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| Cemetery Sector Governance Support Unit newsletter |
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# Contact us

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# Welcome

Welcome to the Cemetery Sector Governance Support Unit’s (the unit) newsletter.

As this is the last newsletter for the year, I would like to take this opportunity to thank all trust members, friends of cemeteries and trust employees and contractors for their tremendous support of the Victorian community over the past 12 months.

The cemeteries team wish you and your families all the best for the Christmas and New Year festivities and look forward to working with you next year.

**– Bryan Crampton, Manager, Cemetery Sector Governance Support Unit**

# Transfer of a right of interment following the death of joint right holder

Two factsheets, the [‘*Right of interment permit*’](https://www.health.vic.gov.au/cemeteries-and-crematoria/right-of-interment-permit) <https://www.health.vic.gov.au/cemeteries-and-crematoria/right-of-interment-permit> and the ‘[*Managing a right of interment following the death of a right holder*](https://www.health.vic.gov.au/cemeteries-and-crematoria/right-of-interment-permit)’ <https://www.health.vic.gov.au/cemeteries-and-crematoria/right-of-interment-permit> have recently been updated to ensure accurate and current information is provided.

The most significant change to the factsheets relates to how jointly held rights of interment are transferred following the death of one of the right holders. When a right holder of a jointly held right of interment passes away, according to the right of survivorship the right of interment passes to the surviving holder(s).

# New discretionary power to direct the variation or forced surrender of a right of interment

In March 2021, the Victorian Parliament passed the *Cemeteries and Crematoria Amendment Act* (the Amendment Act)to amend the *Cemeteries and Crematoria Act 2003* (the Act).

The Amendment Act provides the Secretary of the department with a discretionary power to direct the variation or forced surrender of a right of interment to protect persons from further significant harm, pain or suffering. This relates to people who have been directly and adversely affected by:

* an indictable offence, or
* the death of a person if the coroner has identified a responsible person in relation to that death and that responsible person is deceased (for example, a murder–suicide).

This amendment was made in response to the high-profile conviction of a person found guilty of the unlawful killing of their spouse, who continued to have rights over the victim’s place of interment because they were the right holder.

The Secretary’s power to direct the variation or forced surrender of a right of interment has effect from 15 November 2021. It applies in respect of all rights of interment granted or transferred from this date and also applies retrospectively to rights of interment purchased or transferred on or after 1 July 2005.

This new power will only affect a trust where an application to the Secretary relates to a right of interment within a cemetery under the trust’s control.

The Amendment Act also makes a number of minor miscellaneous and technical amendments to the Act, which will commence on **1 March 2022**.Further information about these other amendments will be provided to trusts in early 2022.

For more information about the recent amendments to the Act including the new directions power please email the unit <cemeteries@health.vic.gov.au> or telephone freecall 1800 034 280.

# Changes to the cemeteries and crematoria webpages

The department has made some changes to the health.vic website and so the [Cemeteries and Crematoria webpages](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria> look a little different now. The ‘tiles’ that show the title of where to locate specific information are now displayed in a list format. Simply scroll down the page until you find the tile with the title of the information you’re looking for. Just like the previous process, keep clicking through tiles until you find the information you need.

# New online training course for Class B secretaries

We are pleased to announce the recent launch of a new online training course for Class B secretaries. The Cemetery Essentials for Class B Cemetery Trusts training course has been developed in response to feedback pointing to the unique role occupied by trust secretaries and in recognition of the complexity of the role.

The course consists of four modules that cover the role of the secretary, governance and finance, record keeping and customer service.

The first three modules are designed for secretaries to complete online by themselves, at their own pace. The fourth module is a two-hour webinar where secretaries meet via an online platform in real time to work through case studies and question-and-answer sessions.

Class B trust members and staff who perform secretary functions are eligible to participate in the course (for example, member and non-member secretaries, cemetery managers and responsible officers).

Invitations were sent to eligible participants in late October 2021. If you know of any trust members or staff who perform secretary functions but have not received an invite, please send an email to the unit to let us know the person’s name, position/function, trust and email address.

Please note: To access the course, participants need to have an email address. If you do not have an email address, please read the attached fact sheet ‘*Creating an email account’*.

# Update of the manual for Class B cemetery trusts

The *Manual for Victorian Class B cemetery trusts – revised August 2021* has recently been updated to ensure accurate and current information is provided (with the exception of topics 13 and 22, which are currently under review).

There have been several significant changes and additions to the manual since it’s last review in 2017 and a ‘[*Summary of amendments and additions*’](https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/governance/class-b-governance) <https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/governance/class-b-governance> has been provided to help trusts find information that has changed or been added.

