

INQUIRY INTO CEMETERIES AND CREMATORIA AMENDMENT REGULATION 2018

Organisation: Rookwood General Cemetery

Date Received: 7 September 2018

7 September, 2018

The Director
Regulation Committee
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Sir,

RE: Inquiry into Cemeteries and Crematoria Amendment Regulation 2018 - Call for submissions

We would like to thank the Committee for the opportunity to make a detailed submission around the implementation of Part 4 through the recent Amendment Regulation 2018 (the Act). We understand that it is optional to make a submission and appreciate being able to do so.

We warn committee members that part of our submission contains images that are extremely graphic and sensitive in nature. Some members may choose not to view the annexures. These have been put in separate appendices for this purpose and we request that they be confidential for the members of the inquiry committee only and are not to be added to the public website. We appreciate your understanding and cooperation with this request.

Yours faithfully,

George Simpson
CEO Rookwood General Cemetery

Jason Masters
Administrator Rookwood General Cemetery

Parliamentary Inquiry

Cemeteries and Crematoria Amendment Regulation 2018

Rookwood General Cemetery
6 September, 2018

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1. Executive Summary

We would like to thank the Committee for the opportunity to make a detailed submission around the implementation of Part 4 through the recent Amendment Regulation 2018 (the Act). We understand that it is optional to make a submission and appreciate being able to do so.

In its own right, Rookwood General Cemetery (RGC) is one of the largest cemeteries in the world and the most significant multicultural cemetery in Australia. It is also the most substantial element of Rookwood Necropolis, which is ranked sixth (for size) in the world.

RGC has strong relationships with our faith communities, understanding the nuances and sensitivity around faith-based burial requirements. We anticipate all of our communities will, on the whole, be able to exercise exemptions from Part 4 of the Act.

This part of the Act was designed to achieve two main objectives, sustainability of cemetery land and affordability of burial products. It is our contention that neither of these objectives are likely to be realised. As we will outline later in the document, the main responsibility of the Act and the implementation of this regulation is the responsibility of Cemeteries and Crematoria New South Wales (CCNSW) and it is our opinion that they have failed to meet both of these objectives.

One of the emerging and critical issues both globally and here in Sydney, is the concept of 'funeral poverty', where the cost of all aspects of the funeral process is putting families into (or maintaining them) in poverty. Many families have to acquire financial loans or borrow substantial money from relatives and friends to allow them to provide a dignified burial or cremation service to their loved ones.

1.1 Community Impact

Our conversations with our communities indicate that there has been ineffective consultation prior to the drafting of this regulation, and in fact is causing more concern now due to the lack of communication. We have engaged with a significant majority of RGC's communities and they are likely to lodge exemptions to the renewable interment model. Subsequently, the sustainability objective will not assist with the land crisis at RGC, nor potentially at other cemeteries either.

A possible unintended consequence is effectively a form of discrimination against families of no particular faith or belief, leading to continued higher overall burial costs. In the last census (2016), a significant and growing number of people identified themselves as 'no religion' (30%). These people would not be exempt from the application of Part 4 through religious requirements. As discussed with the Board of the Regulator in May 2018, while there is an increase in the proportion of Australian's identify with 'no religion' when a family crisis occurs, such as a death, we observe two possible events. Firstly, it can generate a crisis of faith for that person who may decide that they need to bury family members in accordance with their family faith traditions, while they review their own faith journey. Secondly, while not a crisis of faith, but out of respect for the faith of the loved family member, and respect for other family members who retain that faith, there is an inclination to bury the person in accordance with that faith. Consequently, we do not anticipate any reduction in faith based burials and the associated burial requirements in our communities for the foreseeable long term future.

The regulation does not clearly identify who is the final arbiter, regarding which faith or communities are entitled to exemptions, and who is the arbiter of whether a body is sufficiently decomposed for removal.

Families are faced with making many decisions at the time of death, which is a period of personal family crisis. They may feel under pressure to purchase renewable versus perpetual and then decide to maintain a grave licence for ninety-nine years, which is likely to be more expensive than the purchase of the perpetual grave.

