

Corryong Cemeteries Trust - Charter

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1. Introduction

The Corryong Cemeteries Trust is classified as a **Class B** Cemetery Trust under the *Cemeteries and Crematoria Act 2003*.

The Towong Public Cemetery (also known as Millers Hill Cemetery or Gravel Plains Cemetery) was approved by the Governor in Council on 31 July 1893 (gazetted on 4 August 1893).

The Governor in Council ordered on 29 August 1893 that burials in the Towong Cemetery be discontinued three months from this date (gazetted 1 September 1893). The cemetery was closed for burials on 29 November 1893.

The Towong Public Cemetery was annexed and united to the Corryong Public Cemetery in 1936 (Government Gazette September 23, 1936). The trustees of Corryong Public Cemetery were named as trustees for the united cemetery.

The Corryong Public Cemetery was approved by the Governor in Council in 1890 (gazetted 24 October 1890) and was later administered by the Shire of Upper Murray (1978) and then by Towong Shire Council (1994) when the Shire of Upper Murray and the Shire of Tallangatta amalgamated.

The Corryong Cemeteries Trust was established by the Governor in Council at its meeting on 16 September 1997 and amalgamates the Towong Public Cemetery and the Corryong Public Cemetery.

The Trust is a body corporate with perpetual succession established by the Governor in Council under the *Cemeteries Act 1958* and subsequently by the *Cemeteries and Crematoria Act 2003* (the Act).

The correct title for incumbents of a Cemetery Trust is "cemetery trust member".

2. Trust Composition

2.1 Composition of Trust

The *Cemeteries and Crematoria Act 2003* specifies that a Class B Cemetery Trust shall consist of no less than three (3) and no more than eleven (11) members.

Notwithstanding that, where the Trust has less than three (3) members from time to time, pending the appointment of more members, any actions and decisions taken by the Trust shall be as effective as if taken by the Trust with a fully constituted membership.

Each individual member has a role to play in the effective management of the cemetery. The composition of the Trust shall reflect the skills base and expertise required for this purpose as well as the attitudes and expectations of the culturally diverse community it services.

2.2 Trust Member Skills and Attributes

The role of individual members of the Corryong Cemeteries Trust remains a key element in the success of the cemetery operations. The need for individual Trust members to apply a range of appropriate skills and attributes remains an essential component in the ability of the Trust to deliver the required outputs and operate in an ethical and appropriate way.

Skills

- Strategic planning;
- Understanding of governance processes;
- Business experience;
- Risk management and audit;
- Financial management and accounting;
- Legal;
- Business development;
- Facility development and management;
- Community representation;
- Understanding of governments and government enterprises; and
- Industry-specific skills and knowledge.

Attributes

- Empathy with cemetery sector;
- Strong relationship skills;
- Analytical skills;
- Community skills;
- Ability to commit time;
- Leadership;
- Ability to act as a mentor;
- Sound reputation; and
- No conflict of interest.

Experience Working on a Board;
In management or business;
Professional;
Community; and
Government.

2.3 Appointment of Members

Schedule 1 of the *Cemeteries and Crematoria Act 2003* establishes the terms of appointment of Class B Cemetery Trust Members as:

- A member of a Class B Cemetery Trust holds office for the period, not exceeding 5 years, specified in the instrument of his or her appointment;
- A member of a Class B Cemetery Trust is eligible for re-appointment;
- A member of a Class B Cemetery Trust is appointed on the terms and conditions specified in the instrument of appointment; and
- The *Public Administration Act 2004* (other than Part 3 of that Act) applies to a member in respect of the office of member.

The Shire of Upper Murray was appointed as Trustee for the Corryong Public Cemetery in 1978. Upon amalgamation of the Shire of Upper Murray and the Shire of Tallangatta in 1994, Towong Shire became Trustee for the Corryong Cemeteries Trust. Duly elected Councillors of the Towong Shire Council will act as Members of the Corryong Cemeteries Trust.

3. Trust Duties and Responsibilities

The Trust members collectively share the ultimate responsibility for the Trust's and cemeteries' overall success. Therefore, Trust members have an individual responsibility to ensure that the Trust is undertaking its responsibilities as set out in its Trust functions.

Trust members need to ensure that the Trust is providing:

- A clear and appropriate strategic direction;
- Accountability to key stakeholders;
- Oversight of policies;
- Oversight of all control and accountability systems including all compliance, financial management and solvency and risk management; and
- Timely and effective guidance and decisions on all matters referred to it.

3.1 Conduct of Trust Members

Trust members undertake to meet a set of standards consistent with the code of conduct for Victorian public entity issued by the Public Sector Standards Commissioner. Under such standards all Trust members must:

Act with honesty and integrity. Be open and transparent in their dealings; use power responsibly; do not place themselves in a position of conflict of interest; strive to earn and sustain public trust of a high level.

Act in good faith in the best interests of the Trust. Demonstrate accountability for their actions; accept responsibility for their decisions; do not engage in activities that may bring them or the trust into disrepute.

Act fairly and impartially. Avoid bias, discrimination, caprice or self-interest; demonstrate respect for others by acting in a professional and courteous manner.

Use information appropriately. Ensure information gained as a Trust member is only applied to proper purposes and is kept confidential.

