



ACT
Government

2018

Government Response

Standing Committee on
Environment and Transport and City Services
Report No. 4 of 2017: *Management of ACT Cemeteries*

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Introduction

The ACT Government welcomes the report of the Standing Committee on Environment and Transport and City Services on its inquiry into the management of ACT cemeteries tabled in the Legislative Assembly on 30 November 2017.

The Report addressed the management of cemeteries in the ACT with particular reference to:

1. Current burial and cremation practices in the ACT, including:
 - a. current and anticipated community and regional demand for burial, cremation and any other interment or memorial practices in the ACT;
 - b. current and anticipated capacity of existing ACT cemeteries,;
 - c. land management/land use and maintenance relating to ACT cemeteries including the identification of potential future sites; and
 - d. tenure.
2. The funding model for ACT cemeteries, including:
 - a. initial and ongoing expenditure for burial, cremation, interment and memorial practices;
 - b. current funding sources for burial, cremation, interment and memorial practices;
 - c. cost-effectiveness and future viability of the current funding model;
 - d. comparative analysis with funding models used in other jurisdictions; and
 - e. the role of the private sector.
3. The governance model for ACT cemeteries, including:
 - a. Legislative requirements and current governance structures;
 - b. The cost-effectiveness of existing structures; and
 - c. Comparative analysis with governance models in other jurisdictions.

The Committee made 12 recommendations in its Report.

It is pleasing that the report concludes that burial and interment preferences in the ACT are quite diversified, reflecting our diverse community, and that the Government should continue to monitor preference, management and operations of ACT cemeteries.

The Government is committed to providing for Canberra's burial, cremation and interment needs in to the future and to a review of the current legislation governing cemeteries and cremations. This will be undertaken with extensive community consultation so that the community can have their say.

Responses to the Standing Committee's Recommendations

RECOMMENDATION 1

The Committee recommends the Government, in view of the diversification in burial and interment preferences in the ACT, ensure that the development and construction of a second crematorium in Canberra be considered a high priority.

Agreed

The ACT Government is considering options for a second crematorium in Canberra.

RECOMMENDATION 2

The Committee recommends the Government continue to monitor community preferences across a range of burial, cremation and interment practices and where possible make provision for emerging or alternative practices.

Agreed

The ACT Government will continue to monitor community preferences across a range of burial, cremation and interment practices and consider how to appropriately act on changing trends.

RECOMMENDATION 3

The Committee recommends the management and operation of ACT cemeteries continue to be performed by the ACT Cemeteries Authority.

Noted

Options are currently being considered by the ACT Government for the future management and operation of ACT cemeteries, in conjunction with the ACT Cemeteries Authority.

The ACT Government will undertake a review the *Cemeteries and Crematoria ACT 2003*, which will include a public consultation process.

RECOMMENDATION 4

The Committee recommends the management and operation of any future cemeteries or crematorium or any other interment facility be performed by the ACT Cemeteries Authority.

Noted

Options are currently being considered by the ACT Government for the future management and operation of ACT cemeteries and crematoria, in conjunction with the ACT Cemeteries Authority.

The ACT Government will undertake a review the *Cemeteries and Crematoria ACT 2003*, which will include a public consultation process.

RECOMMENDATION 5

The Committee recommends the Government reconsiders the planned extension of the Woden Cemetery in light of changes in planning for the Woden Town Centre and the views held by the local community.

Agreed

As noted in the Report, it is acknowledged and accepted there are strong community views and planning obstacles which have resulted in the planned extension of the Woden Cemetery being reconsidered. The Government has agreed not to proceed with the expansion of the Woden Cemetery.

RECOMMENDATION 6

The Committee recommends that the Government agree to proceed with the current plans for the Southern Memorial Park and work with the ACT Cemeteries Authority to establish the facility as a matter of urgent priority.

Noted

The Government has agreed to continue to explore the Southern Memorial Park proposal.

RECOMMENDATION 7

The Committee recommends that a review of the *Cemeteries and Crematoria Act 2003* be undertaken to ascertain the feasibility and financial basis for adopting a renewable tenure scheme to replace the prevailing tenure provisions applying to ACT cemeteries.

Agreed

The ACT Government will undertake a review of the *Cemeteries and Crematoria Act 2003* and a public engagement and consultation process to ensure the continued maintenance and sustainability of Canberra's cemeteries in to the future.

This will include an assessment of the feasibility and financial basis for adopting a renewable tenure scheme to replace the prevailing tenure provisions applying to ACT cemeteries

RECOMMENDATION 8

The Committee recommends that any review conducted in accordance with Recommendation 7 should seek to clarify the current definition of perpetuity, and examine the introduction of a renewable tenure regime with some form of increments and renewals allowed.

Agreed

Under the *Cemeteries and Crematoria Act 2003* perpetuity is defined as 'forever', subject to a reserved allotment being used within 60 years of the date of purchase.

Across Australia there has been a move to renewable tenure regimes for cemeteries.

The ACT Government will undertake a review of the *Cemeteries and Crematoria Act 2003* and a public engagement and consultation process to ensure the continued maintenance and sustainability of Canberra's cemeteries into the future.

This will include consideration of a renewable tenure regime.

RECOMMENDATION 9

The Committee recommends that any review conducted in accordance with Recommendation 7 should also include “for perpetuity” as a tenure option.

Agreed

The ACT Government will undertake a review of the *Cemeteries and Crematoria Act 2003* and a public engagement and consultation process. This will include ‘for perpetuity’ as a tenure option.

RECOMMENDATION 10

The Committee recommends that any changes to tenure practices arising from the review conducted in accordance with Recommendation 7 are applied only to future burial sales and are not applied retrospectively to existing plot sites.

Noted

The ACT Government will undertake a review of the *Cemeteries and Crematoria Act 2003* and a public engagement and consultation process. Subject to the outcomes of consultation, it is proposed that any new tenure practices will only apply to future burial sales and are not applied retrospectively.

RECOMMENDATION 11

The Committee recommends that an actuarial analysis of tenure options be undertaken as part of the review recommended in recommendation 7 to assess how best a renewable tenure scheme regime be structured to enable the ACT Cemeteries Authority to meet its financial liabilities over the long-term.

Agreed

The ACT Government will undertake a review of the *Cemeteries and Crematoria Act 2003* and a public engagement and consultation process. It is proposed that an actuarial analysis of tenure options will be undertaken as part of the review.

RECOMMENDATION 12

The Committee recommends that where a recommendation made in this Report is adopted, that all aspects of the *Cemeteries and Crematoria Act 2003* relating to that matter be given specific review in light of the *Cemeteries and Crematoria Act 2003* enabling the Authority to implement the relevant reform.

Noted

The ACT Government will undertake a full review of the *Cemeteries and Crematoria Act 2003* and a public engagement and consultation process.