1.2 Organisation Impact

Currently, cemeteries have an obligation to undertake exhumations for a wide variety of purposes, and while this is not rare, it is also not common. Due to the impact on employees, our current Enterprise Bargaining Agreement allows for a significant financial payment to employees performing exhumations and is based on a purely voluntary basis. It has to be noted that there are considerable Workplace Health and Safety and psychological impacts on employees under these circumstances. We have enclosed a confidential annexure visually outlining the challenges our employees face while carrying out these exhumations. We warn committee members that these images are graphic and members may choose not to view that annexure.

There will be significant costs afforded to operators while carrying out exhumations and making graves available to another family, some of which will include:

- Increase in staff payments
- Administration
- Advertising
- Training
- Restoration of the grave for reuse
- Storage of memorials

As these costs will be borne by the cemetery operators, this could therefore lead to an increase in prices. There are also reputational risks to cemeteries as outlined in the Case Studies below.

1.3 Oversight of the Process

We have only gone back as far as December 2005 in identifying industry research and clearly identified community engagement as a major risk to renewal. The lessons of that paper have not been brought forward by the actions of CCNSW.

CCNSW consultation with the community and industry over the last four years on this highly contentious project could be described, at best, as ineffective. This has not been helped by having six acting / interim CEO's.

As a major operator invited to be on the Operational Steering Committee, CCNSW only arranged one meeting with key industry stakeholders over the last two years. No further formal communication was sent nor meetings held. In their broader industry consultation groups, whenever this item was on the agenda, CCNSW was ill-prepared for the comments offered or questions that were raised by industry operators.

A consumer study was commissioned by CCNSW (the regulator) in 2016 (Woolcott Study) that clearly identified that there was little understanding and knowledge of interment rights in NSW. Despite this, minimal community engagement has been undertaken by CCNSW to respond to the issue clearly identified in the report they commissioned.

Our conversations (as recently as 8 May this year) with the Board of CCNSW indicate a lack of understanding of the communities and their interaction with this regulation. Finally, there appears to be confusion within the regulator between the concepts of 'renewal' and 'reuse', which are fundamentally different.

Once again, we have found CCNSW as a Regulator of this sector to be ineffective.

1.4 Alternatives

The availability of burial land in Sydney is now beyond crisis point and RGC is working on a number of fronts to address this crisis.

RGC continues to work urgently to identify and acquire significant land holdings in the west of Sydney to ensure that cost effective perpetual burials can be achieved for their communities. This continues to be the number one priority for RGC.

We are also working on two major research projects (for both in-ground and above-ground burials) that will have the potential to allow rapid decomposition and significant reuse of family graves for those communities that can endorse this option.

We believe that the Government should look at withdrawing environmental constraints within Rookwood Necropolis to free up some twenty-five hectares and to also work with the Department of Health to update the NSW Health Regulations around minimum depths. This would permit an additional body per grave and plastic coffin body liners that prevent decomposition.

The following pages, case studies and annexures of our submission will further break each of these points down into more detail.

2. Introductions

2.1 About Rookwood General Cemetery (RGC)

Rookwood Necropolis was established in 1867. Today, with a total area of 290 hectares, it is the largest Victorian cemetery in the world and the sixth largest overall.

Rookwood General Cemeteries Reserve Trust was established in 2012 to unite the former Anglican, General, Independent, Jewish and Muslim Trusts that managed Rookwood.

In 2018, in accordance with the Crown Lands Management Act (2016), all Crown Reserve Trusts transitioned to Land Managers. As a result, our new legal entity became Rookwood General Cemeteries Reserve Land Manager. To support this new entity, we are implementing a new brand, using the business name of Rookwood General Cemetery (RGC).

We are responsible for managing over 190 hectares of Rookwood, which equates to two-thirds of the cemetery. The remaining one-third is managed by the Rookwood Necropolis Trust (RNT), the Catholic Metropolitan Cemeteries Trust (CMCT), Rookwood Memorial Gardens and Crematorium (InvoCare), and the Office of Australian War Graves.

Throughout Rookwood, RGC offers over 130 interment locations. To further meet the needs of families, we customise interment practices to respect different community beliefs.

