building fabric will quickly fall into ruin (wear and tear or vandalism) unless it is used sustainably. Tasmania as a consequence could prematurely lose part of its history. The amendment does nothing to preserve the building fabric where the cemeteries and buildings are linked.
- The elected members made an observation that grave sites (cemetery locations) are chosen as a holistic decision – either attached to a family church or given the sense of place, or ambience of the locality – and hence support the maintenance of a link between the building and cemetery.

In terms of the other matters raised in your email below, I provide the following comment to include in the submission:

- The Council undertake maintenance of the 'grounds' and public structures at each of the 3 municipal cemeteries within the Council area. Any maintenance of the grave sites has always been undertaken by friends and family of the deceased.
- The current fee structure for burial is a once-off fee as a fee for service to dig the grave and reinstate. All maintenance (within the current level of service) is absorbed as part of the Council annual parks expenditure.
- If it is legislated that cemetery managers are responsible for all maintenance then I would recommend either a significant annual service fee or more practically (given the difficulty to hold someone responsible for an ongoing charge) an upfront fee that is calculated on the life-cycle cost to maintain the grave site over the term of the cemetery (say 100 years). This is a situation that is going to be unworkable. Without dwelling too much on this point another practical issue is how does a cemetery manager limit extravagant or excessive or less durable grave/headstones to endeavour to manage the maintenance bill if graves are included within the maintenance responsibilities?

Should you have any questions then please do not hesitate to contact me.

Kind regards

Harry Galea
Acting General Manager



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From: Katrena Stephenson [<mailto:Katrena.Stephenson@lgat.tas.gov.au>]
Sent: Wednesday, 3 October 2018 10:32 AM
Subject: Burials and Cremations Act

Dear All,

Further to my email last week (Attached) I have received a call from Bishop Condie expressing concern at potential unintended consequences of the draft legislation and seeking that Local Government, particularly cemetery managers, consider and provide feedback on these as part of our submission process.

My preliminary view is that the concerns are reasonable and potentially apply to councils. Namely: that the draft legislation shifts responsibility from families to cemetery managers for site and monument maintenance which when combined with audit costs and the longer timeframe for responsibility would likely mean cemetery managers would have to charge considerably more for burials than is currently the case in Tasmania or risk running at a significant loss.

Bishop Condie noted that the Anglican Church currently charges between \$500-1000 for a burial but that in NSW, with a 25 year (vs our proposed 100 year arrangement) it is more in the order of \$3,500 for the plot and \$275/year for maintenance (generally required up front). It would be appreciated if, as part of your feedback to LGAT on the draft legislation, that you provide advice on the cost implications (for council's who are cemetery managers).

I would also seek your feedback on a proposal that the Anglican Church may put forward in their response - that the timeframe before seeking approval from the Regulator for closure remain 30 years but that the Regulator can determine whether the closure be allowed or a further 30 year timeframe be placed on the cemetery (e.g. for heritage or other reasons).

As a reminder, I need feedback by 10am Wednesday 10th October.

Kind regards
Katrena

Dr Katrena Stephenson | Chief Executive Officer
Local Government Association of Tasmania