



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT  
AND CITY SERVICES**

(Reference: [Inquiry into the management of ACT cemeteries](#))

**Members:**

**MS S ORR (Chair)**  
**MR S DOSZPOT (Deputy Chair)**  
**MS T CHEYNE**  
**MR M PARTON**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 18 OCTOBER 2017**

**Secretary to the committee:**  
**Mr A Snedden (Ph: 620 50199)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

**WITNESSES**

**BARTOS, MR STEPHEN**, Chair, ACT Public Cemeteries Authority .....24

**FITZHARRIS, MS MEEGAN**, Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research .....24

**HORNE, MR HAMISH**, Chief Executive Officer, ACT Public Cemeteries Authority .....24

**JINNA, MR KANTI LAL**, member, ACT Public Cemeteries Authority and Hindu Council of Australia .....24

## **Privilege statement**

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 20 May 2013*

**The committee met at 3.02 pm.**

**FITZHARRIS, MS MEEGAN**, Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research

**BARTOS, MR STEPHEN**, Chair, ACT Public Cemeteries Authority

**HORNE, MR HAMISH**, Chief Executive Officer, ACT Public Cemeteries Authority

**JINNA, MR KANTI LAL**, member, ACT Public Cemeteries Authority and Hindu Council of Australia

**THE CHAIR:** Good afternoon, and welcome to the third hearing of the Standing Committee on Environment and Transport and City Services into the management of ACT cemeteries. The standing committee adopted this reference in July 2017 and will report its findings to the Legislative Assembly by the end of the year.

The committee's terms of reference are on the committee website and a copy is on the table at the committee room entrance. The committee has received 11 submissions, all of which are published and lodged on the committee's website, and the committee invites feedback from interested persons on any of the issues raised by the submissions.

The committee has already held two public hearings on the reference. The third is this afternoon's, and a final hearing will be held on Monday, 23 October. Today's hearing is public and is recorded by Hansard and accessible through the Assembly committees on demand webstreaming site.

I welcome the Minister for Transport and City Services, Ms Meegan Fitzharris, together with the chair of the cemeteries authority, Stephen Bartos, Mr Horne and Mr Jinna of the authority. I expect you are all aware of the privilege statement, the pink card, on the desk?

**Ms Fitzharris:** Yes.

**THE CHAIR:** Everyone has read and understood that?

**Ms Fitzharris:** Yes.

**THE CHAIR:** The committee has your submission to the inquiry for discussion and consideration today. Minister, were you wanting to make an opening statement?

**Ms Fitzharris:** If I could, just a very brief one.

**THE CHAIR:** That is fine. Please do.

**Ms Fitzharris:** Thank you, chair and committee members, for the opportunity to be here with you this afternoon with the authority and also with the directorate.

As you know, ACT cemeteries are managed by the ACT Public Cemeteries Authority and cover the full spectrum of the ACT community and all its multicultural, linguistic

and religious diversity. The authority manages three cemeteries. The largest and newest, opened in 1979, Gungahlin cemetery, occupies 40 hectares and has large areas of both lawn and, to a lesser extent, monumental graves. It also has areas of woodland set aside for natural burial, and in 2017 the first privately built mausoleum in our cemeteries was completed.

Woden cemetery, which is heritage listed, was opened in the early 1930s and occupies 12 hectares. It was originally built according to the North American concept of a memorial park but quickly modified to a more traditional English style. It contains hundreds of large, mature exotic trees, which are also heritage listed and have special requirements. Woden cemetery also houses the Christ the Redeemer mausoleum, which has 600 wall crypts and a number of columbaria for the placement of ashes.

Hall cemetery, which dates back to the late 19th century, originally meeting the needs of a number of the early Hall district families and now open to the general public, is home to a rare and threatened orchid, the torango leaf orchid, and remnant yellow box red gum grassy woodland vegetation and all the special management issues that come with these.

There are many challenges in the delivery of cemetery services in what has been, until very recently, a very conservative and traditional industry. The wants and needs of the community are rapidly changing in response to technological developments and the changing demographics of our society.

In response to the evolving needs of the ACT community, in 2015 natural burials were introduced as an additional option for those seeking choices outside traditional burial practices. The government will continue to explore alternative options to meet the diverse needs of the community.

I am confident that both the level of service and quality of maintenance provided in our cemeteries meet the needs and expectations of our community. This level of comfort is backed up by annual surveys which highly rate cemeteries performance in these areas.

The authority has made a very comprehensive submission to the inquiry and it contains a more detailed account of the situation and issues facing the authority and the government and our community, but I would like to focus on a couple of issues in my opening statement. One is the southern memorial park perpetual care arrangements for cemeteries and renewable tenure options. As you know, the government is aware of the longer term need for additional burial space in the ACT, particularly in south Canberra. We are closely considering community feedback regarding the importance of urban open space in Woden and will be considering future options including the southern memorial park in this context.

The government is aware of the requirements of the Cemeteries and Crematoria Act and the need for payments to be made toward a perpetual care fund for the future maintenance of our cemeteries. To put the current operations of the authority on a sound footing I have, for the 2017-18 financial year, approved a reduction in the rate upon which these are calculated.