2.2 Introduction of Renewable Tenure

Sydney and its multicultural communities have been facing the prospect of running out of land for cemeteries for some time. There have been a range of investigations into the issue since the early 2000's in the form of government committees and commissioned reports. All of the reviews were consistent in recommending the following:

1. Engagement and consultation with key stakeholders
2. Space for new cemeteries to be included in future planning strategies for Sydney
3. Intensify reuse of family graves (family to retain control of the licence)
4. Amend existing legislation to allow renewable tenure, but only after comprehensive education and consultation with key stakeholders (licence to then revert to cemetery operator upon expiration)

Legislators have now deployed this last option and are hoping that the introduction of renewable interment rights will reduce demand for new land.

Given that the legislation is voluntary and not retrospective, the only way renewable interment rights will mitigate the urgent need for new land will be if it is adopted by a majority of communities and families making end-of-life choices. This is unlikely to happen with:

- Section 54 (2) excluding consecrated land set aside for communities who require perpetual interment, *and*
- Section 55 (4) directing either of an ossuary box which may not be accepted or interring deeper which may not be possible given potential proximity to ground water, *and*
- Section 55 (6) (a) setting down that the interment must have taken place at least twenty-five years earlier, meaning that any interment of body remains during the term of the tenure extends the term, *and*
- Section 55 (6) (a & b) identifying sufficient levels of decomposition, which is unlikely to be the case in the clay type soil environment of RGC.

2.3 Perpetual Reuse vs Renewable Reuse

Perpetual Reuse – The term 'perpetual' means forever, so a perpetual licence lasts forever and only changes hands by means of a transfer application by the holder or death of the holder. A perpetual licence sits within the holder's estate. Upon their death, it is dealt with via their will, or in the case of an intestate via common law.

Any reuse of a perpetual site is entirely at the discretion of the licence holder. The only involvement by the cemetery operator in that decision is to determine feasibility. 'Perpetual reuse' really means the same family, using the same grave, over and over again, indefinitely.

Renewable Reuse – A renewable tenure licence is for a fixed term of twenty-five years, with the family having the option to renew the licence, but only up to a maximum of ninety-nine years. At the end of ninety-nine years, the control of a renewable site reverts to the cemetery operator. 'Renewable reuse' really means the same family can reuse the grave for a maximum of ninety-nine years only and not forever.

3. Community Impact – CCNSW Engagement

3.1 Level of Research

The underlying message from the Woolcott Report was that the consumers who were spoken to were identified as not being knowledgeable in interment rights across NSW as was first assumed. This has led to a lack of understanding of interment rights within the communities and the results from the research can be viewed on the CCNSW website.

3.2 Level of Engagement

Renewable interment rights is a concept that will require extensive engagement with both industry and community stakeholders. To date, CCNSW has held one Industry Stakeholder working forum to discuss renewable tenure with industry stakeholders, on 31 January, 2018. Additional change management and communication has only taken place after the regulation came into effect in July 2018.

3.3 Period of Public Engagement

CCNSW requested public submissions regarding renewable interments rights from 1 to 22 December, 2017. RGC provided advice to extend this consultation period to mid-March due to the Christmas period, however this advice wasn't heeded.

Following discussions with Rookwood's community stakeholders, we have been informed that the community representatives that RGC engage with were not aware of this public consultation period.

4. Community Impact – RGC Engagement

4.1 RGC Communities

At RGC, our stakeholders represent the diverse Sydney community as a whole. We are committed to engaging with all of these groups, with the level of engagement reflective of the extent to which the groups use Rookwood Cemetery. The following table illustrates our communities by frequency of engagement:

Groups we Engage Daily	Groups we Regularly Engage	Groups that Remain an Area of Focus
<ul style="list-style-type: none"> Chinese Jewish Muslim Italian Orthodox (Greek, Macedonian, Russian, Serbian) communities 	<ul style="list-style-type: none"> Aboriginal Armenian Assyrian Buddhist Catholic Cuban Druze Estonian Korean Syrian Orthodox 	<ul style="list-style-type: none"> Anglican / Church of England Asian Other (Vietnamese, Indochinese, Khmer) Baptist Hindu Latvian Lutheran Maori Non-Denominational Orthodox Other (Lebanese, Coptic, Ukrainian, Croatian, Romanian, Yugoslavian, Albanian) Pacific Islander (Samoan, Tongan, Fijian) Pentecostal / Hill Song Presbyterian The Salvation Army Uniting (non-continuing Presbyterian, Methodists and Congregationalist)

4.2 Level of Engagement

RGC engages with our communities to understand their evolving needs and ensure we can accommodate their end-of-life needs in the future. We do this through one-on-one community consultations and focus groups.

