

ACT GOVERNMENT

Review of the Cemeteries and Crematoria Act 2003

Information Session
25 October 2018

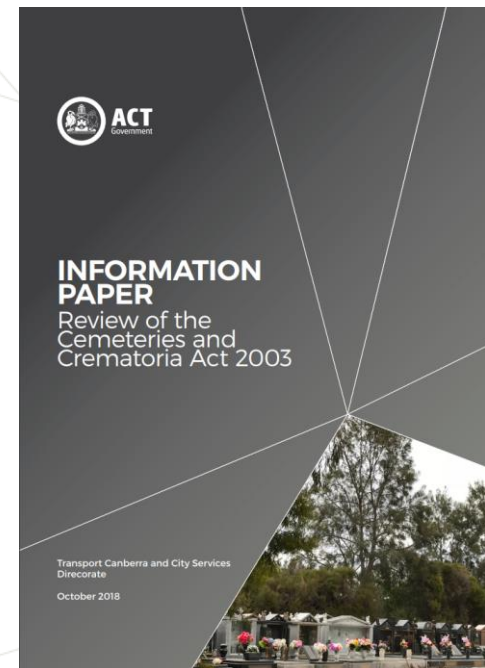


Thank you for coming

- This is an information only session
- There is a community engagement process open until **10 December 2018**
- There are a variety of ways for people to have their say
- This consultation process is supported by an information paper

[YourSay.act.gov.au](https://www.yoursay.act.gov.au)

The ACT government is reviewing the Cemeteries and Crematoria Act to make sure we have a contemporary, sustainable and flexible model that meets the diverse needs of Canberrans now and into the future



Background

- The ACT currently has three cemeteries, though from the end of 2018 only one will be available to most people in the ACT.
- We know that the services available in the ACT do not necessarily meet the needs and wants of the diverse population of Canberra – to provide these services we must first understand what the community needs and wants.
- The ACT currently only has one crematorium servicing our population of over 406,000. By comparison in NSW, there is one crematorium per 155,000 people.



The Legislative Assembly Inquiry

In 2017 the Legislative Assembly (standing committee on Environment and Transport and City Services) held an inquiry into the management of cemeteries in the ACT, which culminated in 12 recommendations. The ones most relevant to this review are listed below. A full list is attached at the end of this presentation.

Recommendation	Government response
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.
7. The Committee recommends that a review of the <i>Cemeteries and Crematoria Act 2003</i> 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 <i>Cemeteries and Crematoria Act 2003</i> and a public engagement and consultation process to ensure the continued maintenance and sustainability of Canberra's cemeteries into 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.
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 <i>Cemeteries and Crematoria Act 2003</i> 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 <i>Cemeteries and Crematoria Act 2003</i> 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.
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 <i>Cemeteries and Crematoria Act 2003</i> and a public engagement and consultation process. This will include 'for perpetuity' as a tenure option.
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 <i>Cemeteries and Crematoria Act 2003</i> 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.

What's in and what's out?

The review is looking at:

- Whether we currently have services that meet the needs of **all** Canberrans
- What sort of alternative services are Canberrans interested in?
- How the community thinks cemeteries and crematoria should be operated and maintained
- Whether a renewable tenure scheme is appropriate for the ACT

The review is **NOT** looking at:

- Changing the tenure of existing burial sites – they will remain as they are
- Removing in perpetuity (forever) as an option for Canberrans.

The ACT Government has not made any decisions about the outcomes of the review, including renewable tenure. At this stage, we don't have “the answer”. We want to fully understand what the community needs and thinks before we review the current Act or design a new model.

What services do we currently have?

Gungahlin Cemetery

- Operated by the ACT Public Cemeteries Authority
- 25 to 40 years capacity left (dependant on whether it is the only cemetery in the ACT)



Hall Cemetery

- A small, rural cemetery primarily reserved for the residents of the Hall region
- Cannot be extended due to protected plant species



What services do we currently have? (cont.)

Norwood Park Crematorium

- Privately operated
- Located in Mitchell



Woden Cemetery

- Operated by the ACT Public Cemeteries Authority
- Will be fully subscribed for most faiths by the end of 2018



What services should we have now and in the future?