The government has, on a regular basis, reviewed the operating model for the management of cemeteries in the ACT. These reviews have found the need for an organisation that can readily adapt to community wants and needs and has a commercial focus. It is worth noting that an authority or trust model for large cemeteries is the current preference across most Australian jurisdictions, and the government will continue to review this model going forward.

I know that there are a range of other matters that the committee is keen to explore in line with the terms of reference for the inquiry, and we look forward to engaging in and responding to these. I thank members in advance for the opportunity to appear before the committee and take your questions, and in particular thank the authority, the chair of the authority, and acknowledge Kanti Jinna, another member of the authority who is with us today, for their ongoing and very hard work in not only understanding the requirements of our community now but thinking very hard and very strategically about our community's needs in the future.

**THE CHAIR:** I will kick off with the first question then. We have heard quite a bit of feedback, and you have raised it in your opening statement, about the expansion of Woden cemetery and how the community in particular seems to view that as an option that is not preferable. I would like to get a bit more of an understanding around some of the variables in this. If Woden cemetery—and this is all hypothetical, I am not committing anyone to an option—were expanded how long would that expansion cover the needs of the community for?

**Ms Fitzharris:** I will hand over to Stephen and Hamish to talk more about this but note too that obviously I have said this year—given that the government has made a number of significant commitments around the Woden town centre and taking into account feedback from the community about the expansion of Woden—we are reconsidering that. That process is underway, and I am not able to say anything more about that at this stage.

But I would also note that significant work was done a couple of years ago, including quite extensive community consultation, which at the time did not raise the issues that are being raised by the community now. I would like to acknowledge, before my time as the minister, certainly the work of the directorate and the authority in undertaking a community consultation process a couple of years ago which had different feedback than what we are currently receiving.

We have obviously heard that feedback now. The government has different and new policy priorities for Woden town centre. But it is important to note that there was community consultation, including with community councils at the time, which preceded the government's subsequent decision to fund an expansion of Woden cemetery. I am very conscious that the government's reconsideration of that means that it has an impact on the authority but I will hand over to Stephen and Hamish to talk in more detail.

**Mr Bartos:** I will leave it to Hamish to give the estimate of how much longer space would be available in Woden cemetery should the extension hypothetically go ahead but that is, as the minister has indicated, at this stage a hypothetical rather than a proposal on the table.

As the minister has indicated, any changes to the cemeteries actually do take a while, because they involve capital works and the lead time is reasonably long. Well before anything was done in relation to Woden, the authority board was careful to ensure that there was extensive community consultation. As the minister has indicated, the initial community consultation was pretty favourable to the idea of the expansion of Woden. But we acknowledge and accept that personalities change, pressures on community councils change, views might change over time. We acknowledge that that has happened in the interim and that is something that we have to take into account in our planning.

Woden cemetery, unlike Gungahlin, just because of the way it was set up in the 1930s, is divided into different denominational areas for Catholics, Protestants, Islamic, Jewish et cetera, but the major faiths, as represented in the Canberra population, are the ones that are going to be running out of space soonest and they will be running out effectively by the end of next year.

It does not mean entirely that burials stop, because there are a number of plots at Woden that have been pre-sold. The owners of the plots are not yet deceased. They are available for burial at that time. But were Woden to be expanded and opened up to new sales, it would last for how long, Hamish?

**Mr Horne:** We would get at least 10 years and somewhere between 10 and 15 years. That would be for stage 1. Bear in mind that the original design, or the original concept, was potentially to do it in two stages but through discussions with the territory land agency we are only going to do stage 1 in the first instance. That three-hectare block people keep talking about is actually only 1.5 hectares in stage 1, were that to go ahead.

**Mr Bartos:** We should also relate this to something else that is covered in our submission and that I am sure the committee will want to explore in more depth later, and that is renewable tenure. Should we move to a renewable tenure, whatever cemetery options we adopt, it hugely extends the life.

**MS CHEYNE:** Just to clarify, the 10 years is without renewable tenure?

**Mr Horne:** Absolutely yes.

**MS CHEYNE:** And with renewable tenure it would be—

**Mr Horne:** It is hard to say exactly. Certainly the fact of bringing in renewable tenure now is not retrospective, naturally enough. That will not affect any plots that have already been sold. I have to say it could be retrospective but that is not proposed.

**THE CHAIR:** Everything is on the table.

**Mr Horne:** It has been done retrospectively in other jurisdictions, internationally. But that is not our proposal. Clearly, for the current cemeteries, there would be a reasonably small effect but we have multiple—

**Mr Bartos:** As a working assumption, you could assume it would at least double the effective—

**Mr Horne:** Of a new cemetery, certainly.

**Mr Bartos:** Yes.

**THE CHAIR:** Just for clarity's sake, because we are trying to get a grip on what all the options are and the pros and cons of each option, for the option of expanding Woden cemetery—and we have definitely heard the community views on this one—there would be stage 1 and stage 2. The three hectares would be in 1.5-hectare lots?