Future interment strategies are a key focus during these engagement meetings, with topics such as new developments at Rookwood, land acquisition and renewable vs perpetual interment rights as pertinent topics.

4.3 Outcome of Engagement

Our consultation has identified extensive concerns with the concept of renewable interment rights, from cultural beliefs and community acceptance, through to emotional and financial turmoil for families. The following table summarises the feedback we have received from community groups on this subject, with the primary message being that they do not want the renewable interment model.

Community Group	Feedback on Renewable Interment Rights
Anglican	<ul style="list-style-type: none"> No theological problems Emotional and psychological effects on families with financial issues Removal of headstones and bones considered extreme Government consultation is needed
Armenian	<ul style="list-style-type: none"> Renewable tenure is against Christian values
Buddhist	<ul style="list-style-type: none"> Massive concern for the community Does not support cultural beliefs and superstitions Affect the Feng shui of the grave
Chinese	<ul style="list-style-type: none"> Burial is considered a sacred culture for the Chinese in Australia Renewable interment rights exist in China, however grave prices are significantly cheaper in comparison to Sydney Community will resort to other cemeteries that offer perpetuity
Jewish	<ul style="list-style-type: none"> Have submitted directly to the inquiry
Italian Catholic	<ul style="list-style-type: none"> Considered disrespectful to disturb someone in their resting place Negative financial and emotional impact on community Concerns around lack of community choice Questions around why the purchase of Fernhill was not approved if renewable tenure is the only option New cemetery is needed
Maori	<ul style="list-style-type: none"> Does not support cultural beliefs of leaving people to rest Community will resort to other cemeteries that offer perpetuity Community will move towards cremation Negative emotional impact on the community and their families Believes assistance will be needed to help struggling families
Muslim	<ul style="list-style-type: none"> Does not support renewable interments Are in favour of reusable graves for family members in the future
Orthodox, Greek	<ul style="list-style-type: none"> Does not support cultural beliefs and practices Inconsistent with practices overseas Concerns around cost implications Deepening the grave and reselling to another family is not acceptable, an ossuary or building would be needed
Orthodox, Macedonian	<ul style="list-style-type: none"> Loss of financial and emotional security Negative emotional impact on the community and their families Community will not use Rookwood if this model is implemented More suitable for a new cemetery Government consultation is needed
Orthodox, Russian	<ul style="list-style-type: none"> Does not support cultural beliefs Negative financial impact on the community's ability to bury Government consultation is needed
Orthodox, Serbian	<ul style="list-style-type: none"> Does not support cultural beliefs Will be making a submission against renewable tenure

Orthodox, Syrian	<ul style="list-style-type: none"> • Considerable legal implications • Low socio-economic families will be at a disadvantage • Families left devastated by removal of monuments • More suitable for a new cemetery • Government consultation with the Syrian community is needed
Uniting Church	<ul style="list-style-type: none"> • Uniting Church is moving towards cremation, however are supportive of other community's concern with renewable tenure • Government consultation with the Uniting Community is needed

5. Organisation Impact – Case Studies

As outlined above, we have enclosed a confidential annexure visually outlining the challenges our employees face whilst carrying out these exhumations. We warn committee members that these images are graphic and members may choose not to view that annexure.

5.1 Previous Exhumations at Rookwood Cemetery

Cemetery Story: Rookwood General Cemetery, Operations Manager

I refer to my experience of twenty-six years at Rookwood Cemetery where I have attended or participated in over thirty exhumations of human remains.

One of the primary issues with conducting an exhumation at Rookwood Cemetery is that the soil is predominantly clay. The wet clay does not allow the body to break down at the same rate as a body interred in a cemetery that is entirely sand and/or well-drained. I have exhumed a deceased individual that had been interred at Rookwood for fifty-six years, only to find 80% of the body remained intact. The remains began to break apart when the body was removed.

To exhume and/or lift and deepen a body in wet clay is the most unpleasant event a gravedigger can experience. Exasperating this unpleasant task, gravediggers are required to 'hand-sieve' the grave, while the health department is present, to ensure that no remains are left in the grave. Quite often small bones are discovered in this process.

