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| Cemetery Sector Governance Support Unit newsletter |
| Edition 3, 2023 |
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# Contact us

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| Phone (freecall) 1800 034 280Email the Cemetery Sector Governance Support Unit <cemeteries@health.vic.gov.au>[Visit the Cemeteries and Crematoria webpage](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria>**Postal address**Cemetery Sector Governance Support UnitDepartment of Health PO Box 4057Melbourne VIC 3001 |

# Welcome

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

This is the last newsletter for 2023, so our team wants to thank all trust members, trust employees, friends of cemeteries and contractors for their efforts to support Victorians over the past year.

We wish you and your families a safe and fun-filled summer and look forward to working with you in 2024.

**Nicole McDonald**

Manager, Cemetery Sector Governance Support Unit

# Class A cemetery trust member appointment round

The Class A cemetery trust appointment round to fill vacancies occurring on 30 June 2024 has begun.

Applications **must** be made via the [Join a Public Board website](https://www.boards.vic.gov.au/) <https://www.boards.vic.gov.au/>. The application process will be open from **11 November to midnight 3 December 2023**.

# High temperature outlineDirectors’ duties with respect to climate risk

Victoria’s climate has changed in recent decades – in general, becoming warmer and drier with an increase in extreme weather events. These changes are expected to continue into the future.

As directors of public entities, cemetery trust members are required to consider a variety of risks, including climate change-related risks, when carrying out their functions.

For many cemetery trusts, climate change–related risks are likely to present foreseeable risks of harm that may adversely impact assets, service delivery and financials as well as reputational losses or other consequences.

The dynamic, forward-looking nature of climate change-related risks means the standard of care to which public entity directors are held continues to increase. That said, it is important to note that the standard of care reasonably expected of a cemetery trust is proportional to the size of the trust.

The Department of Energy, Environment and Climate Action (DEECA) has developed guidance to help directors of public entities oversee the management of climate change–related risks. The guidance is available on the [Join a public board website](https://www.boards.vic.gov.au/directors-duties-respect-climate-risk) <https://www.boards.vic.gov.au/directors-duties-respect-climate-risk>.

Cemetery trust members are strongly encouraged to use this guidance as part of proactive and ongoing consideration of climate risks.

DEECA is seeking feedback from cemetery trusts that have accessed and applied the guidance on directors’ duties with respect to climate risk. Please email your feedback to Gervase McKinna <Gervase.McKinna@delwp.vic.gov.au>, Senior Policy Officer, Adaptation and Risk, DEECA.

# *Storytelling outline*New records management handbook

The unit has developed a new resource – the *Records management handbook* – to provide practical advice about records management.

The handbook includes tips, case studies and useful resources and contacts. It also explains important concepts such as the difference between prescribed and non-prescribed information, and distinguishing information about an applicant from information about a right of interment holder.

The handbook includes the following topics:

* types of cemetery trust records
* retention timeframes
* storage
* information security
* privacy
* public access to cemetery trust records
* freedom of information
* digital record keeping
* Archiving cemetery trust records.

The handbook is available on the [unit’s website](https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-trust-records-management) <https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-trust-records-management>.

# New fraud and corruption control and public interest disclosures framework for Class B cemetery trusts

## Fraud and corruption

Cemetery trust members have a duty to act with honesty and integrity in accordance with the *Code of Conduct for Directors of Victorian Public Entities*.

Fraud and corruption in cemetery trusts is not tolerated. This message should be conveyed and promoted to all cemetery trust members and, if applicable, trust employees and contractors.

Fraud and corruption-related risks can affect a cemetery trust’s:

* revenue collection
* tendering processes, purchasing and contract management
* information technology and information security
* services provided to the community
* allowances and expenses
* property (including intellectual property) and other physical assets.

## Public interest disclosures

Public interest disclosures are reports about the improper conduct of public bodies, including cemetery trusts, or public officers, including cemetery trust members, employees and contractors.

Cemetery trusts are not authorised to receive public interest disclosures. If a person (including a trust member, employee or contractor) wishes to make a public interest disclosure about a cemetery trust or a cemetery trust member, employee or contractor, they must contact the Independent Broad-based Anti-corruption Commission (IBAC) directly.

IBAC assesses these reports to determine if they will conduct an investigation or refer to another investigative body.

## Framework for Class B cemetery trusts

The unit recommends Class B cemetery trusts have a documented fraud and corruption control and public interest disclosures framework and has developed a template to help Class B cemetery trusts meet this requirement. The template can be adapted to suit the needs of individual cemetery trusts.

The template is available on the [unit’s website](https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-trusts-governance) <https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-trusts-governance>.

