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**Carly Frew**  
in reply please quote  
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29 July 2022

Jennifer Hickey  
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Cemeteries & Crematoria NSW  
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Dear Ms Hickey

### **Ballina Shire Council Submission – Draft Interment Industry Scheme 2022**

Thank you for the opportunity to provide comment on Cemeteries and Crematoria NSW's (CCNSW) proposed Interment Industry Scheme. The below submission has been prepared in line with the submission guide provided and feedback from LGNSW.

#### **1. What are your overall comments on the Scheme (including the introduction of licences, categorisation model, etc.)? Please detail any amendments you recommend**

Council appreciates the importance of consistency across the cemetery sector and providing an easily navigable system for people during their bereavement process.

A lighter touch regulatory approach is preferred, recognising the existing governance and oversight arrangements for Ballina Shire Council (Council). Council continuously reviews operations and implement appropriate measures based on the needs of each cemetery and the needs of our community. This includes but not limited to codes of practice, guides and templates, and would meet the regulatory objectives of ensuring consumer protection and providing consistency across the sector.

Council encourages the delay of the \$800.00 application licencing fee suggested in the draft regulations until all stages of the Interment Industry Scheme have been released and all licencing requirements can be met.

**Recommendation 1:** Licence fee payable once release of full scheme is undertaken.

#### **2. How appropriate are each of the licence conditions to meet their regulatory objectives of clearly defined, respectful and affordable interment?**

Council compares interment costs and pricing against neighbouring councils when preparing the new financial year fee structure. We note Council is reasonably priced for our region for the services provided within our cemeteries.

Our fees and charges are gazetted and published on an annual basis keeping the process transparent for stakeholders and our community. This existing requirement for councils arguably meets the interment scheme's objectives of being affordable and clearly defined.

Council supports commentary from the LGNSW to the CCNSW that Council may undertake work for some of our assets but not others. This is determined in the Integrated Planning and Reporting Framework and underpinning Asset Management Plan. The increased operating costs cannot be absorbed by Council and will eventually need to be passed to the consumer via increased interment fees, which conflicts with the regulatory objectives.

Council welcomes the requirement for consumer contracts as a valuable addition to the sector to protect consumers rights. Council operates under a comprehensive Customer Service Charter. As an area with a rich Indigenous history, Council welcomes principles to support respectful religious, cultural, Aboriginal and spiritual requirements for interments.

**Recommendation 2:** Template consumer contracts that standardise and simplify interment arrangements for consumers are supported.

**Recommendation 3:** Principles to support religious, cultural, Aboriginal and spiritual requirements for interment are supported.

**3. Are there any changes that you would suggest to each of the conditions? Is there anything that should be added or removed?**

Pricing

Council is required to undertake a stringent process to amend any fees or charges. The additional time and resourcing required to further breakdown costs for each of councils' cemeteries would be unnecessarily burdensome. Funeral directors and customers praise Council on the simplified approach of a single fee for interments.

Council would encourage the CCNSW to provide standardised wording for pricing transparency for the 'basic burial' or 'basic interment' which cannot be misunderstood as a less than a full service for loved ones.

Council requests the CCNSW continues to work with Council's with development of templates and best practice examples.

**Recommendation 4:** Pricing transparency arrangements for council-operated cemeteries should align with existing requirements for public exhibition of local government fees and charges.

Maintenance

The operation of Council operated spaces should be directed by ourselves as the manager of the asset.

Council has a total of 5 operational cemeteries, 2 of which are more urban based and require more maintenance in comparison to our other cemeteries which are classed as rural cemeteries. The increased maintenance requirements within our rural based cemeteries and has the potential to affect interment fees.

Many regional Council's face challenges at present with resourcing and growing population numbers. Allowances should be provided to ensure unreasonable standards are not imposed.

Council encourages clarity within the scheme around maintenance schedules and the schedules not extending to the plaques and headstones.

**Recommendation 5:** Mandatory codes of maintenance should be drafted so as not to impose unreasonable standards that will increase costs for consumers, particularly for smaller or simpler rural and regional cemeteries.

**Recommendation 6:** Template contracts to include responsibility of headstone and plaque maintenance with the Right of Interment Holder and not the operator.

**4. If you are an operator, (noting the proposed assistance from CCNSW as per the fact sheets), what additional support would you need to meet these conditions?**

Timeframe considerations

Council appreciates the staggered approach that CCNSW will undertake for the introduction of the new licence conditions, to allow council operators sufficient time to be on-boarded.

Templates

Any templates, contracts or other new documents should be provided well in advance to allow sufficient time to embed these into practice. This will allow Council time to align data into new forms and work this through in an efficient manner. Any new data which will be required to be recorded under the templates may have impacts on existing software frameworks and Council may seek amendments with our vendor to adapt any increased data collection.

Council would be committed to continue to work with the CCNSW through the council working group to test ideas and share best practice examples.

**5. If you are an operator, what impacts (financial or otherwise) on your business should CCNSW consider further?**

Price escalation

The issue of price escalation poses a risk to Council. Recently the price of plaques increased by 9% in a year. The price increase was notified well after fees had been advertised for the new financial year. Council will now absorb the unexpected cost for this year. Council will need to potential recover these costs in the new financial year through increased interment fees in 2023/24.

**6. What do you think of the Regulatory Impact Statement (RIS) and its assumptions?**

Council welcomed the Regulatory Impact Statement (RIS) notes that operators, such as us with large cemetery operations, are likely already meeting the maintenance requirements. The RIS notes that council operated cemeteries are subsidised and have not recovered perpetual maintenance costs.

The RIS reiterated IPART's conclusion that a recommendation was not made with respect to the price regulation of councils and private operators due to a lack of data.

Thank you for your consideration of the above recommendations and comments in response to the draft scheme. If you have any enquiries regarding this submission, please contact Carly Frew, Council's Cemeteries Administration Officer on [REDACTED]

Yours faithfully



Cheyne Willebrands  
**Manager Open Spaces**  
**Planning and Environmental Health Division**