

# Cemeteries and Crematoria Act 2003 bulletin no.4 February 2005

**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.**

This bulletin provides you with:

- information about how the department will inform you about the new laws
- an update on the development of regulations and model rules including the Regulatory Impact Statement process
- information about changed arrangements for cemetery trust fees.

## How will the department inform you about the new laws?

Prior to the introduction of the new laws in July 2005, the department will provide you with a detailed information kit covering:

- the new laws
- new regulations and model rules
- new arrangements for cemetery trust fee setting.

In addition in April and May 2005, the department's Cemeteries Act Implementation Team will conduct training sessions for cemetery trusts and funeral directors on the new Act, regulations and model rules.

The attached flyer provides trusts and funeral directors with further information on the times, dates and locations of the training sessions.


## Regulations, model rules and the Regulatory Impact Statement

In September and October 2004, the department consulted cemetery trusts, funeral directors, peak bodies and other stakeholders on the development of regulations and model rules to support the new Act. A Regulatory Impact Statement has now been prepared on the proposed regulations. The Regulatory Impact Statement and the proposed regulations are now available for you to comment on.

**If you wish to provide written comment on the Regulatory Impact Statement and the proposed regulations, you have until 14 March 2005.**

For extra copies of the Regulatory Impact Statement and the accompanying guide to making submissions, please telephone the Cemeteries Act Implementation Team on (03) 9637 4824 or 1800 034 280 or download them from the department's website at [www.health.vic.gov.au/cemeteries](http://www.health.vic.gov.au/cemeteries)

Comments should be forwarded to Ms Jennifer Hughes, Manager, Cemeteries Act Implementation Team by one of the following methods:

 mail: Cemeteries Act Implementation Team  
Department of Human Services  
Level 16/120 Spencer Street  
Melbourne VIC 3000

 email: Cemeteries&Crematoria@dhs.vic.gov.au

## What is the process for setting and approving cemetery trust fees under the new Act?

The new Act enables the Secretary to the department rather than the Governor in Council to approve all current and new cemetery trust fees.

When setting fees under the new Act trusts must have regard to the costs of operating and managing the public cemetery and the need to provide for maintenance of the public cemetery in perpetuity.

To help trusts with their fee setting in the coming months the department will:

- develop a standard set of descriptors and definitions for all cemetery trust fees in consultation with a range of trusts; and
- review all cemetery trust fees to ensure fees cover the trust's ongoing costs, including perpetual maintenance costs.

When the standard set of descriptors and definitions have been finalised the department will convert trusts' current fee descriptors to the new standard descriptors and definitions.

Once the department has reviewed all cemetery trust fees we will forward a "fee application form" to trusts. The form will include the proposed new fee levels and new fee descriptors. Trusts will be required to review the proposed fee levels contained in the fee application form. Those trusts that consider the recommended fee levels to be appropriate should endorse the form and return it to the department.

It is intended that in most cases proposed cemetery trust fees will be endorsed by trusts by 1 July 2005.

Trusts that do not consider the proposed fee levels to be appropriate will have the opportunity for further discussion with the department about their fee levels. The department will also contact a number of larger trusts separately to discuss their fee setting processes. In both these cases, existing fees can be charged by the trust until 1 July 2006.

This information is also available on line at:  
[www.health.vic.gov.au/cemeteries](http://www.health.vic.gov.au/cemeteries)

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