# Document outlineUpdated right of interment permit factsheet

The right of interment permit factsheet was developed several years ago to help right of interment holders understand their rights and obligations.

The factsheet has been updated to make this complex topic easier to understand by using accessible language and providing examples. It also contains more detailed information about what happens when a right holder choses to surrender their right of interment to the cemetery trust.

All cemetery trusts are encouraged to provide a hard copy or soft copy of the factsheet to the right holder when they buy a right of interment. It can also be useful when responding to enquiries from the public.

The factsheet is available on the [unit’s website](https://www.health.vic.gov.au/cemeteries-and-crematoria/right-of-interment) <https://www.health.vic.gov.au/cemeteries-and-crematoria/right-of-interment>.

# Register outlineChanges to fee codes and names

In August 2023 the unit reviewed the standardised fee names cemetery trusts use. As a result, several fee names have been ‘retired’ and five fees renamed.

## Retiring fee codes in Class B cemetery trust fee schedules

To reduce the number of fees and remove fees that have caused confusion, 11 fee codes have been retired from the list of standardised fee names Class B cemetery trusts use. These fees appear in only a small number of Class B cemetery trust fee schedules or are not used at all.

The retired codes are:

* 503 Memorialisation – Garden
* 507 Memorialisation – Niche Ground
* 508 Memorialisation – Niche Wall
* 602 and 603 Right of interment bodily remains At Need Adult Second interment and third interment
* 605 and 606 Right of interment bodily remains At Need Child Second interment and third interment
* 608 and 609 Right of interment bodily remains Pre-Need Adult Second interment and third interment
* 611 and 612 Right of interment bodily remains Pre-Need Child Second interment and third interment.

Trusts using these fee codes have been asked to choose alternative codes. In most instances the fee could simply be renamed with no effect on how the trust charged the fee; for example, 508 *Memorialisation – Niche Wall* became a *Right of interment cremated remains* fee because the trust had been using it for the purchase of rights of interment in the niche wall*.*

Class A cemetery trusts using any of these fees will not be affected.

## Renaming fee codes 601, 604 and 607, 610 in Class B cemetery trust fee schedules

The full name of fee code 601 is *Right of interment Bodily remains At Need – Adult – First interment.* The words ‘First interment’ were intended to refer to the capacity of the grave (a grave for a single interment). In practice, almost all Class B cemetery trusts have been using fee code 601 for all bodily remains rights of interment regardless of the capacity of the grave. The fee name will now be shortened to *Right of interment Bodily remains At Need – Adult.*

The same shortened wording will be applied to other right of interment fees, so they become:

* 604 Right of interment Bodily remains At Need – Child
* 607 Right of interment Bodily remains Pre-Need – Adult
* 610 Right of interment Bodily remains Pre Need – Child.

The fee code changes will occur in December 2023.

The trust descriptions appended to the ‘standard fee names’ will not be affected. For example, if your current fee is named *Right of interment Bodily remains At Need – Adult – First Interment – ‘Monumental section’*, the reference to ‘First interment’ will be removed and the trust description ‘Monumental section’ will remain (so that the new fee name will be *Right of interment Bodily remains At need – Adult – ‘Monumental section’)*.

If your trust has concerns about the changes or would like to include the words ‘single capacity’ in the fee name to distinguish it from other fees, please email the unit <cemeteries@health.vic.gov.au>.

## Renaming fee code 628

One further change that will affect most Class A and Class B cemetery trusts is the renaming of fee code 628 *Right of interment Surrender – Maintenance as per DH scale – Excluding administration costs*.

To calculate the amount to refund to a person surrendering a right of interment to the trust, the department’s sliding scale is applied to the current fee for that right of interment. The price listed against fee 628 is the administration charge that can also be deducted from the refund amount.

For clarity, the fee will be renamed *Right of interment Surrender – Administration (DH sliding scale for maintenance is also applied to the refund)*.

The change to fee code 628 will occur in December 2023. The trust descriptions appended to the standard fee name will not be affected.

# Clipboard Checked outlineUpdated fee-setting documents

The guidance documents for Class B cemetery trust fee-setting will be updated by the end of December 2023. Changes have been made based on feedback from cemetery trusts and to address common areas of concern in applications.

The underlying process and principles of fee-setting and fee applications remain the same, however trusts will have improved materials to help them review and alter their fee schedules.

* There will be two new topics in the [*Manual for Victorian Class B cemetery trusts*](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria>, titled ‘Cemetery trust fees’ and ‘Class B fee applications’. These topics will replace the previous topic related to fees as well as the separate *Fee setting guidelines* document, which will be removed from circulation. The [*Manual for Victorian Class A cemetery trusts*](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria)<https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria> will also be updated*.*
* A ‘quick reference guide’ has been added as the first tab in the *Fee justification model* and the fee rows have been widened to allow longer descriptions.
* The *Fee justification model user guide* has been rewritten for clarity and with more detail.
* There are minor changes to descriptions in the *Cemetery land development costing model*.
* The *Cemetery land development costing model user guide* has been rewritten for clarity.
* All documents reflect the changes to fee codes and names mentioned in this newsletter.

