

Cemeteries and Crematoria Act 2003 bulletin no.3 December 2004

The *Cemeteries and Crematoria Act 2003* bulletin is provided to update you on the implementation of the new *Cemeteries and Crematoria Act*. The *Cemeteries and Crematoria Act* will take effect on 1 July 2005.

The department thanks participants for their contribution to the consultations, and is currently reviewing all draft regulations and model rules, in light of feedback received.

This bulletin provides you with:

- an update on the development of new cemeteries regulations and model rules
- information about the Regulatory Impact Statement process
- information on new arrangements for cemetery trust fee descriptors and financial planning.

The development of regulations and model rules

During September and October 2004, the department consulted through forums and meetings with cemetery trusts, funeral directors, peak bodies and other stakeholders that will be affected by the new regulations and model rules. The discussions were extremely constructive, and will inform the development of effective and workable regulations for the cemeteries sector.

Feedback on the draft regulations and model rules

In summary, the following draft regulations generated particular discussion:

- cemetery trust forms: a preference was expressed for minimising paperwork, making the forms similar to existing forms, and combining the application form for a right of interment with the application form for interment authorisation
- a requirement that memorials must comply with Australian Standards
- power to control a person's access to a public cemetery in some circumstances
- commercial activities, including conditions under which third parties may promote their goods and services within a public cemetery
- requirements for enclosing corpses being conveyed into and within a public cemetery.

A public consultation process on a revised version of the draft regulations and model rules and the Regulatory Impact Statement will occur during February and March 2005.

What is a Regulatory Impact Statement?

Where regulations are to be made a Regulatory Impact Statement must be prepared by the Government, providing information such as:

- the objectives of the regulations
- whether these objectives could be achieved other than by making regulations
- an explanation of the practical effect of the regulations
- an assessment of the costs and benefits of the regulations
- an assessment of the costs and benefits of any alternatives to making regulations, that would still achieve the same objectives.

This information is also available on line at:
www.health.vic.gov.au/cemeteries

For further information contact the Cemeteries Act Implementation Team on (03) 9637 4824 or 1800 034 280

How will the Regulatory Impact Statement be made available?

When the Regulatory Impact Statement is available, a notice inviting public comment will be published in the *Herald Sun* and the *Government Gazette*.

A copy of the Regulatory Impact Statement and a revised version of the regulations and model rules will be sent to each cemetery trust, other stakeholders who were invited to participate in the department's consultations on the regulations, and published on the department's website.

Stakeholders will have twenty-eight days to provide written comment on the Regulatory Impact Statement.

What will happen after the Regulatory Impact Statement process concludes?

After the twenty-eight day period, the department will consider and respond to feedback on the Regulatory Impact Statement. The regulations will then be finalised, considered and approved by the Minister for Health, the Executive Council and Governor-in-Council, in order to commence with the new Act on 1 July 2005.

New arrangements for cemetery trusts: fee descriptors and financial planning

In consultation with cemetery trusts, the department is currently developing a standard set of fee descriptors and definitions for services provided by trusts. This standard set of descriptors will be used to inform the setting and review of cemetery trust fees under the new Act.

The department will also be providing financial planning assistance to trusts to help them estimate any adjustments they might need to make to their fees or investment strategies in order to meet cemeteries' ongoing operating and perpetual maintenance costs.

Further information on training, assistance and resources will be provided during the coming months.

*The Cemeteries Act Implementation Team would like to wish you a **merry Christmas** and a **safe and happy new year**.*