Examples of new technologies include alkaline hydrolysis (also known as water cremation), burial pods including Capsula Mundi and natural burials

Many cultures and religions have specific needs for burials and cremations.

It is very important to the ACT Government that we meet these needs.

First we need to understand what they are. If you have specific needs that are not being met, please engage with us.

There are many new emerging technologies relating to burials and cremations.

What should we have in the ACT?
What technologies is the community interested in?

What is renewable tenure?

Renewable tenure is the process of purchasing interment rights for a specified period of time, rather than forever.

Renewable tenure has been made available in NSW and WA. SA has in fact always had renewable tenure and only introduced an in perpetuity option in 2013.

The ACT Government has committed (through its response to the Assembly Inquiry) to investigating the appropriateness of renewable tenure in the ACT.

The ACT Government has also committed to:

- renewable tenure **not** applying retrospectively to burial sites; and
- maintaining the option to purchase interment rights in perpetuity (forever).



Renewable tenure in the ACT?

The Government committed to exploring options for renewable tenure in the response to the 2017 Assembly Inquiry. No decisions have been made about whether this should occur in the ACT – we want to hear from the community about whether it has a place in our future.

We want to hear from you on:

Whether the ACT should have a renewable tenure scheme.

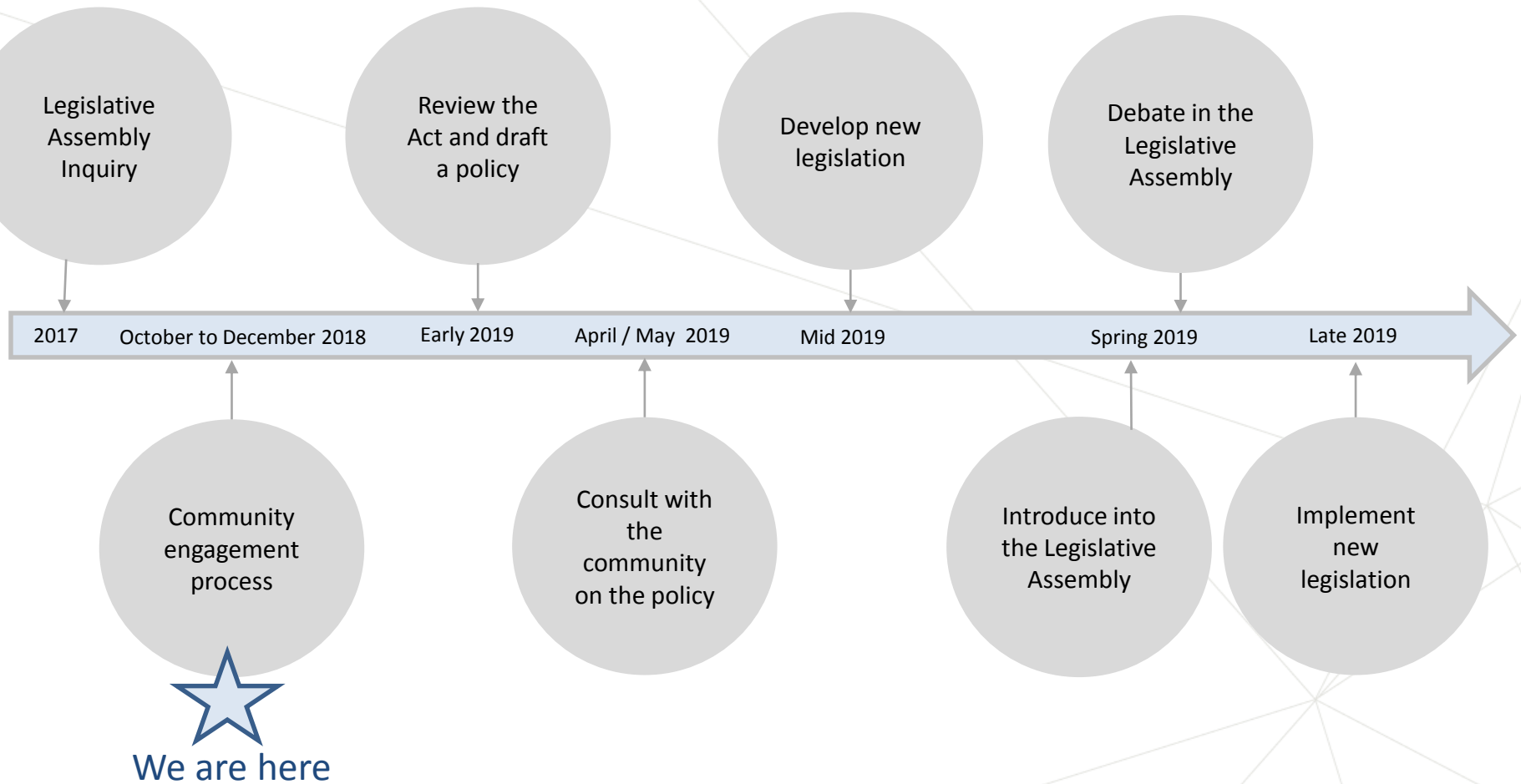
If we do have a renewable tenure scheme, what should it look like?