**Mr Horne:** No, the full stage 1 and stage 2 together is three hectares.

**THE CHAIR:** Stage 1 is just half of that?

**Mr Horne:** Yes.

**THE CHAIR:** Based on the assumption that perpetuity would be offered, it would be 10 years worth of space?

**Mr Horne:** 10-plus, yes.

**THE CHAIR:** And how long would it take to ready that site to be functional?

**Mr Horne:** A relatively short space of time.

**Mr Bartos:** A matter of months.

**THE CHAIR:** If you do not expand Woden cemetery, the other option is for southern memorial. This is the other option I would like to tease out a bit. It is an open-ended question, but what are the options for southern memorial at this time?

**Mr Bartos:** From the authority perspective, if that is okay, minister?

**Ms Fitzharris:** Yes, it is.

**Mr Bartos:** There is a site available around Hume. Currently it is used on occasion for horse riding and so on, but it is a large, more or less bushland site, and that has been earmarked for a potential southern memorial park for a long time. There is a master plan for that site which includes all of the things you would expect for a cemetery: the roadworks, car parking and so on. The master plan also includes provision for building a new memorial hall and provision for a crematorium on that site.

That master plan is still pretty much valid for that site; it could still go ahead. We have been advised by our accountants that the longer it takes to move to construction of a southern memorial park the more likely it is that we will have to write down the value of that planning in our books and think about doing new planning. But for the moment the plan remains valid.



Southern memorial park is essentially a project that could go ahead should funding be available, but we are all aware of the pressures on the ACT budget and the priorities. From the authority's perspective we are keen to meet the needs of all of the Canberra community and, therefore, the needs of people living on the south side as well as the north. Gungahlin could, to an extent, meet those needs. But if someone lives way south in Lanyon—for example, the former chair of our board actually did the trip on public transport and it took more than three hours—it is a six-hour trip to visit your loved ones if you are reliant on public transport. From the perspective of the authority board, that suggests that if we are to meet the needs of the bereaved in the south of Canberra it is really desirable to do one or the other: establish a new memorial park or a Woden expansion.

**MR PARTON:** Certainly put a tram stop at Mitchell, anyway.

**Ms Fitzharris:** Mr Parton, you will be pleased to know that the blue rapid has expanded further south than it previously went, and now between the two rapid networks, the blue and the red, you can get to Mitchell quite quickly. I know there are still two separate bus services that run through Mitchell and will continue to do so.

**MS CHEYNE:** Assuming funding was available and we were flush with cash, how long would it take to get the southern memorial park up and running?

**Mr Horne:** Somewhere in the vicinity of 2½ to three years.

**MS CHEYNE:** Noting that Woden will be subscribed by some time next year, even if this all happened immediately there will be a period of time where Canberrans on the south side will be burying loved ones in Gungahlin?

**Mr Bartos:** Or Queanbeyan.

**Ms Fitzharris:** I will make a comment on that, and it goes to my earlier comment that the more recent feedback we have heard from the community is different to the feedback provided a couple of years ago. As Stephen said, there was actually a favourable view in my understanding, around—

**MR PARTON:** Does anyone have a theory as to why it changed so dramatically?

**Ms Fitzharris:** Individuals changed on community councils.

**MR PARTON:** So influential voices became louder?

**Ms Fitzharris:** Certainly that is one part of the feedback, but the other part is that the government subsequently made a very significant decision around the expansion of light rail. It is very clear now that light rail is going ahead. You will agree there was uncertainty in some parts of the community about that last year. Woden town centre renewal is a focus of the government. We are very conscious now that we made new and different policy decisions late last year and early this year.

My reflection on the impact on the authority is that for a number of years they have

been planning in good faith with the government and the community about expanding Woden cemetery, and everything the authority and the board knew to that point was that there was a need for and community support for the expansion of Woden. That is why there was community consultation over 2015 and why it was funded in last year's budget. We have now put to the authority that two key things are driving our reconsideration of that expansion, that is, new policy settings and different community feedback. It is really clear that that has an impact, and I want to be clear to the people who have provided this feedback now that it is not without significance and consequence for the provision of burial sites at Woden.

You have seen in the submission the number of people who are choosing cremations as opposed to burial. That is a trend across the country and is very prominent here, and currently those on the south side need to travel to the north of the city for cremations. The government is very conscious of the geographic spread, which is exactly the sort of thinking we are doing at the moment and which is why the committee's inquiry comes at a very good time to help inform our thinking.

**MR PARTON:** If a decision were made to expand Woden, whichever way you look at it, it is a bandaid measure. I pride this committee on being an extremely non-partisan committee and this may come across as being a partisan question: I understand that we are looking forward and there is no point in looking back, but it is my understanding that it became abundantly clear to the government that a new cemetery was needed quite a number of years ago, hence all the work that was done on southern memorial park. We have received feedback and have spoken to people in this room about that and they are absolutely exasperated by the fact that it was very clear that we needed to move forward with a second cemetery. As Mr Bartos said, I do not understand—I have not been in control of Treasury—why it has not been elevated to the point that it is more than just a plan.

**MS CHEYNE:** And some of the feedback we have had is that it has not been just the past two years; it has been known for the past 10 years and what has been the delay.