A visual example of how soil can effect decomposition can be seen in Appendix 1. Body 1 was interred on 16 April 2007 and Body 2 was interred in the adjacent grave on 15 May 2009. Both bodies were exhumed on 7 June 2018. As the photos illustrate, the caskets were completely crushed and pumps were used to drain the water from around the bodies. While Body 1 remained virtually intact, Body 2's decomposition was further advanced.

A further visual example of the process involved in exhuming a decomposing body from wet clay can be seen in Appendix 2. A body was interred on 31 May 2000 and exhumed on 5 September 2018. As the photos illustrate, the gravediggers must enter the grave to lift out the remains and sieve for bones.

5.2 Centennial Park – War Veterans

News Story: The Advertiser - 17 February - 2015 Miles Kemp

Synopsis: The graves of Gallipoli Diggers and other Australian war veterans are being reused at Adelaide cemeteries, prompting an emotional campaign to preserve them forever.

This story was very high profile as it highlighted the case of the late Alfred Thomas Durbin, a veteran of Gallipoli, who had no surviving relatives and an unfunded renewable license. The cemetery operator was planning to remove Mr Durbin's ashes and reclaim the site.

This story also highlighted that the South Australian Cemetery Authorities, just like Part 4 of the NSW legislation, offered a maximum term of ninety-nine years for renewable tenure sites.

(Part 4, 54, 3a, The cemetery operator, on application and payment of the appropriate fee: must renew an interment right that is due to expire within 12 months for a further consecutive term of at least 5 years that when aggregated with the initial term and any further terms of renewal does not exceed 99 years).

The effect of this is that regardless of whether or not families continue to renew the licence, it will inevitably revert to the cemetery operator after ninety-nine years meaning that 'it is not a case of if remains will be dug up, but when'.

Interestingly, in August of 2015, one Adelaide cemetery introduced 'perpetual' interment rights into South Australia.

5.3 Adelaide Channel 7 – Exposed Bones

7News – 28 January, 2018 – Justine Northey

Synopsis: An Adelaide cemetery is under fire for exposed human bones.

This story showcased a significant risk associated with renewable interment rights, with a Cheltenham resident discovering human bones in a rubbish pile at an Adelaide cemetery. At the time of publishing, the cemetery operator, Adelaide Cemeteries Authority, had reclaimed more than 1500 graves over the past decade.

Through this process, human remains are to be placed back in the grave at a lower depth, however in this instance, a bone was missed during the reclaiming process. This incident received national media coverage and left families horrified that their loved one's remains might be left sitting atop a rubbish pile.

To see the full story, visit: <https://au.news.yahoo.com/an-adelaide-cemetery-is-under-fire-for-exposed-human-bones-38746187.html>

6. Oversight of the Process – Implications for Site Remediation

The offering of limited tenure interment rights legislation by cemetery operators will be met with strong resistance by a majority of clients, and will further encounter operational obstacles. As outlined above, we have enclosed a confidential annexure visually outlining the challenges our employees face while carrying out these exhumations. We warn committee members that these images are graphic and members may choose not to view that annexure.

Access

Machinery access to the nominated grave may be an issue as many areas are populated with monuments and this can limit the size of the machine able to access the area.

Limited machine access means smaller machines are required and these small machines may not be able to excavate to the required depth, resulting in additional hand excavation closer to interment level. Removal of the soil from the grave would also need to be carried out using dumpers and/or wheel barrows due to the limited access. This soil will need to be re-instated following the removal. Contamination of this removed soil will need to be considered during this soil moving process and re-use of the grave space.

Monuments

When staff are asked to voluntarily engage with remains it will be essential that cemetery operators provide them with a safe working environment. When re-opening a grave to relocate remains deeper or place them in an ossuary container, it would be mandatory that any monument and foundation be completely removed.

While the Cemeteries and Crematoria Amendment Regulation 2018 (NSW) removes the need for cemetery operators to retain the kerbing, ledger or foundation, it is legislated that the headstone be retained. Clause 13 of the Cemeteries and Crematoria Regulation 2014 stipulates the headstone be retained by cemetery operators for up to five (5) years unless it is reclaimed sooner.