The manual is not available in hardcopy format, but an electronic version is available on the [health.vic website](https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/governance/class-b-governance) <https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/governance/class-b-governance>, which can be downloaded and saved to your computer.

The Class A manual is currently under review and should be available on the health.vic website soon.

# Class B cemetery trusts

## Class B cemetery trust appointment rounds

The department conducts four Class B cemetery trust member appointment rounds per year.

The following table shows the appointment rounds, their corresponding member expiry dates and the appointment round deadline for completed applications to be submitted to the department.

| Appointment round | Term of appointment expiry for current members | Application cut-off date  |
| --- | --- | --- |
| Round 1 | 28 February | 10 December 2021 |
| Round 2 | 30 April | 5 February 2022 |
| Round 3 | 31 July | 14 May 2022 |
| Round 4 | 31 October | 13 August 2022 |

Note: If an application for reappointment is received after the corresponding appointment round deadline, it will be processed in the subsequent appointment round. This means that when the applicant’s term of appointment expires, their trust membership lapses. They will no longer be an active trust member until their appointment has been approved by the Governor in Council.

If a trust member’s term of appointment lapses, they will not be eligible to vote at trust meetings but may continue to attend meetings as an observer if the trust agrees.

The current [[*Application for appointment to a Class B cemetery trust*](https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/appointments/class-b-appointments)form](https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/appointments/class-b-appointments) <https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/appointments/class-b-appointments> is available on the health.vic website. Completed and signed application forms can be emailed to the department <cemeteries@health.vic.gov.au> or posted to the address under ‘Contact us’ in this newsletter.

## When should a chairperson not sign a Class B member appointment application form?

A chairperson of a Class B cemetery trust should not:

* sign their own application form when seeking reappointment to the trust
* sign the application form of a directly related family member seeking appointment or reappointment to the trust.

## Who should sign a Class B application form in either of these situations?

In either of these situations an ‘authorised person’, being the current non-related trust secretary or a current non-related trust member, can sign the application form.

The person signing on behalf of a chairperson indicates to the department that the trust has followed due process and it agrees to the nomination of the appointment/reappointment to the trust.

## Application forms not signed and dated by the applicant

If a trust receives an application form that has not been signed and dated by the applicant, the trust should return it to the applicant with a request to sign and date the form ***before*** the chairperson or authorised person signs and dates the form. The date on the form provided by the applicant should ***not be*** ***later*** than the date the chairperson has signed the form.

## Staggered appointment dates

In accordance with schedule 1 clause 1(1) of the Cemeteries and Crematoria Act, Class B cemetery trust member appointments are made for a period of up to five years.

To ensure Class B trusts have enough members to form a quorum to hold trust meetings, or to ensure there is an appropriate number of trust members on a trust at any given time, the department may need to stagger some new appointments/reappointments, especially where the terms of appointment of several trust members are due to expire on the same date. However, these appointments will be made as close as possible to a five-year term of appointment.

# Class B cemetery trust email addresses

Email is the unit’s preferred method of contact. Cemetery trusts that don’t currently have their own email address should consider creating email accounts specifically for cemetery trust business rather than using an individual’s personal email account. Having a trust email account will allow more than one person (usually the primary contact of the trust) to have access to trust correspondence sent via email. This is particularly useful when the primary contact is not available, so that trust business can still be dealt with by the chairperson or other nominated current trust member(s) in a timely manner.

If you require assistance with setting up an email account, the ‘[*Creating an email account – guidance for cemetery trusts*’](https://www.health.vic.gov.au/publications/creating-an-email-account-guidance-for-cemetery-trusts) factsheet. <https://www2.health.vic.gov.au/about/publications/Factsheets/creating-email-account-guidance-cemetery-trusts> is available on the health.vic website and has been attached to this newsletter.

## Emails to and from the unit

All emails to the unit should be sent to its group email address <cemeteries@health.vic.gov.au>.

We recommend you add this address to your email ‘address book’ to ensure emails from the department do not get diverted to the junk mail folder. The junk mail folder (sometimes called a spam folder) is where unwanted incoming emails are stored to keep them out of your inbox.

It is a good idea to check your junk mail folder regularly in case an important email has been diverted there by your email system. If you do find an email from the unit in your junk folder, there should be an option for you to identify that the department’s email address is known to you and that emails from the address should not be considered junk mail. This will stop future emails from the department being diverted to your junk mail folder.

