

14 October 2018

Local Government Division
Department of Premier and Cabinet
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Burial and Cremations Review Submission

To whom it may concern,

Please find my brief submission to the Burials and Cremations Review of the *Burials and Cremations and Amendment Bill 2018*

Yours sincerely,

Jen Butler MP

Member for Lyons

Submission to the review of the *Burials, Cremations, and Amendment Bill 2018*

I would like to start by providing my gratitude to the Director of Local Government, the Local Government Division and The Attorney General, The Honourable Elise Archer MP for meeting the deadline promised to review the Burials and Cremations Act 2002 prior to December 1, 2018.

The inadequacies of the current Burials and Cremations Act 2002 have been exposed by the Anglican Diocese announcement to sell vast quantities of Church properties including burial sites and graveyards.

As a Local elected Member for Lyons, I regard it as prudent to provide a submission, which represents the issues and concerns raised by a number of communities' across the electorate.

The people of Lyons largely view the sale of graveyards and burial sites in which their families are buried as unsatisfactory.

Lyons is a largely rural electorate and churches and burials grounds are vital to the community fabric and the pattern of life. The tradition of burying families together, over five generations is compromised across the electorate. Interment rights of 100 years from the last interment will provide certainty and security for families.

I welcome converting the rights of interment to a legal perpetual right. Legal perpetuity is accepted as being 100 years and I therefore welcome the proposal of 100 years as substitute from the last interment from 30 years.

Presumptive interment rights of 100 years will bring Tasmania into line with other states whom nearly all provide perpetuity rights to interment. Tasmania is in a unique position as we have the space to provide perpetuity rights for internments.

I welcome the requirements of new cemetery managers to be a body corporate with perpetual succession rather than a single private individual.

I also welcome the five-year audit of cemetery managers by the Regulator.

The requirement for burials sites and graveyards to be protected by public liability insurance, purchased by a cemetery manager or owner of a site is a matter of contention.

It is my understanding that a "buyer beware"- (caveat emptor) should be considered in contract documents to a potential purchaser. Cemetery managers or owners in Tasmania are currently unable to purchase public liability insurance to protect them from potential mitigation. The current legislation and the amended legislation does not reflect this.

The requirement that they (as cemetery manager) must provide public access is compromised, as they cannot acquire public liability insurance. The purchaser cannot be ignorant of the nature of the risk associated with the property they own or manage.

This issue must be addressed as the requirement on cemetery managers to allow public access at any reasonable time to the public is imperative.