The fact that the cemetery operator has already undertaken an exhaustive and lengthy process to endeavour to contact family before reclaiming the grave means that it is most unlikely that any family will come forward to claim the headstone after it has been removed. The likely cost of this requirement could in and of itself be a significant inhibitor to proceeding with renewable interment rights.



Picture: Discarded Headstones

Recovering Remains

While it is relatively easy to put words on paper, quite often the reality is more confronting.

Part of the process for a cemetery operator to reclaim a grave will be asking staff to engage with remains. The state the remains are likely to be in after twenty-five years or more can vary dramatically depending on the location of the cemetery, soil type, chemical treatment (or not) of the deceased at time of funeral and also the presentation of the deceased in either a coffin or wrap and the materials used to construct these containers.

The RGC is in the early stages of conducting research into decomposition rates in clay type soils. Images of what employees will have to confront can be seen in Appendix 3.

State of Decomposition

Clause 55 (6) of the Cemeteries and Crematoria Act 2013 sets down that:

- The deceased must have been interred in the renewable site for at least twenty five (25) years before any intervention by the cemetery operator, *and*
- The cemetery operator considers the body is in a sufficiently decomposed state

If the holder of a renewable interment right exercises their right and interments bodily remains (not cremated), then that event effectively resets the twenty-five year clock, regardless of whether or not the licence is renewed at twenty-five years after the initial issue date.

While cemetery operators may be able to make a judgement on whether or not a body is sufficiently decomposed based purely on experience, what qualifies them to make that call? Cemetery operators are not scientists.

Deepening an Interment

The capacity of the cemetery operator to deepen an interment and thereby generate additional volume within a grave, will be constrained by ground water levels beneath the grave.

If a deepened interment encroaches into the ground water buffer zone and/or the ground water itself, it creates the very real risk that water moving under and through the cemetery becomes contaminated. This could inadvertently contaminate reserves of water elsewhere in either the same or a neighbouring catchment.

Ossuary Repository

In the absence of any other detail in the Cemetery and Crematoria Act 2013 beyond 'ossuary house or similar place' in Clause 55 (4), it is assumed that if the cemetery operator does not already manage such a facility, one would need to be built. This would be an essential resource for cemetery operators that are reopening renewable sites, but confronting ground water constraints.

Both the initial cost to build such a structure and the yearly ongoing maintenance would need to be funded from the cemetery operator's reserves given the absence of any revenue. Having to incur costs that have no consequential revenue would irreversibly damage the cemetery operator's capacity to fund the perpetual obligations for the entire site, leaving a costly legacy for future governments.

7. Alternative Solutions

7.1 Family Re-use and Innovation

All of the key stakeholders consulted by RGC were very vocal about the family retaining control of the interments rights or licence forever. The current licence holder and their heirs and descendants could continue to inter family members into the same site with the only impediment being religious constraints or level of decomposition.

It is for this reason that RGC embarked on a long-term project to investigate socially acceptable ways of presenting the grave environment and/or the interment to ensure adequate decomposition in reasonable timeframes.

7.2 Soil Project

In recent years, the cemetery industry has made great strides in operational efficiencies with the introduction of mechanisation to prepare and excavate the site and digitally capture details of interment events. However, preparation of the grave environment to facilitate ongoing re-use by the same family has not been researched.

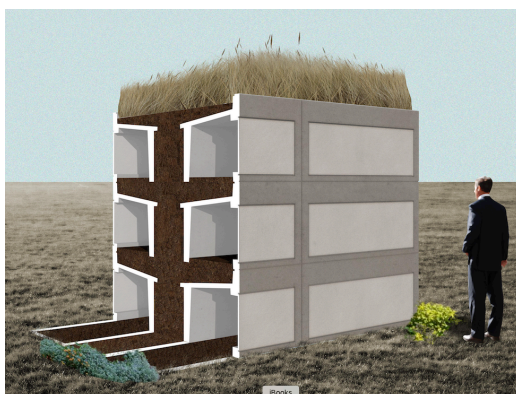
There has not really been any significant progress in managing rates of decomposition or improving capacity for in-ground sites. Taphonomic facilities and forensic science, for the most part, have concentrated their studies and research around capturing data relative to the decomposition process at the surface or shallow depths.

Information about what is taking place in the dark and often moist recesses of the interment excavations in clay soils will prove invaluable insight to the industry by allowing us to understand (and subsequently influence) the decomposition rate, while also being in a position to introduce new innovation to designing and developing interment spaces.