Use their position appropriately. Do not use their position as a Trust member to seek an undue advantage for themselves, family members or associates, or to cause detriment to the Trust, and ensure that they decline gifts or favours that may cast doubt on their ability to apply independent judgement as a member of the Trust.

Act in a financially responsible manner. Understand financial reports, audit reports and other financial material that comes before the Trust; actively inquire into this material.

Exercise due care, diligence and skill. Ascertain all relevant information; make reasonable enquiries; understand the financial, strategic and other implications of decisions.

Comply with the established legislation. Act within the powers and for the functions set out in the Trust's established legislation.

Demonstrate leadership and stewardship. Promote and support the application of the Victorian public sector values.

4. Trust Roles

The Trust has been entrusted by the Minister of Health to steer the Corryong Cemeteries. This involves the strategic role of setting the overall operational direction of the cemetery and a stewardship role of ensuring that governance arrangements are in place to meet its statutory obligations and the activities of the cemetery to take account of community expectations.

The functions of a Class B Cemetery Trust are specified under the *Cemeteries and Crematoria Act 2003*, Section 12:

- To properly and efficiently manage and maintain each public cemetery for which the trust is responsible; and
- To carry out any other function that may be required by legislation.

In exercising its functions, a Trust must have regard to:

- Its obligations in relation to funding of the perpetual maintenance of the public cemetery for which it is responsible;
- The cultural and religious values of the community; and
- The heritage values (if any) of the public cemetery for which it is responsible.

5. Trust Chair

The Mayor will act as Chairperson of the Corryong Cemeteries Trust.

The Chairperson of a Class B Cemetery Trust:

- Holds that office for the period not exceeding five (5) years; and
- Is eligible for re-appointment.

A person appointed as chairperson ceases to hold that office on ceasing to be a member of the Class B Cemetery Trust.

5.1 The Role of the Chair

The role of the Chair will include but not be limited to:

- Building an effective Trust with the necessary skills and capabilities;
- Leading the Trust members and developing them as a cohesive and effective team;
- Assisting Trust members' understanding of their role, responsibilities and accountability;
- Informing members about developments in Government policy, priorities and financial reporting;
- Setting the Trust's agenda and ensuring key issues are discussed and there are no potential conflicts of interest or duty;
- Encourage interactive participation by all Trust members;
- Arranging adequate support for members;
- Welcoming new members and leading the process for their induction;
- Managing the evaluation of the performance of the CEO and the Trust (where relevant); and
- Representing the Trust to external parties as an official spokesperson for the Trust.

6. Trust Operations

6.1 Trust Meetings

The Trust recognises the need to follow clear meeting procedures based on good governance principles of transparency, integrity, honesty and accountability that will provide a framework for conducting meetings and recording decisions.

The Trust holds two fixed meetings each year – one in May and one in August. Both meetings are advertised and open to the public. The May meeting agenda is to consider legislated annual fee increases and to table Trust policies for review, and the August meeting agenda is to consider Trust accounts and recommended changes to policies. Other agenda items may be scheduled as appropriate.

Other meetings may be called by the Chairperson, or two members of the Trust, as urgent or operational issues requiring the Trust's attention arise. These meetings may or may not be open to the public at the Chairperson's discretion. This approach allows for issues to be tabled in a timely manner as they arise.

6.2 Conflict of Interest

A conflict of interest is a real, perceived or potential conflict between the personal or business interests of a member of a Trust to act in the interests of the Trust.

Declarations of Pecuniary Interests must be completed by candidates for appointment as Trust members. Every Trust member is required to review and update their declaration of interests as their circumstances change, and at least once annually.

Trust Members who may be employed as a Funeral Director must declare a "Conflict of Interest" during Cemetery Trust meetings so it is recorded in the minutes.

If/when a potential "Conflict of Interest" arises the Trust member would excuse himself/herself and not take part in any discussions or voting on that particular matter.

6.3 Related Party Transactions

Related party transactions include any financial transaction between the Trust and:

- a. A Trust member or an officer;
- b. A spouse or de facto spouse of Trust member or officer;
- c. A parent, son or daughter of the Trust member or officer or their spouse or de facto spouse; and
- d. An entity over which a related party defined in a), b) or c) has a controlling interest.

Related party transactions should be reported to and approved by the Trust. In making a decision the Trust shall consider:

- a. The benefits derived by the Trust by entering into a related party transaction in comparison to non-related party transaction;
- b. The possible and reasonable community perception of a transaction of related party nature; and
- c. Whether the transaction is "at arm's length".

6.4 Delegations

The Trust, in accordance with the *Cemeteries and Crematoria Act 2003* and Regulations may choose to delegate its powers and functions to

- i. Any of its members;
- ii. A Trust Committee;
- iii. The CEO; and
- iv. A staff member.

Any such delegation decision must be formally undertaken at a Trust Meeting, and an Instrument of Delegation in accordance with the relevant Act and Regulations must be signed by the Chair on behalf of the Trust.

Delegations of powers or functions do not absolve the Trust or its members from accountability for those powers; and any person(s) who holds a delegation must take care to comply with limits and conditions of the delegations as established by the Trust.



Authorised by:

Juliana Phelps
Chief Executive Officer