



AGENDA

Extraordinary Council Meeting

Date: Monday, 11 November 2024

Time: 5 pm

**Location: Cowra Council Chambers
116 Kendal Street, Cowra**

**Dirk Wymer
Acting General Manager**

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I INTRODUCTION

I.1 Recording & Publishing

In accordance with the Local Government Act (1993), Cowra Council is recording this meeting and will upload the recording to Council's website. By speaking at this meeting, you agree to being recorded and having that recording published in the public domain. Please ensure that when you speak at Council meetings you are respectful to others and use appropriate language at all times. Cowra Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting.

I.2 Acknowledgement of Country

We acknowledge the traditional custodians of the land on which we gather, the Wiradjuri people, and pay our respects to elders both past and present.

I.3 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

I.4 Disclosures of Interest

Councillors and staff please indicate in relation to any interests you need to declare:

- a. What report/item you are declaring an interest in?
- b. Whether the interest is pecuniary or non-pecuniary?
- c. What is the nature of the interest?

I.5 Presentations

I.6 Public Forum

I invite any member of the public wishing to speak on an item in the agenda to please come to the lectern, introduce yourself, state the item you wish to speak on and allow time for any councillor or member of staff if they have declared an interest in the item to manage that conflict which may include them leaving the chamber during your presentation.

2 DIRECTOR-INFRASTRUCTURE & OPERATIONS

2.1 Cemeteries and Crematoria NSW Interment Services Levy

File Number: D24/1745

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

That Council place on public exhibition for 28 days the intention to amend the adopted 2024 / 25 Revenue Policy - Fees and Charges to include the 'NSW Cemeteries and Crematoria Interment Services Levy' as introduced by the NSW Government:

	Unit of Measure	GST	Code	2023/24 Charge	2024/25 Charge
Cemeteries and Crematoria NSW Interment Levy for each ash interment.	Each	Y	4	N/A	\$69.30
Cemeteries and Crematoria NSW Interment Levy for each burial.	Each	Y	4	N/A	\$171.6

Services exempt from the levy:

- Interment services for children under 12, stillborn children and miscarriages
- Interment services for destitute people

INTRODUCTION

At its May 2024 meeting Council was presented a report to advise of the proposed expansion of the 'Interment Services Levy' by Cemeteries and Crematoria NSW (copy of May 2024 Council report attached). Advice from the Minister for Lands and Property was 'Changes being implemented in response to the reports are focused on strengthening the industry regulator Cemeteries & Crematoria NSW (CCNSW), allowing it to proactively address bad operators, improve consumer protections and manage risks for the government and community.'

To support this the government will implement a recommendation from IPART and the statutory review of the Cemeteries and Crematoria act to expand the former government's interment industry levy from Crown cemeteries to all active industry operators, driving equity and levelling the field in the sector. Revenue from the levy will be no higher than that required to provide the regulator with the resources it needs required to protect consumers at a particularly vulnerable time.'

Council resolved:

1. That Council note the Director – Infrastructure & Operation's report on the Cemeteries and Crematoria NSW's proposal to introduce the interment levy.
2. That Council write to the Minister for Land and Property to express strong opposition to being forced to impose the interment services levy to fund Cemeteries and Crematoria NSW.

BACKGROUND

Council's letter to the Minister for Lands and Property noted that the proposed levy directly imposes an increased cost for our community and customers for no demonstrable benefit. However, Council has yet to receive a response.

Further information is being sought from Local Government NSW regarding continued advocacy on the levy; but at this stage based on the available information the levy was introduced from 1 July 2024 and imposed on cemetery operators with more than 50 annual interments reported in 2022/23.

In this period Cowra Council reported a total of 192 interments across its 4 cemeteries Cowra, Woodstock, Gooloogong and Morongla.