The updated manuals will be available on the [health.vic website](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria> in December.

Other documents referenced above will be available on the [Class B cemetery trust fee-setting webpage](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria/class-b-cemetery-trust-fee-setting) <https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria/class-b-cemetery-trust-fee-setting> in December.

# Group brainstorm outlineGovernance improvement

Ten themes for governance improvement have been identified under the Performance Support Program.

The latest performance review 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; human resources; conflicts of interest; interment authorisation and document management.

The common themes were identified from independent performance reviews of nine Class B cemetery trusts’ governance, operational and financial management. We recommend all trusts review the findings in the report to determine if there are any opportunities to improve their own governance structures.

The report and other documents you may find useful are on the department’s website:

* the [*Performance support program for Class B cemetery trusts annual report 2021–22*](https://www.health.vic.gov.au/cemeteries-and-crematoria/cemeteries-and-crematoria-reports) <https://www.health.vic.gov.au/cemeteries-and-crematoria/cemeteries-and-crematoria-reports>
* [governance policy templates](https://www.health.vic.gov.au/cemeteries-and-crematoria/policy-templates) <https://www.health.vic.gov.au/cemeteries-and-crematoria/policy-templates>
* [further governance information](https://www.health.vic.gov.au/cemeteries-and-crematoria/governance-and-finance) <https://www.health.vic.gov.au/cemeteries-and-crematoria/governance-and-finance>.

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## Planning scheme

Planning schemes are legal documents containing policies and provisions that regulate what can and cannot be done on particular land. All land in Victoria is allocated to a planning scheme governed by DEECA and administered by the local council. The planning scheme will indicate if a **planning** **permit** is required **for development** on the land such as constructing a building, carrying out works, removing vegetation or making other changes to the land.

An overlay is a planning control that indicates the land has special features that affects how it can be developed – for example, heritage values, environmental significance or flood risk.

Cemetery trusts have an obligation to check for, and be aware of, any planning overlays that may apply to the cemetery land before undertaking any works.

You can find out if any overlay(s) apply to the cemetery by contacting your local council or getting a free VicPlan Planning Report from the Department of Planning’s website. Go to the [‘Search for a Planning Report’](https://www.planning.vic.gov.au/planning-schemes/planning-property-report) <https://www.planning.vic.gov.au/planning-schemes/planning-property-report> webpage and ‘Enter an address or parcel’ as instructed. The zones and overlays will be displayed.

Click ‘Download PDF Report’ if you want a copy.

## Building permits

Building permits are an extra requirement for building construction and should be obtained for any newly proposed building. A building permit can be obtained from a registered building surveyor or a council building surveyor. Find more information on the [Victorian Building Authority website](https://www.vba.vic.gov.au/consumers/home-renovation-essentials/permits#Building%20Permits) <https://www.vba.vic.gov.au/consumers/home-renovation-essentials/permits#Building%20Permits>.

# Plant With Roots outlineNative vegetation –clearing

The Victoria Planning Provisions define native vegetation as ‘plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses’.

A planning permit is required to remove, destroy or lop any native vegetation in a cemetery, unless an exemption applies. For example, the removal of branches posing an immediate threat to safety and bushfire protection activities may be exempt from requiring a permit.

Your local council can advise if an exemption applies to the works proposed by the trust.

If a trust believes there is a need to remove, destroy or lop native vegetation, please contact your local council to determine what is required **before** starting any works.

# Diploma roll outlineFree governance training

Free face-to-face governance training workshops for Class A and Class B cemetery trusts are held across Victoria and delivered by the Institute of Community Directors Australia (ICDA), an enterprise of Our Community, on behalf of the department. To register for an upcoming workshop in your area please visit the [ICDA website](https://communitydirectors.com.au/training/victorian-cemetery-trusts-governance-and-operational-training) <https://communitydirectors.com.au/training/victorian-cemetery-trusts-governance-and-operational-training>.

For help with registrations or to arrange a workshop in your area by request, please contact Our Community:

Phone: 1300 137 475

Email: <learn@ourcommunity.com.au>

## Class B online training

The department has developed a free online training program called Cemetery Essentials for Class B Cemetery Trusts.

If you would like to take part, please email Our Community <learn@ourcommunity.com.au> to request an invitation.

**Please note:** To access the course, participants need to have an email address.

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