

Minutes

Corryong Cemeteries Trust

Corryong Council Office

Wednesday 25 May 2022

Unconfirmed

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**AGENDA FOR THE CORRYONG CEMETERIES TRUST
TO BE HELD AT TOWONG SHIRE COUNCIL CORRYONG OFFICE ON
WEDNESDAY 25 MAY 2022 COMMENCING AT 1.00 PM**

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The Mayor opened the meeting, the time being 1.03pm.

1 Opening Prayer

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

2 Councillor and Officer Presence at the Meeting

Present: Crs Whitehead, Wortmann, Dikschei, Anderson and Scales

In Attendance:	Title:
Ms Phelps	Chief Executive Officer, Towong Shire Council

3 Apologies and Granting of Leave of Absence

Nil

4 Declaration of Pecuniary Interest and/or Conflict

Section 130 of the *Local Government Act 2020* requires that a 'Relevant person' (which means a person who is a Councillor, a member of a delegated committee who is not a Councillor or a member of Council staff) disclose any conflict of interest in the manner required by Council's *Governance Rules* and exclude themselves from the decision-making process in relation to the matter including any discussion or vote on the matter at any Council meeting.

Council's *Governance Rules* state as follows:

A2 Obligations with regards to conflict of interest

Councillors, members of delegated committee, and Council staff are required to:

- a. Avoid all situations which may give rise to conflicts of interest;*

- b. *Identify any conflicts of interest; and*
- c. *Disclose or declare all conflicts of interest.*

A3 Disclosure of a conflict of interest at a Council meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:

A3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

A3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

A3.2.1 advising of the conflict of interest;

A3.2.2 explaining the nature of the conflict of interest; and

A3.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

- a. name of the other person;*
- b. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and*
- c. nature of that other person's interest in the matter, and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.*

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

There were no declarations.

5 Confirmation of Minutes

Wednesday 24 November 2021. (Attached at [Appendix 1](#))

CR SCALES

CR WORTMANN

THAT THE MINUTES OF THE CORRYONG CEMETERIES TRUST MEETING HELD ON WEDNESDAY 24 NOVEMBER 2021 AS CIRCULATED BE CONFIRMED.

CARRIED

6 General Business

6.1 Cemeteries Trust Fees (04/04/0004-DCOD)

This report was prepared by Ms Emma Woolaston, Director Corporate and Organisational Development.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to consider the Department of Health proposal to increase all Corryong Cemeteries fees of \$50 and above by the Consumer Price Index (CPI) increase of 2.5%, in accordance with Section 43 of the *Cemeteries and Crematoria Act 2003*.

Summary:

The *Cemeteries and Crematoria Act 2003* provides that cemetery trust fees are indexed by CPI each year. The Trust has received a proposed fee schedule for the Corryong Cemeteries from the Department of Health based on fees being indexed by a CPI increase of 2.5% from 1 July 2022. The Trust has until 10 June to notify the Department of Health if it wishes to opt out of this increase across all or any of its fees.

Recommendation:

That the Corryong Cemeteries fee increases proposed by the Department of Health in their correspondence dated 17 February 2022 are accepted.

Attachment:

[Appendix 2](#) – Department of Health correspondence – CPI Increase to Cemetery Trust Fees

Background/History:

Under Section 39 of the *Cemeteries and Crematoria Act 2003*, cemetery trusts have the power to set fees and charges, and under Section 40 the Department of Health has the power to approve fees set by the cemetery trust. Fees may encompass current cemetery operational costs, cover repairs and replacement costs associated with cemetery facilities and equipment, and ensure adequate financial reserves for future operation.

Section 43 of the *Cemeteries and Crematoria Act 2003* provides that cemetery trust fees greater than \$50 are to be increased by the CPI increase each year, and that fee increases are to be rounded to the nearest 5 dollar unit. CPI refers to the all groups consumer price index for Melbourne published by the Australian Bureau of Statistics.

Cemetery trusts may elect not to apply the increase to all or to individual fees by notifying the Department of Health in writing.

The Department of Health has issued correspondence ([Appendix 2](#)) to the Corryong Cemeteries Trust indicating that the CPI increase to be applied from 1 July 2022 is 2.5%, and that if the trust elects not to apply the increase to all fees or to individual fees, it must notify the Department in writing by Friday 10 June 2022. If no notification is provided then the CPI increase will be applied.

It is noted that any other changes to cemetery trust fees must be approved by the Secretary of the Department of Health.

Relevant Law (s.9(2)(a)):

The fee increases proposed by the Department of Health are in accordance with Section 43 of the *Cemeteries and Crematoria Act 2003*.

Options – Best Outcomes for the Community (s.9(2)(b)):

The Trust could choose not to apply the CPI increase to all or selected fees, noting that choosing not to apply CPI increases may erode the Trust's ability to maintain financial sustainability.

Sustainability Implications (s.9(2)(c)):

Application of CPI increases to Corryong Cemeteries Trust fees will help to ensure the ongoing financial sustainability of the Cemeteries.

Community Engagement (s.9(2)(d)):

Not applicable.

Innovation and Continuous Improvement (s.9(2)(e)):

Funds received from Cemeteries fees assist Council in providing ongoing maintenance and improvement to the Cemeteries grounds.

Collaboration (s.9(2)(f)):

Not applicable.