The levy to be imposed on Council by CCNSW is:

- \$63 for each ash interment performed
- \$156 for each burial performed

Based on the 2022/23 Cemetery report, for the Cowra Cemetery the levy would be of the order of:

- $152 \times \$156 = \$23,712$
- $14 \times \$63 = \882
- Total \$24,594

The impact of the levy will be to negate any increased income budgeted in the Long-Term Financial Plan (LTFP) in 2024/25 as follows:

	2023/24 Actual Income	2024/25 Budgeted Income
Total Cemetery income	\$366,169	\$377,053

The charges for interments will effectively remain at 2023 / 24 levels; or less; for a further 12 months:

	2023/24 Adopted Charge for interment	2024/25 Adopted Charge for interment (4.5 % annual increase)	Interment services levy (excl GST)	2024/25 Council Income per interment
Interment: burial in lawn	3462	3618	156	3462
Interment: ashes in memorial garden	1100	1149.5	63	1086.5
Interment: ashes with existing tree	755	789	63	726
Interment: ashes in existing grave	645	674	63	611

It is recommended that Council transfer the NSW State Government interment services levy to the customer by including the levy as an additional charge in the adopted revenue Policy - Fees and Charges.

The alternate option is that Council absorb the NSW State Government interment services levy within the existing level of charges; a method of facilitating the cost shifting to Council to fund the CCNSW that has been regulated by the NSW State Government.

The levy charged by CCNSW to cemetery operators is a fee or charge for the supply of a regulatory nature made by a government agency and is GST exempt.

The fee or charge levied by the cemetery operator is not directly a government regulatory fee or charge and therefore does attract GST. It is no longer the supply of a levy but an increase in the consideration paid by the customer for the supply of the interment services. This would be reflected in Council's fees and charges by adding the following lines under the 'Cemetery' section:

	Unit of Measure	GST	Code	2023/24 Charge	2024/25 Charge
NSW State Government Interment Levy for each ash interment.	Each	Y	4	N/A	\$69.30
NSW State Government Interment Levy for each burial.	Each	Y	4	N/A	\$171.6

Some services are exempt from the levy, these are:

- Interment services for children under 12, stillborn children and miscarriages
- Interment services for destitute people

BUDGETARY IMPLICATIONS

Should the recommendation be adopted the reduction in the 'Cemetery Fees' income as adopted in the LTFP will be minimised.

Absorbing the levy into the existing fees and charges is likely to reduce 'Cemetery Fees' income for 2024 / 25 by \$25,000 from the forecast \$268,547. This reduction of annual income for 2024 / 25 is then compounded through the ten-year period of the LTFP.

ATTACHMENTS

1. Director Infrastructure & Operations report to Ordinary Council Meeting 27 May 2024 [↓](#)

ORDINARY COUNCIL MEETING AGENDA**27 MAY 2024****7.5 Expansion of the Interment Services Levy**

File Number: D24/847

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

1. That Council note the Director – Infrastructure & Operation’s report on the Cemeteries and Crematoria NSW’s proposal to introduce the interment levy.
2. That Council write to the Minister for Land and Property to express strong opposition to being forced to impose the interment services levy to fund Cemeteries and Crematoria NSW.

INTRODUCTION

The intent of this report is to advise Council of the proposed expansion of the ‘Interment Services Levy’ by Cemeteries and Crematoria NSW.

If the levy is introduced it will be further recommended that Council amend the Fees and Charges to include the levy as a specific fee:

Cemeteries and Crematoria NSW Levy (note this levy is a NSW State Government charge required to be collected by Cowra Council; Council retains none of this levy):

<i>Cremation</i>	<i>\$41</i>
<i>Ash interment</i>	<i>\$63</i>
<i>Interment</i>	<i>\$156</i>

ORDINARY COUNCIL MEETING AGENDA**27 MAY 2024****BACKGROUND**

On 28 March 2024 Council received an email from Jennifer Hickey; CEO, Cemeteries and Crematoria NSW stating:

I am pleased to let you know that The Hon. Stephen Kamper, the Minister for Lands and Property, today released a strategic statement on cemeteries and crematoria. The statement, Delivering strong consumer outcomes for Cemeteries and Crematoria in NSW, describes the directions the government will be taking in partnership with the sector to ensure every person in NSW has accessible, sustainable, and affordable burial and cremation services into the future.