# Identifying the sex of the deceased on prescribed forms

In 2019, the *Births, Deaths and Marriages Registration Act 1996* was amended to provide an option for those who identify outside the male/female binary to nominate the sex descriptor in their birth registration as something other than male or female.

Currently, the sex descriptors in forms prescribed under the Cemeteries and Crematoria Regulations 2015 are limited to male or female. Recognition of non-binary identities will be addressed as part of the next regulatory amendment.

Cemetery trusts and funeral directors may receive enquiries from families that are uncomfortable with the sex descriptor options on forms prescribed under the Cemeteries and Crematoria Regulations.

Families can choose not to identify the sex of the deceased on statutory forms by leaving the relevant question blank if they prefer. This will not invalidate the form, and cemetery trusts may accept forms that do not identify the sex of the deceased.

# Cemetery grants program

The department assesses grant applications twice each financial year. The first round of the 2021–22 Cemetery Grants Program closes on 30 November 2021. The second round closes on 31 March 2022.

Please note there are limited funds available for grants and priority will be given to applications for funds that address occupational health and safety issues and those trusts that need IT equipment to improve their service delivery. Partial grants will be considered for those trusts that can contribute to the proposed project from their own funds.

To apply for a grant, a cemetery trust must submit the application form *before* work begins. The ‘*Cemetery grants program application form*’ and ‘*Cemetery grants program guidelines*’ are available on the [health.vic website](https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-grants) <https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-grants>. Applications should include two quotes for the proposed expenditure and photos of the relevant area (if appropriate). If a trust cannot obtain two quotes, a written explanation of why this is not possible must be submitted. Previous grants must be acquitted for the grant application to be considered. A current ABN is also required for the grant funds to be transferred.

Trusts are required to email applications to the department <cemeteries@health.vic.gov.au>.

# Fee applications

Cemetery trusts should regularly review their fees and check that the fees charged by the trust match what is listed on the department’s website as the trust’s approved and gazetted fees. Cemetery trusts are required to make a formal application to the department to adjust their fees.

The ‘*Guidelines for developing fees and charges for Class B cemetery trusts*’, the ‘*Fee justification model user guide*’ and the ‘*Fee justification model – interactive*’ are available on the [health.vic website](https://www.health.vic.gov.au/cemeteries-and-crematoria/class-b-cemetery-trust-finance) <https://www.health.vic.gov.au/cemeteries-and-crematoria/class-b-cemetery-trust-finance>. A completed fee justification model is required as part of a Class B cemetery trust fee application.

# Performance Support Program

The Performance Support Program (in its sixth year) provides Class B cemetery trusts with a tailored independent review of their governance, operational and financial management. The department selects several trusts each year to take part in the program.

Each review assesses the trust’s governance systems, processes and practices, and identifies opportunities to strengthen trust governance.

The common themes identified from the performance reviews are summarised in an annual report. It is recommended that all trusts review the findings in the annual report to determine if there are any learnings or opportunities to improve their own governance structures.

This year’s report recommends trusts focus their efforts on strengthening the following areas of their operations: risk management; financial strategy and budget; asset management; contract management; delegation processes; complaints management; and document management.

To help trusts implement the audit recommendations, the department works with the Cemeteries and Crematoria Association of Victoria, cemetery trusts, the performance auditor and its training providers to develop a range of resources such as [policy templates](https://www.health.vic.gov.au/cemeteries-and-crematoria/policy-templates) <https://www.health.vic.gov.au/cemeteries-and-crematoria/policy-templates>, which are available on the health.vic website.

The [*Performance support program for Class B cemetery trusts annual report 2020–21*](https://www.health.vic.gov.au/publications/performance-support-program-for-class-b-cemetery-trusts-annual-report-2020-21) <https://www.health.vic.gov.au/publications/performance-support-program-for-class-b-cemetery-trusts-annual-report-2020-21> is available on the health.vic website.

# Governance and operational training

The governance and operational training programs for Class A and Class B cemetery trusts provide trust members with practical and relevant information and materials about their role. All trust members and trust secretaries are eligible to attend these department-funded training programs.

The department has contracted Our Community to deliver the training programs. For more information, help with registration or to arrange a governance and operational training workshop, please visit the Victorian cemetery trusts governance and operational training information on [Our Community’s website](https://communitydirectors.com.au/training-courses/victorian-cemetery-trusts-governance-operational-training) <https://communitydirectors.com.au/training-courses/victorian-cemetery-trusts-governance-operational-training>. Alternatively, you can email Our Community <learn@ourcommunity.com.au> or call 1300 137 475.

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