This could include:

- Tenure periods
- Extension options
- How the family should be contacted at the end of the tenure period
- What should happen if the site is to be reused (including to the remains, headstones/plaque, a wait period, historical documenting)

The review process

This timeline is indicative and could change. Stay up to date by requesting to be added to our mailing list or at YourSay.act.gov.au



How to have your say

- Fill out the survey
- Register to attend a focus group
- Register for a one-on-one session
- Attend a stall
- Write to us (communityengagement@act.gov.au)

YourSay.act.gov.au

Thank you for attending



Attachment – Legislative Assembly Review

Recommendation	Government response
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.
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.
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 <i>Cemeteries and Crematoria ACT 2003</i> , which will include a public consultation process.
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 <i>Cemeteries and Crematoria ACT 2003</i> , which will include a public consultation process.

Attachment – Legislative Assembly Review (cont.)

Recommendation	Government response
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.
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.
7. The Committee recommends that a review of the <i>Cemeteries and Crematoria Act 2003</i> 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 <i>Cemeteries and Crematoria Act 2003</i> and a public engagement and consultation process to ensure the continued maintenance and sustainability of Canberra's cemeteries into 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.

Attachment – Legislative Assembly Review (cont.)

Recommendation	Government response
<p>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.</p>	<p>Agreed.</p> <p>Under the <i>Cemeteries and Crematoria Act 2003</i> perpetuity is defined as ‘forever’, subject to a reserved allotment being used within 60 years of the date of purchase.</p> <p>Across Australia there has been a move to renewable tenure regimes for cemeteries.</p> <p>The ACT Government will undertake a review of the <i>Cemeteries and Crematoria Act 2003</i> and a public engagement and consultation process to ensure the continued maintenance and sustainability of Canberra’s cemeteries into the future.</p> <p>This will include consideration of a renewable tenure regime.</p>
<p>9. The Committee recommends that any review conducted in accordance with Recommendation 7 should also include “for perpetuity” as a tenure option.</p>	<p>Agreed.</p> <p>The ACT Government will undertake a review of the <i>Cemeteries and Crematoria Act 2003</i> and a public engagement and consultation process. This will include ‘for perpetuity’ as a tenure option.</p>
<p>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.</p>	<p>Noted.</p> <p>The ACT Government will undertake a review of the <i>Cemeteries and Crematoria Act 2003</i> 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.</p>

Attachment – Legislative Assembly Review (cont.)

Recommendation	Government response
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 <i>Cemeteries and Crematoria Act 2003</i> 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.
12. The Committee recommends that where a recommendation made in this Report is adopted, that all aspects of the <i>Cemeteries and Crematoria Act 2003</i> relating to that matter be given specific review in light of the <i>Cemeteries and Crematoria Act 2003</i> enabling the Authority to implement the relevant reform.	Noted. The ACT Government will undertake a full review of the <i>Cemeteries and Crematoria Act 2003</i> and a public engagement and consultation process.