

Ref: DJ/ge

10 October 2018



**NORTHERN  
MIDLANDS  
COUNCIL**

Mr Alex Tay  
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Dear Alex

I refer to your letter dated 27 September 2018 seeking feedback on the draft Burial and Cremation Amendment Bill 2018.

Firstly, Council is appreciative of the opportunity to comment on the priority amendments that have been prepared to address community concern relating to the management of cemeteries.

Council supports the amendments that focus on the sale and/or transfer of cemeteries, and their closure, along with the strengthened compliance measures within the *Burial and Cremation Act 2002*.

We particularly support:

- Increasing the length of time from the last burial before a cemetery can be closed from 30 years to 100 years, along with the requirement to obtain the Regulator's approval to close a cemetery.
- Requiring new cemetery managers to be a body corporate with perpetual succession; ceasing the practice of private individuals seeking to acquire church property (with a cemetery attached).
- Clear obligations on sellers: cemetery managers who wish to sell their cemetery to comply with the requirements as described in the Act, including public notification of intention to sell and the requirement to obtain a certificate of compliance from the Regulator.
- Approval required from the Regulator prior to a body corporate with perpetual succession purchasing a cemetery.
- The financial deterrent that will apply to people who sell or purchase a cemetery without meeting the new requirements of the Act.
- The amendments to strengthen the obligation on a cemetery manager to maintain the cemetery and the fine that will apply for failing to meet the new requirements.
- The requirement for the cemetery manager to undertake an audit at least every five years to ensure that they are meeting the requirements under the Act, and in particular for a copy of the audit to be provided to the Regulator.

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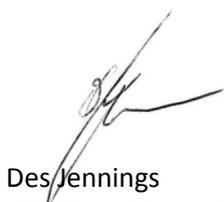
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Further in accordance with the advice provided by Mayor David Downie, reaffirm the concerns that exist with regard to:

- Additional compliance will lead to increased administrative costs: we ask how will this be managed, will increases be allowed to escalate above CPI. Should pricing be regulated?
- Public access to cemeteries: we ask whether day and times should be specified?
- Should attention be given to the possibility of a cemetery manager seeking to close a cemetery ahead of time, with numerous plots still available?

In closing, Council is fully supportive of amendments to the Act to ensure the approach to the closure of cemeteries is more in line with community expectations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Des Jennings', with a long horizontal stroke extending to the right.

Des Jennings  
**GENERAL MANAGER**