**Ms Fitzharris:** I cannot comment on that specifically; I cannot personally comment on that. Certainly in terms of projects and services like this that governments provide we need to think about the long term—and sometimes that is 10, 20 or potentially 50 years ahead—to make sure we reserve road corridors and reserve land for the right purpose.

Certainly the investment needed for a new site is different from the investment needed for an existing site. As we know, the Woden cemetery has been there since the 1930s. I would disagree that it is a stopgap measure. It is an existing site with the capacity to expand, on which there was extensive work done, and that provides 10 years' worth of capacity. That is no stopgap; 10 years is not a stopgap. That is the work we are doing now. I cannot comment on what might have happened a decade ago.

**MR PARTON:** But you could forgive people for believing that if we go down the path of extending Woden cemetery, we will then just put everything else on the backburner and in 10 years' time there will be another committee hearing here where they say, "Oh, we're about to run out of room at Woden. What will we do?" and that

ultimately, another solution has to be found.

**Ms Fitzharris:** I point to the fact that it is also not just about land. I commend the authority and the board for the strategic work they are doing—which I think has informed your terms of reference—that it is not just about the land component of cemeteries; it is also about the way cemeteries are operating, some of the historical legacy, and what we see in the future. Technological developments around live streaming of services and virtual services means they are always looking to the future. So there is not one solution here related to land; there are many strategic and long-term challenges the authority has done a very good job of foreseeing what we need to do. Actually implementing each one takes some time, but the foresight has been there.

**THE CHAIR:** The submission points out that tenure is into perpetuity and that this creates a lot of considerations we need to go through. I know you have outlined it in your submission, but can you briefly update us as to the board’s view on tenure and the options going forward for that?

**Mr Bartos:** You are quite right, Madam Chair, the submission is fairly self-explanatory. In the ACT “tenure” is defined as forever. In some other jurisdictions, even where they claim to have perpetual tenure, it is defined as a fixed term, say, 99 years; whereas in the ACT it is much longer than 99 years. Forever is a very long time and provisioning for forever is extraordinarily difficult. In terms of financial viability, the authority is very keen that there be some exploration with the community of the option of renewable tenure. It is one of those policy areas where, in terms of how we might implement it, there are potentially only winners and no losers in the sense that the proposition that the authority board would prefer to pursue would give people who wanted perpetual tenure and had the capacity to pay for it that option, whereas if people were to elect for a shorter period of tenure—renewable—then the costs for the person choosing that option would be lower.

Most European countries have much shorter tenure periods, as short as five years in some countries. In Australia most jurisdictions have moved to renewable tenure with varying degrees of success in implementation. I think South Australia implemented it in a way that we have learnt some lessons from. They announced it, and for many of the bereaved it was a surprise and an unwelcome surprise at that. We would want to do this with extensive consultation in a fairly mature and intelligent way.

We were really heartened by the testimony you had from Father Wellspring from the Catholic community. Because of all the communities it is probably the Catholics who, for doctrinal reasons, have the strongest views about the need to preserve the remains of a deceased person. But they are open to discussion, which is excellent.

We think a number of things should be talked through with the community to ensure that people are comfortable with it and that people are assured that renewable tenure would be implemented in a way that respects the wishes of bereaved people and respects all of the different religious faiths concerned. But our belief is that moving to renewable tenure essentially gives Canberra people a greater range of options, some of which will be cheaper for the people who choose to go down that route and, therefore, it is meeting the needs of the community better.

**THE CHAIR:** Am I right in understanding that if tenure were to be introduced the intention of the board would be to manage that through large community consultation, it would not be retrospective—it would only be for future needs—and options would be available there to maintain perpetuity as well?

**Mr Bartos:** Yes. The only way we would consider it becoming retrospective is if there were a huge community demand for it to be made retrospective, which I cannot anticipate at this stage.

**Ms Fitzharris:** And that reflects the submission that the authority made, too.

**MR PARTON:** How does the cost structure work in other places where you have the option to have a grave forever or for a longer period of time? How do they pull that together? Obviously there must be an increased fee for that. I would like to see how that works in other jurisdictions.

**Mr Bartos:** In one of the attachments to our submission we indicate that for some of the sample cemeteries there is a fee structure that, from memory, goes roughly like your initial cost for the site is \$6,000 and renewal after 25 years is \$2,000. A cost structure like that is pretty typical.

**MS CHEYNE:** I note that your submission does not rule out retrospectivity. It actually says that while it is difficult to explain to the community, it is an option that will need to be investigated.

**Ms Fitzharris:** But page 10 states:

Further, the Authority does not support the introduction of renewable on a retrospective basis.

**MS CHEYNE:** Right; I am on page 12.

**THE CHAIR:** I think you have clarified that you are not going to be putting it in retrospectively.

**Mr Bartos:** Look, we want to leave it open—you should never try to anticipate the results of community consultation. I think it is highly unlikely that the community would say they really, really want this retrospectively.