In addition, as part of the strategic statement, the government is proposing to implement a recommendation from IPART and the Statutory Review of the Cemeteries and Crematoria Act to expand the interment services levy. From 1 July 2024 the levy would apply to all cemetery and crematoria operators, excluding operators of inactive cemeteries who will hold a Cemetery Operator (Caretaker) Licence (also known as Category 4 operators).

This will ensure that Cemeteries & Crematoria NSW (CCNSW) is properly funded to improve protections for customers, maintain fair and consistent standards for the sector, and to support and deliver continuing education for operators to help them meet the regulatory requirements. Currently the levy is paid by only 2 operators which is inequitable and unfair and does not cover CCNSW's costs of regulating the sector.

The levy is proposed to be \$41 per cremation, \$63 per ash interment and \$156 per bodily interment. It would be up to operators to decide if and how to adjust their pricing to incorporate this levy.

Minister Kamper's strategic statement includes:

Changes being implemented in response to the reports are focused on strengthening the industry regulator Cemeteries & Crematoria NSW (CCNSW), allowing it to proactively address bad operators, improve consumer protections and manage risks for the government and community.

To support this the government will implement a recommendation from IPART and the statutory review of the Cemeteries and Crematoria act to expand the former government's interment industry levy from Crown cemeteries to all active industry operators, driving equity and levelling the field in the sector. Revenue from the levy will be no higher than that required to provide the regulator with the resources it needs required to protect consumers at a particularly vulnerable time.

This change will come into effect on 1 July 2024. Cemeteries and Crematoria NSW will begin consulting with industry shortly through in-person workshops and webinars commencing 9 April 2024.

In early May Central NSW JO advised they will be coordinating a submission to CCNSW on both the introduction of the levy and the timing of the announcement; for example including the information from Parkes Council circulated at GMAC:

1. The introduction of a new fee for councils currently free burial approval requires and should be afforded appropriate communication time for its community. A regulation made in mid-june with introduction on July 1 is highly inappropriate. Consideration of the delay of the regulated fee of six months should occur to allow councils to properly communicate with its community.

2. The current delay in the making of the regulation does not permit appropriate exhibition within councils currently exhibited operational plan incorporating its fees and charges. This would require an amendment at the last minute to council's publicly exhibited document.

ORDINARY COUNCIL MEETING AGENDA**27 MAY 2024**

3. It places council staff in the position of requiring an unadvertised non-communicated fee to community members who are applying to bury their loved ones. I can suggest that this is an emotionally charged time in people's lives and surprises are not what these people need. This level of emotional conflict can be managed but only with the appropriate level of notice and communication.

4. The information package includes "cemetery and crematorium operators, and funeral directors are invited to attend one of our upcoming events in April-May 2024, where you will be able to speak with CCNSW, learn more about some of the important changes underway in the sector (including the levy), and to hear from your industry peers. Operators and funeral directors will be invited". Could you please provide advice as to these events and will there be any regional or rural areas.

BUDGETARY IMPLICATIONS

Council's draft Long term Financial Plan shows Council's 'Public Cemeteries' are subsidised by the General Fund until the Cemetery Expansion Loan is paid off in 2025/26. In following years, the Public Cemeteries function is effectively revenue neutral; with a forecast profit of \$20,000 p.a. on average as a contingency.

To maintain its current long-term financial position Council will have no choice but to pass on the levy direct to the community. If and when the levy is introduced it would be recommended Council advertise its intent to amend the Fees and Charges to include the levy as a specific fee ie:

Cemeteries and Crematoria NSW Levy (note this levy is a NSW State Government Charge required to be collected by Cowra Council; Council retains none of this levy):

Cremation	\$41
Ash interment	\$63
Interment	\$156

ATTACHMENTS

Nil

3 LATE REPORTS

Nil