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From: Michael Jacques <[Redacted]>
Sent: Thursday, 18 October 2018 4:14 PM
To: Local Government Division (DPaC)
Cc: Ralf Goetschenberg
Subject: Review of Tasmanian Cemeteries Legislation

Dear Sir/Madam,

We may be responding too late, but here are our comments in relation to the proposed Review of Tasmanian Cemeteries Legislation.

We understand the rationale for the changes but there may also be consequences for established municipal facilities on our reading of the proposal

2.4.1 new maintenance responsibilities.

Obligation to make monuments safe - we note the helpful inclusion of the words "if it is not practicable" but are generally concerned about any changes that may result in further costs. Ultimately, any additional costs may end up being passed on to new customers.

2.4.3 Requirement to honour exclusive rights of burial and commercial arbitration at the cemetery's cost.

Commercial arbitration is very expensive, just as expensive as court or more, also very slow, and the absence of a cost penalty allows a disagreeable/vexatious party to force arbitration costs on to a cemetery. It could be a matter dealt with like an administrative decision in say the Magistrates Court or by Ministerial Direction. Section 13(4) should be deleted.

2.5.2 a power to issue directives

Our preference is to make a distinction between private (e.g. ex-church cemeteries which seem to be the target of the reforms and which may be neglected) and active public cemeteries which should be managed by the person covering the costs of any decisions.

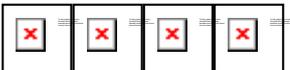
2.5.4 Audits routinely - s.49A, s.49A(3) seems to be adequate, further audits should only be required if the Regulator needs to respond to an issue, this is a costly process for a large cemetery.

2.6 closure restricted for 100 years s.29 - this should provide for more flexibility and perhaps say "unless otherwise as directed by the Regulator". E.g. if a small part of a disused cemetery is required for essential public works, how does that interact with other powers for public works like the Land Acquisition Act, and minor powers to correct boundaries, in the Land Titles Act, etc.

Thank you for your consideration of this matter

Regards

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