**MS CHEYNE:** Yes, and some people cannot even have a say because they are dead and so are all their family.

**Mr Bartos:** Yes, I understand.

**MS CHEYNE:** Seriously; I do not mean to be glib about it, but if they are not there to have a say—

**Mr Bartos:** Exactly.

**MS CHEYNE:** They are contenders, I think, genuinely.

**Mr Bartos:** Exactly, and I think that is reflecting the views of the authority. Having said that, it has been made retrospective in some jurisdictions, primarily because of really intense space pressures. We do not face that same intensity of space pressure, so I do not think it is something that is a realistic option.

**THE CHAIR:** I want to get a better sense of the ongoing cost. We have to carry that forward in perpetuity. I know you have provided quite a bit of information in your submission, but I am hoping to get further clarification around it. Are the ongoing costs of the cemetery at the moment largely covered—I believe there is a trust put aside—by the new sales of plots? Basically run me through.

**Mr Jinna:** It is both.

**Mr Horne:** In essence, when you purchase a plot in the cemetery, that covers, if you like, current and future maintenance. In general, current maintenance is funded from current sales, but every current sale has a component that puts money aside for the future as well. That money at the moment is not accessed. Technically it is not accessible without the permission of the minister. In theory at least, the system has been designed so that when you have sold out a cemetery you have enough funds in the bank to generate enough revenue to provide for future maintenance—forever. I say “theoretically” because when we get it reviewed each of the reviewers has a slightly different view about what assumptions should be.

**THE CHAIR:** With Woden fast approaching being full it would be in theory headed for that scenario, where the money put aside would be for the maintenance. My question is this: are we okay to cover it with what is there or is there a bit of a gap that we will have to be concerned about?

**Mr Bartos:** In the long-term there is a gap. The way the finances of the cemetery operate it is extraordinarily complex. We have perpetual care trusts for the different cemeteries. The actuarial calculations to work out what the provisioning should be are complicated. It is not an easy situation because of that provision for perpetuity. At present the authority has easily enough cash on the books to cover maintenance needs for the foreseeable future. At some stage in the future we will come to a crunch point where the perpetual care trust funding is unlikely to be sufficient to cover this.

I am sorry to complicate it, but it is a complicated picture. One of the complicating factors is that at the moment the authority provides only for ground burial, as compared with other jurisdictions, which have mixed cremation and ground burial cemeteries. The problem with the model of only ground burial is that the long-term trend is—because of changes in community preferences—for a decline in the number of interments in the ground. Over time new sales are not generating as much income as I think was originally anticipated when the perpetual care trusts were set up.

The idea was that, as Canberra’s population grew and deaths grew with it, there would always be an increasing stream of revenue because there would always be more burials. What that original assumption 30 years ago did not take into account was that there would be a change of community preferences away from burials, which further

complicates it.

**THE CHAIR:** How many burials do we do? For example, do you know how many we did last year?

**Mr Horne:** About 500.

**Ms Fitzharris:** Out of a total—

**Mr Horne:** Out of 1,800, 1,900 deaths—somewhere there. I am sorry; I cannot remember the exact numbers. Pretty much 25 per cent of deaths are buried.

**MS CHEYNE:** What was it 10 years ago?

**Mr Horne:** Ten years ago it was more like 30 per cent burial.

**MS CHEYNE:** So it is steadily decreasing?

**Mr Horne:** It has moved about five per cent in the past 13 to 14 years—something like that—so a little bit less than half a per cent a year.

**THE CHAIR:** Would I be right in assuming that, even though the percentage might have declined, the overall number of burials and cremations would have gone up in line with population?

**Mr Horne:** It has actually held fairly steady.

**THE CHAIR:** I am trying to get my head around it. It is interesting that you bring up the crematorium because that has been a bit of a popular topic within this. We have had a lot of feedback on the current crematorium and feedback on—for lack of a better word—spatial equity. There is not an option down south. People have to go to Gungahlin if they want a crematorium. Noting that the proposal for southern memorial did allow for a crematorium, would you be looking to go ahead with a crematorium wall? How would you see that interacting with the current crematorium?

**Ms Fitzharris:** The authority has a pretty clear view on the benefits of a crematorium and has made that really clear to the government. That is part of our considerations.

**THE CHAIR:** Would you like to inform me of that?

**Mr Bartos:** To elaborate: clearly a crematorium would improve the financial viability, as we have just discussed. But there is a much more important reason and that is the overall objective of the cemetery's authority of meeting the needs of the Canberra community. There is anecdotal feedback that the current crematorium at Norwood Park does not meet those needs. That is something the committee will need to test with other witnesses as well.

It is clear that there is a significant and growing proportion of the Canberra population for whom cremation is a religious necessity. My colleague, Lal Jinna, who is a prominent member of the Hindu community, has joined us if you would like to ask

him about the preferences of the Hindu, Jain and Sikh communities, where cremation is the only option for disposal of the remains of a deceased person. That is a rapidly growing population. Norwood Park does not really serve that community very well.

**THE CHAIR:** Norwood is a private entity. What oversight does the board have as far as the services provided there?

**Ms Fitzharris:** None.

**THE CHAIR:** There is no way for you to feed into their operations or anything?

**Ms Fitzharris:** No; they are a private operator. The authority oversees the provision for public cemeteries. There are of course requirements on Norwood—or any future private operator who would like to establish a presence in Canberra—but they are not relevant to the work of the authority or the board.