7.3 Above Ground Project

The cemetery industry in Australia has always had access to an abundance of land to manage the disposition of our deceased. We are now faced with the very real possibility of land for in-ground interments being exhausted. While other countries confront the same shortages, they have reinvented the interment paradigm using a variety of alternatives.

RGC is testing an above ground structure that, unlike traditional above ground structures, permits the deceased to be interred onto a layer of earth. Proxy specimens will be interred in numerous ways to measure decomposition rates and the potential for this innovation to be re-used by licence holders and their descendants.



Picture: Above ground structure
Patent pending

8. Financial Review

8.1 Estimated Prices to Market of Renewable Offering

Product		Current Perpetual License Price (2018)	Estimated Renewable 25Yr License Price (1st Issue)	Estimated Renewable 25Yr License Price (Reuse after Remediation)
Armenian	Lawn	\$9,109	\$7,176	\$17,818
	Monumental	\$10,459	\$7,878	\$27,340
Chinese	Lawn	\$8,197	\$6,210	\$16,852
	Monumental	\$38,213	\$28,949	\$48,411
Jewish	Lawn	\$10,311	\$7,668	\$18,310
	Monumental	\$9,547	\$7,080	\$26,542
Muslim	Lawn	\$4,510	\$3,608	\$14,250
Orthodox - Eastern	Lawn	\$8,265	\$6,261	\$16,903
	Monumental	\$12,370	\$9,290	\$28,752
Orthodox - Macedonian	Lawn	\$12,988	\$10,832	\$21,474
	Monumental	\$14,618	\$10,631	\$30,093
Orthodox - Russian	Monumental	\$10,459	\$7,878	\$27,340
Orthodox - Serbian	Lawn	\$7,817	\$5,922	\$16,564
	Monumental	\$10,796	\$8,132	\$27,594
Syrian	Monumental	\$8,547	\$6,419	\$25,881
Non-Denominational	Lawn	\$9,109	\$6,934	\$17,576
	Monumental	\$8,547	\$6,216	\$25,678

Note –

- All pricing is inclusive of GST
- Renewable prices are estimates only, with cost base adjusted to reflect tenure term.
- Renewable reuse pricing includes the cost of an exhumation as this is a cost only incurred when preparing a renewable site for issue to another family.

8.2 Pricing Frameworks

The only comparisons to draw from with regards to renewable interment prices within Australia are from Waverley Cemetery in Sydney and Adelaide Cemeteries Authority. The remaining states have some variations of renewable programs (e.g. for ashes or using space between existing burials) but none of these are comparable to the proposed model for NSW.

Cemetery Operator	Renewable Interment (Burials)	Perpetual Interment (Burials)
Waverley Cemetery*	25yrs - \$24,805.00 50yrs - \$37,207.50 75yrs - \$49,610.00	99yrs - \$61,516.00
Adelaide Cemeteries Authority^	25yrs - \$1,500-\$4,375	99yrs - \$17,325

* Renewable tenure began at Waverley Cemetery in 1992 with a term of 25yrs only. Successive 25yr periods were introduced in 1997. Renewable tenure is a viable option at this site due to its sandy soil and fast rate of decomposition

^ These values are estimates as Adelaide Cemeteries Authority charge a per annum fee of \$60-\$175. It is unclear if these prices will be increased over time.

The long-term risk of structuring renewable interment prices as a percentage of perpetuity licence fees is the creation of a two-class system in death. Those with the means can rest in peace forever, those with limited means cannot.

9. Risks

9.1 Rookwood Communities and their Practices Overseas

Israel – Cemeteries in Israel have been very innovative by elevating the monument above the ground to create more interment space and construction of vast vertical structures. Control of the burial site stays with the family as remains should never be disturbed.

Middle Eastern Islamic Communities – The environmental conditions in the majority of middle eastern countries is conducive to accelerated decomposition. This provides the perfect conditions for 're-use' which has been exercised by families residing in the middle east for centuries.

This RGC stakeholder would find the idea of a cemetery 'reclaiming' graves completely abhorrent.

Greece – The urban population of Greece has exploded in recent times. Most large cemeteries are incapable of expansion being encircled by neighbouring cities.