Financial Viability/Budget Impact (s.9(2)(g)):

Indexing the Cemeteries fees by CPI aids the Trust in covering its costs. The Trust achieved a surplus of \$25,474 for the financial year 2020/21. Generally Trust financials fluctuate from year to year based on the number of interments and the degree of cemetery maintenance required; over the past ten years the Trust has averaged a surplus of \$1,430. The trust has a lifetime accumulated surplus of \$42,172.

Regional, State and National Plans and Policies (s.9(2)(h)):

Not applicable.

Council Plans and Policies:

The recommendation is made in accordance with the organisation's responsibility to support Council in its role as the Corryong Cemeteries Trust, as outlined in the *Council Plan 2021-2025*.

Transparency of Decision (s.9(2)(i)):

It is the officer's view that it is appropriate to consider this matter in an open meeting.

Risk Assessment:

Increasing Cemeteries fees in line with CPI helps to mitigate the risk that the Trust becomes financially unsustainable.

Officer's View:

Given that the 10-year average financial position of the Cemeteries Trust is a minor surplus, it is the officer's view that the CPI increase to fees be accepted.

Resolution:

**CR SCALES
CR WORTMANN**

THAT THE CORRYONG CEMETERIES FEE INCREASES PROPOSED BY THE DEPARTMENT OF HEALTH IN THEIR CORRESPONDENCE DATED 17 FEBRUARY 2022 ARE ACCEPTED.

CARRIED

6.2 Cemeteries Trust Policy Review (02/13/0001-DCOD)

Disclosure of Interests:

This report was prepared by Ms Emma Woolaston, Director Corporate and Organisational Development.

At the time of preparation of the report the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

This report tables the Corryong Cemeteries Trust policies for review.

Summary:

The Corryong Cemeteries Trust maintains five policies that aid the Trust in the safe and responsible management of the cemeteries while maintaining their amenity for the benefit of the community. Trust policies are tabled annually for review.

Recommendation:

That:

1. It be noted that the Corryong Cemeteries Trust policies are tabled for review at [Appendices 3, 4, 5, 6](#) and [7](#); and
2. Adoption of the policies incorporating any recommended changes is scheduled for the August Trust Meeting in accordance with the Trust Charter.

Attachments:

[Appendix 3](#) – Corryong Cemeteries Trust Charter

[Appendix 4](#) – Corryong Cemeteries Trust Complaints Management Procedure

[Appendix 5](#) – Corryong Cemeteries Trust Floral and Memento Displays Policy

[Appendix 6](#) – Corryong Cemeteries Trust People Without Means Policy

[Appendix 7](#) – Corryong Cemeteries Trust Plaque Policy

Background/History:

The Corryong Cemeteries Trust maintains five policies.

In line with the Trust Charter, members need to ensure that the Trust is providing oversight of policies. In line with good practice, policies are tabled annually for review prior to being put forward for adoption with any recommended changes.

Members are requested to provide feedback on the policies to the Director Corporate and Organisational Development by 1 August 2022 so that any changes can be considered for adoption at the August Trust Meeting.

Relevant Law:

Policies aid the Trust in ensuring compliance to the legislative requirements of the *Cemeteries and Crematoria Act 2003* and the *Cemeteries and Crematoria Regulations 2015*. Notably section 12 of the *Cemeteries and Crematoria Act 2003* requires that a Class B cemetery trust is to properly and efficiently manage and maintain each public cemetery for which it is responsible, with regard to its obligations in relation to funding its perpetual maintenance; the cultural and religious values of the community; and the cemeteries' heritage values.

Options – Best Outcomes for the Community:

Policies have been designed to maintain the amenity of the cemeteries for the benefit of the community and to ensure that the burial of all people is carried out with dignity and respect.

Sustainability Implications:

Policies have been designed to provide for the ongoing good governance and amenity of the cemeteries.

Community Engagement:

Ongoing community feedback regarding the cemeteries is taken into account in the annual review of Trust Policies.

Innovation and Continuous Improvement:

Not applicable.

Collaboration:

Not applicable.

Financial Viability/Budget Impact:

Not applicable.

Regional, State and National Plans and Policies:

Not applicable.

Council Plans and Policies:

Policies are maintained by Council officers in accordance with the organisation's responsibility to support Council in its role as the Corryong Cemeteries Trust, as outlined in the *Council Plan 2021-2025*.

Transparency of Decision:

It is the officer's view that it is appropriate to consider this matter in an open meeting.

Risk Assessment:

Trust Policies include provisions which are designed to support the safety of people visiting or maintaining the cemeteries.

Officers View:

The Trust Policies are tabled for review in accordance with the timeframes specified by the Trust Charter, and members are requested to provide any feedback to allow time for changes to be drafted and considered at the August Trust Meeting.

Trust Resolution:

**CR DIKSCHAI
CR ANDERSON**

THAT:

1. IT BE NOTED THAT THE CORRYONG CEMETERIES TRUST POLICIES ARE TABLED FOR REVIEW AT APPENDICES 3, 4, 5, 6 AND 7; AND

2. ADOPTION OF THE POLICIES INCORPORATING ANY RECOMMENDED CHANGES IS SCHEDULED FOR THE AUGUST TRUST MEETING IN ACCORDANCE WITH THE TRUST CHARTER.

CARRIED

There being no further business, the meeting was declared closed, the time being 1.12pm.

Minutes confirmed this Day of 2022.

Mayor

Unconfirmed