**MR PARTON:** Is it the minister's view that a new—an additional—crematorium, wherever it may be in the ACT, is absolutely required?

**Ms Fitzharris:** I have not fully formed a view yet. Obviously the authority has a view and the trends are fairly compelling about people's preferences. As our community diversifies, we need to make sure we are well positioned. There is also a view around the country about the public ownership of cemeteries as the clear preference of communities around the country. You are getting feedback through the committee that I will add to my thinking on our discussions around the future of cemeteries.

**MR PARTON:** Mr Bartos, is it your view that we absolutely need a second crematorium in the ACT?

**Mr Bartos:** Clearly, that is a decision that is not up to the authority on its own. That has to be a government decision, a minister's decision, taking into account the views of the community. Probably the best way to describe it is that the Canberra community, particularly the families of deceased loved ones, would be better served if there were a second crematorium. There is clearly demand for it. There would be better services provided to the Canberra community were there a second crematorium.

**Ms Fitzharris:** I agree with that. Who might provide that second crematorium is another element to that question. As I understand it, there would not be anything, based on current policy, stopping someone who wished to come in and establish a second, private crematorium.

**MR PARTON:** The government would not consider having a government-run facility?

**Ms Fitzharris:** Those options remain on the table. Your question was about a second; it was not clear to me whether you had an assumption of who would provide it.

**MR PARTON:** No.

**Mr Bartos:** We are very much looking forward to the feedback from this committee

on this question. It would help inform us. We have heard anecdotally from people who have contacted us about the question. Canberra being what it is, there are a number of members of the community who would like a second crematorium to be part of the publicly owned operation. But, as the minister said, that is not necessarily a given. We very much welcome the thoughts of this committee about that question.

**Mr Jinna:** The needs of the community have been increasing, especially in the past decade or two, because of the number of people who have been coming to live in Canberra. There has also been an overall increase in the community where people have preferred to be cremated rather than interred. The current availability is in a sense not fully functionally available to people of the Hindu, the Sikh and the Jain communities. Because it has been a traditional crematorium it does not have the types of facilities that are looked for—that are required—by the people.

**MR PARTON:** What sorts of things?

**Mr Jinna:** In these communities, as soon as a person passes away the rituals begin. The rituals are not complete until after the cremation and a bit even beyond that too. The current crematorium does not have all the facilities that are required by these communities.

**MR PARTON:** What else would be required that is not there now?

**Mr Jinna:** Certain rituals are where people need to go into the crematorium. The eldest child of any of these three communities has to be present and participate in the actual cremation. It could be in a variety of ways. Now technologically it is available through pressing a button, but previously it was lighting the fire. There is also the provision of people needing to view just before the cremation. At the moment there are other facilities where viewing can be done, but traditionally it is viewed just before the body is cremated. Then post the cremation there are really no facilities at the moment where the ashes can be interred. In fact, it is illegal the way it is required to be interred at the moment. There is no real provision that has been made for any of these communities to be able to do that. So many people are sending their ashes away.

**THE CHAIR:** Can you just clarify what is illegal in that?

**Mr Jinna:** You cannot dispose of ashes just by throwing them into the river, water or air—whatever it is. They need to go into a river and flow into the ocean.

**MR PARTON:** Is it your belief, without wishing to incriminate anybody, that that practice goes on regardless?

**Mr Jinna:** Yes, definitely, it is happening. It is a given; it is something that is done with the ashes. A lot of people prefer to take them back to India or wherever the Hindus come from. At the moment Hindus are coming from a lot of countries outside of India.

**Mr Horne:** It is fair to say that, at a very technical level, placing ashes anywhere except in a cemetery, while not being necessarily illegal, may not be legal either. A lot of people throw them in the ocean, throw them in the river or sprinkle them off a



mountain. They do this and, if you like, a blind eye is turned to that. But technically they should not be doing it without permission. But people do, and not just this community.

**THE CHAIR:** I have a question to clarify that. Father Wellspring has said that he noted that things like Old Trafford get a lot of ashes spread on them. Hypothetically speaking, someone could spread ashes over Canberra Stadium, the home of the Raiders or the Brumbies. What is the current position on that? You have essentially answered it by saying it may or may not be okay.

**MR PARTON:** If they were to seek permission they would not get it anyway, would they?

**Mr Horne:** Probably not.

**THE CHAIR:** Not for that particular location.

**MR PARTON:** Or for any location for that matter.

**Mr Horne:** It would depend on where it was. But throwing stuff on the ground or in the river—whatever it is—could be classed as littering, for instance.

**MS CHEYNE:** I have some questions about grave spacing. It is something that we have not touched on with any of our witnesses so far.

