

**Submission  
No 89**

**INQUIRY INTO CEMETERIES AND CREMATORIA  
AMENDMENT REGULATION 2018**

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Please note that I originally submitted this letter in December last year by email, and also via express post with tracking (sent to Draft Cemeteries and Crematoria Amendment Regulation 2017 and Better Regulation Statement consultation, c/o Cemeteries and Crematoria NSW). I did not receive an acknowledgement of its receipt, or any further details, nor was I advised when a decision was made in June this year. I appreciate that this Upper House Regulation Committee will be looking again into this very important matter.

## Re: Renewable Interment Rights

To whom it may concern,

I would like to strongly object to the introduction of renewable interment rights in NSW. I believe that everyone deserves to have a perpetual memorial, and that it is incredibly disrespectful and insensitive to disturb remains, especially after as a short a period as 25 years.

Visiting the cemetery is a long-standing family tradition in my mother's family. The grave of her grandmother has been tended, and flowers placed by descendants, at least once a year, every year, since she was buried in 1939, my grandparents every year since they were buried, and many other family members including great-grandparents and great-great grandparents also visited regularly since their decease. It has been my honour to visit the cemetery every year since 1989. The oldest burial I visit regularly is from 1911. People do care for older graves, certainly for much longer than 25 years. Last year, my mother joined her ancestors, and this tradition will continue in my family for many years to come.

Some of the many issues that I believe should be carefully considered are listed below.

Immediate family members are likely to still be alive and mourning their relatives for many more than 25 years. Especially family members that died young. Visiting a loved one's memorial in a cemetery, and knowing that the remains are there, is a powerful emotional moment, and an important way to deal with grief.

Current next-of-kin may feel differently to other family members and make a decision that other family disagree with, thus it is very possible that immediate family members will be deprived of the opportunity to visit their loved ones in the future.

The re-interment option means that low income families are likely to feel pressure to "save money". Older people particularly may feel they are "doing the right thing" saving money, or not be fully cognisant of the implications of their decision, when their children or grandchildren would wish differently.

Renewal of the “lease” requires family members in the future to be committed to future payments, which may result in a heart-breaking decision between the cost and honouring their loved ones.

The renewal system requires a database that must be updated every time next-of-kin move or die. This would be very difficult to maintain over 99 years, and would inevitably result in cemeteries losing contact with family members that do care, and would be incredibly distressed to find their loved ones gone.

What if the cemetery goes broke, has corrupt or incompetent management, or loses the database? What if mistakes are made – certainly a possibility with such long-term arrangements? Are the potential savings worth the administration costs? Do we have the right to defer this decision to the future?

When the next-of-kin dies, how do renewal rights transfer? What if there is disagreement among family members? What if the last of the immediate family, or the renewal rights holder, dies or becomes incapacitated, especially unexpectedly, and no-one knows about the renewal?

Legal proceedings in cases of dispute over renewals in the future could cause distress between family members, and may be costly and stressful, and thus not be possible, especially for low-income families. Any legal cases in the future would be difficult and emotional, as they involve decisions over loved ones, and any possible witnesses could themselves be deceased.

After so short a time as 25 years, it is likely that someone in the future will look for a close family member, perhaps after some estrangement, or family break-up, or adoption, or any number of circumstances, only to find they have gone, not only deceased, but with no memorial to visit. This could add considerable distress to an already distressing situation.

Visiting of family members at cemeteries may not occur until quite some time after interment, particularly when they are not local, and travel is involved. These family members may not realise that the rights are renewable, and thus lose the opportunity to pay their respects in the future.

As a family historian, visiting cemeteries to find and pay respects to ancestors is both important research, and an emotional journey. Later generations of the family will lose this connection to their past, and their connection with their ancestors.

Cemeteries also record the history of the area, and are very important local history resources. There will be a gap in the record in the future as these permanent physical markers are lost to the community.

It isn't only people with specific religious beliefs who believe the remains of the ancestors should be undisturbed. For most people this would be considered an important right with

broader cultural, spiritual and cultural implications over and above current religious interpretations.

We are now repatriating Aboriginal remains, which it is acknowledged should not have been disturbed. What will later generations think of the removal of renewable interment remains?

Where will the remains go? Where do the plaques go? Can a memorial be re-instated later? Can a renewable right be converted to a perpetual memorial if family change their mind?

The collection of disinterred remains in communal storage without markers or memorials is reminiscent of pauper's graves or mass burials in war time. Is this how we want to remember our dead in the future?

There is plenty of land that could be used, particularly for cremated remains. It may be that cemeteries are not located as locally as previously, but this would be a preferable option.

What does "Rest In Peace" mean if parts of the cemeteries are being dug up regularly and remains removed?

In conclusion, I strongly believe that renewable interment rights should not be introduced. The pressure on families now, and in the future, at this time of grief is unacceptable. The disturbance of human remains is against the majority of religious and cultural beliefs. The impact and pressure on low income families, extending far into the future, is discriminatory. The possible legal disputes for families now and in the future will be difficult and distressing. The administration would be complicated, especially over the time intervals involved.

If renewable interment rights were ever to be introduced they should be at least 99 years, with an option for renewal by any interested family or community member during this time.

Yours sincerely,

(Mrs) Joanne O'Brien