

Australian Capital Territory

Cemeteries and Crematoria (Public Cemetery Fees) Determination 2019 (No 1)

Disallowable Instrument DI 2019 – 105

made under the

Cemeteries and Crematoria Act 2003, Section 49 (Determination of fees)

EXPLANATORY STATEMENT

The *Cemeteries and Crematoria Act 2003* (the Act) regulates the operation of cemeteries and crematoria. Section 49 of the Act provides the Minister with the power to determine fees for the purposes of the Act.

Public cemeteries and crematoria are managed by the ACT Public Cemeteries Authority (the Authority). The Authority is required to operate on a sound financial basis.

This determination sets fees for the 2019-2020 financial year. It revokes the previous fee determination (DI2018-134).

The determination increases fees by approximately 8.5% for the majority of services provided, this is to phase fee increases which were recommended in a report commissioned by the Regulator of the Act to ensure there is adequate funding in the Perpetual Care Trust Reserve to meet the requirements of the Act. Fees for ancillary services will increase by 2.5% reflecting the forecasted Wage Price Index for the 2019-20 budget. An exception to this is Christ the Redeemer Mausoleum fees and plaque fees which will not be increased this financial year as the fees are adequate to meet the perpetual care requirements under the Act and the costs are being recovered. All fees are rounded for cash handling purposes.

An exception to part 6 of the Schedule to the instrument has been added where a person is surrendering an entitlement to an allotment which was reserved prior to 1 July 1996. The \$500 flat fee is to encourage the surrendering of unused entitlements so that plots can be reallocated where they are no longer required by the entitlement holder or that person's estate.

Additional items under part 7 clarify that a 100% credit for fees in the situation of a transfer of entitlements from one allotment to another apply on a once only basis. Subsequent transfers are to be dealt with under part 6 as a surrender of entitlement and the purchase of a new entitlement. This clarifies that a person can only exercise the option under Part 7 once. A transfer of allotment under part 7 cannot result in a cash refund by down grading an allotment, cash will not be refunded for more than was originally paid. A down grade of an allotment are dealt with under part 6. The new points do not change the intention of this part of the instrument from previous years.

New fees have been introduced to cover new products or services offered. These include the interment of ashes in the natural burial grounds, a re-open fee in an existing memorial rock

garden, a family allotment in the memorial rock garden, the hire of a canopy, a site assessment fee for triple depth and additional plaques.

The determination takes effect on 1 July 2019.