**THE CHAIR:** Mr Jinna, just to clarify, the current services provided at Norwood Park are not quite adequate for what the community—

**Mr Jinna:** They are not. It is just traditionally in sync with what has been happening previously but not adjusted to the changing circumstances of the people who have come to live in the ACT. I can make a comparison that there are certain areas in New South Wales where they have made some arrangements in Macquarie Park and elsewhere, but unfortunately there is nothing here that we can—

**THE CHAIR:** And there is no way to do that? It is up to Norwood Park as to what business they offer? I am sorry, that was probably a question that—

**Mr Jinna:** No option, yes.

**MS CHEYNE:** Has someone asked them?

**Mr Jinna:** Yes, but they are not interested in what happens after the cremation. That is left to the people who have been using the facility. They can in fact bring the ashes and have them put at Gungahlin where they could be put to rest there. But that would be the actual urns et cetera, whereas the requirement is that they go back into the ocean or the river and into the system or be distributed in a certain way.

**Mr Bartos:** It is worth noting, in relation to that, that the experience elsewhere is that a cremation is obviously a stressful time for families; they have just lost a loved one and more often than not they just go with the path of least resistance. If the facility

where they are doing the cremation has a spot for placement of the ashes they will go with that path of least resistance.

**THE CHAIR:** My question was not about individual people but more about community representatives or leaders who have made representations to Norwood Park that you know of who have said, “Could this be done slightly differently?”

**Mr Jinna:** But there is very limited—

**THE CHAIR:** Perhaps that is a question we can ask them.

**Mr Jinna:** Yes. At Norwood Park you have a separate building where people can go but they do not have any pre arrangements or any post arrangements. There is nothing there. But they are very good. They try to provide the best services through the organisations, the various companies that provide the services for the people who have passed, but at the crematorium their service is purely to cremate rather than anything else.

**Mr Bartos:** By that you mean the funeral directors try to do as best they can?

**Mr Jinna:** Indeed. They do. The funeral directors do their bit and the crematorium does their bit. Before and after that, it goes back to the individual family as to how they want to do that.

**THE CHAIR:** I just wanted to finish off that line of inquiry

**MS CHEYNE:** We have barely talked about grave spacing with other witnesses but your submission covers it a little, noting that the capacity of Gungahlin cemetery could be increased by adopting more efficient grave spacing. If this occurred, how many more years would that add to Gungahlin and why is it not done as a matter of course?

**Mr Horne:** A cemetery is meant to be a beautiful place. Naturally enough if you have wall to wall graves there is not much space for gardens and other stuff like that. In the technical sense it is called curtilage, which is space that is not used for burial. Gungahlin naturally has a large proportion of curtilage to burial space. That could be reduced, in simple terms. Were that done, then we could essentially find more grave spaces.

**MS CHEYNE:** I am no expert but does that include burying people closer together or do you mean taking more space in the cemetery?

**Mr Horne:** Not necessarily. No I do not think there is any suggestion we would actually make graves smaller. In a technical sense, when you are digging a grave you want to make sure that it is stable and you do not have things collapsing and coming together and those sorts of things. Essentially our graves are spaced in such a way that when we dig one grave next to another one we have a fairly substantial space between them so that we do not get a collapsing event.

**MS CHEYNE:** That is probably all I have on grave spacing but I have got a few

questions on renewable tenure. We may have touched on this before but what increases in maintenance costs for perpetual tenure would we be looking at for the broader maintenance if we did not have renewable tenure introduced as a matter of course? The maintenance course for perpetual tenure will need to increase significantly if we do not have renewable tenure. How much is that increase?

**Mr Horne:** I am not quite sure what you are asking me there. Are you asking if there will be increases in the cost of maintenance without renewable tenure?

**MS CHEYNE:** Yes, if we do not have renewable tenure and we keep going down this path of perpetual tenure, although it seems increasingly unlikely—

**Mr Horne:** We have not done any modelling to quantify exactly what the difference between the current arrangements and renewable tenure will be but clearly if you are reselling a substantial portion of your graves on an ongoing, regular basis going into the future then you have got a stream of income that you would not otherwise have had which then contributes to the maintenance of the site.

**Mr Bartos:** It is more the other way around. Renewable tenure would actually lead to a reduction in costs because the current—

**MS CHEYNE:** That is probably a better way to have asked it.

**Mr Bartos:** Yes.

**Mr Horne:** Yes, indeed.

**Mr Bartos:** The current fees are probably adequate, although it is worth noting that they would have to keep going up year on year quite significantly without the introduction of renewable tenure but assuming that we kept increasing fees then we could manage the current arrangements. It is, though, better to keep the cost burden on Canberra families lower if possible.

**Mr Horne:** In essence, the more space you have the more cost you have to maintain, in simple terms. When you are reusing your space the cost of maintenance does not go up. At the moment, technically if you like, as a rule of thumb, every time we bury somebody the costs go up by that amount of space, if you like. But with renewable tenure we use less, so your costs remain the same.

**MS CHEYNE:** And just going back to what you were saying before, Mr Bartos, about community consultation about renewable tenure—and I think your submission mentions that in other jurisdictions when renewable tenure has been introduced there is a bit of public resistance but then people just accept it over time—have you considered any strategies? Evidence that we have heard from witnesses is that everyone is kind of fine with it—I appreciate we have not surveyed the whole community—but do you have any ideas about how we could reduce that hump of feedback or reluctance in the community?