Consumption and occupation of land for interments is heavily regulated by price. In some cases, families can only afford to inter their loved ones for as little as three (3) years. Some cemeteries in Greece have been exhuming as many fifteen (15) individuals a week.

Even the spaces available at an ossuary are prohibitively expensive.



Picture: Family watching the exhumation of their loved one

9.2 Land Availability and Lack of Government Support

In 2017, RGC was involved in a due diligence process with a view to acquiring the central precinct of Fernhill Estate. Unfortunately, approval to proceed based on the Substantive Business Case was not obtained. The research and engagement by RGC and its consultants during the Fernhill assessment clearly identified that land, at an affordable price, available for cemeteries in the undeveloped areas of Sydney's west and south west is in very short supply.

There is a very real risk that Part 4, and in particular, 'Renewable Tenure', will provide a moment of temporary relief but distract Government from the real issue, which is to urgently acquire new land.

9.3 Changing Family Situations

In any other situation, governments, financial institutions or large corporations will provide their constituents / customers with access to both emotional and financial support when times are difficult.

What is to happen when families find themselves in the difficult situation of not being able to continue to fund the renewable licence for a grave?

Will CCNSW be setting up and managing a 'grief counselling' program for both cemetery operator staff and families as they work through the issues of renewable licences being reclaimed?

Will CCNSW be arranging for financial relief for families that have encountered financial problems through no fault of their own?

9.4 Local Jurisdictions in Australia

Location	Licensing Type	Term	Notes
Australian Capital Territory	Perpetual	Forever	
Northern Territory	Perpetual	Forever	
Queensland	Authority determines	Authority determines	Cemeteries regulated and managed by Local Authorities
South Australia	Renewable	Authority determines	Up until 2015 all Cemeteries offered renewable only. One Cemetery began offering perpetual rights in August 2015.
	Perpetual	Forever	
Tasmania	Renewable	25yrs + such other terms and conditions as may be agreed	
Victoria	Perpetual	Forever	Bodily remains only. Cremated remains can be either perpetual or renewable
Western Australia	Renewable	25yrs + 25yrs (Max 50yrs)	

9.5 Social History and Learnings from Overseas

Traditionally in Germany, burial plots would have been re-used every fifteen to twenty years however, due to high moisture content in the clay-type soils, combined with low temperatures and air content, decomposition has been altered in the past couple of decades. Bodies are now turning into a grey-white, paste-like, soft mass. Over time, this mass hardens into a wax-like substance. Bodies are being exhumed harder than when they were initially buried.

The press has reported negatively on this state and have been quick to point to negligence on the part of cemetery operators in not giving enough consideration to soil and required conditions for decomposition. Headlines have emerged such as 'Germany's Tired Graveyards: A Rotten Way to Go', 'Dust to dust (but not if your dearly departed is buried in Germany)' and 'Grave wax and soap people: Germany's not so rotten corpses'.

Germany is now attempting to re-condition (entire) existing sites and are also moving towards above-ground burial chambers.

Another example is In Norway where cemetery plots are given for free but only for twenty years to conserve land. If no one pays 'rent' to keep the plot and headstone, then it becomes available to someone else and the existing occupant is left underneath new burials. Unfortunately, for thirty years after World War II, bodies were wrapped in plastic bags before being put in coffins. When it came time to reusing the graves, the bodies had not decomposed. They have now had to turn to injecting lime down in to these graves and coffins to speed up the decomposition process in an attempt to reclaim these plots again in another few decades.



Picture: Cemetery worker injecting a chemical concoction into graves

9.7 Legislation and the Regulator

Even if all of the other challenges to renewable tenure that have been outlined in this document can be overcome, there is still the final challenge of policy.

There would need to be strong policy around events that take place at a renewable site which the regulator, CCNSW, should develop and publish to all Crown Cemeteries.

It would need to address, but is not limited to, the following:

- No embalming of the deceased
- Coffins to be only of natural materials (no metal/laminates etc)
- Coffins not to be plastic lined (this dramatically retards decomposition)
- Small headstones only (no large monuments)
- Renewable tenure locations to be situated in elevated locations (away from ground water)

Appendices

**We warn committee members that the appendices
contain images that are extremely graphic
and members may choose not to view these.
Therefore, appendices are provided in a separate document.**