**Mr Bartos:** Yes we have. The board has considered the need to consult in a multipronged way people who have the most immediate concerns, the funeral

directors, and seek through the funeral directors to get their views from their clients as well and consult the leaders of all the major religious faiths and then consider it more or less like expanding circles of consultation. Consult the people with the most immediate interest first to determine their views and, on the basis of that, do the broader issue of a discussion paper. There is already a discussion paper which we have included in our submission which provides a lot of background. We have provided that on request to anyone who has asked for it, and it is now available on the public record.

But after we have consulted those groups that have the keenest interest we would then want to have a more public consultation process of meetings with the public based on our discussion paper. We might want to amend it in light of that initial consultation or it might be that people, as you have indicated, actually think that it is probably an acceptable way to go. But that has been the thinking of the board so far.

**MR PARTON:** The only basic question I have got is that when we are assessing how we are moving forward we talk about the expansion of Woden and/or at some stage southern memorial park. Is there any other site that has been seriously considered or are there a number of sites that have been suggested by people who have written to the committee? Martin Miller suggested a site on the other side of Lake Tuggeranong and we got another suggestion of another site elsewhere. Is there any other site that has at any point been given serious consideration?

**Mr Horne:** Not really. In essence, what we did in the first instance was we drew up a set of criteria of what constitutes the right spot for a cemetery. Then we looked at the land that was available and was not earmarked for something in the future—and as soon as you do that, you actually cut out 95 per cent of the potentially available sites because they are going to be needed in the future for something else—and we arrived at where we are practically by a process of elimination.

**THE CHAIR:** So you still see the proposed site for southern memorial as suitable for a new cemetery?

**Mr Horne:** We think it is an excellent site.

**THE CHAIR:** I think we did have someone raise better public transport links for the proposed site. This question may not be overly relevant in the whole scheme of things, but the submission mentions alkaline hydrolysis. I do not know what that is. Can someone please fill me in?

**Mr Bartos:** This is something that Hamish has suggested to the board because some of his cemeteries colleagues in other places are keen on it and the board has said, “Maybe but not for a long time.” I will leave the details to Hamish to describe because they are slightly macabre in terms of what the alkaline hydrolysis process does. As the minister said, the authority is keeping its eye on the future. This is a possible option well down the track.

I think more immediately some of the options that we are keen on include virtual memorialisation. It is already the case, for example, that with natural burial you find where your loved one is buried by a geomarker that is buried under the ground. There

is no reason in the future why that could not be associated with a hologram representation in virtual reality of your loved one. These are some of the possibilities for, again, well down the track. Cemeteries is an evolving business, but alkaline hydrolysis, Hamish you should explain.

**Mr Horne:** Perhaps a nicer way of couching alkaline hydrolysis is—at the moment we cremate people and that is using fire; we burn the remains—that it is often being called water cremation where you actually dissolve the person in an alkaline solution and then dispose of the waste another way. Instead of burying the ashes you have a different sort of waste.

I would just say that there are commercial operations in the US and, interestingly enough, two of them were set up as trials alongside a cremator, if you like. Now most of their work is done by alkaline hydrolysis rather than cremation. In those places where they have done it, they have actually been more popular.

**Mr Bartos:** Essentially it reduces the remains of the dead person to a liquid. That is what it is about.

**THE CHAIR:** So it is a practice that at the moment you are just monitoring?

**Mr Horne:** It is very new, yes.

**MS CHEYNE:** It also has many environmental benefits.

**THE CHAIR:** I want to seek a few more points of clarification. Gungahlin cemetery is the cemetery where we seem to have a lot more time. Woden, you note in here, is 1.5 years to full subscription, whereas Gungahlin is 25 years. That is taking in the whole site of the Gungahlin block, I take it? For anyone who is interested, that is block 39 on ACT MAPi. That is taking in that whole area?

**Mr Horne:** Indeed, yes.

**THE CHAIR:** With another southern one, that will go to 40 years. It would actually be extending the lifespan of that. Is that basically if that became the only one within 25 years?

**Mr Horne:** Yes. Essentially once Woden has been fully sold, for want of a better word, then all of the new sales will move to Gungahlin so that its life gets reduced by that percentage: about 30 per cent a year, roughly.

**Mr Bartos:** And it is worth noting that the discussion paper on renewable tenure makes the point that, on the calculations that have been done with renewable tenure, the likely life of both Gungahlin and, should it happen in the future, southern memorial park would in fact be indefinite. There would not be a limit.

**THE CHAIR:** Most of my questions have probably been answered. I think that is all. We will conclude there. Thank you for your evidence. A *Hansard* of the hearing will be sent to you for any edits or corrections. I do not believe we have had any questions taken on notice but we do look forward to your reply though if you have taken any on

notice. The *Hansard* for the hearing will be available on the website within the next week. The committee's next public hearing is scheduled for Monday, 23 October. We are having Norwood Park come in for that one. A program for that hearing will be placed on the website before the hearing. Once again, thank you very much.

**The committee adjourned at 4.05 pm.**