

Ms Sandra Lambert AM
Chair, ACT Remuneration Tribunal
PO Box 964
CIVIC SQUARE ACT 2608

ACT Remuneration Tribunal 2023 Spring Sitting

Dear Ms Lambert

I refer to your correspondence of 1 September 2023 inviting submissions to the review of the remuneration of statutory office holders for the forthcoming financial year and provide the following submission on behalf of the ACT Cemeteries and Crematoria Authority (the Authority).

Executive Summary

The nature, size and complexity of the Authority and the work of the Board has increased and changed significantly since 2019.

In the Authority's opinion the current remuneration status and quantum does not reflect the Board's responsibilities and workload in operating the Authority.

The Board suggest a remuneration in line with entities of a similar size and complexity is more appropriate and has proposed some benchmarks for the Tribunal's consideration.

The Cemeteries and Crematoria Authority

The Cemeteries and Crematoria Authority (the Authority) is an independent statutory authority established under section 113 of the *ACT Cemeteries and Crematoria Act 2020* (the Act). The functions of the Authority include;

- (a) to develop, build or operate a facility approved by the Minister under section 115; and
- (b) to recognise the rights of people to the dignified and respectful treatment of their human remains and the human remains of their loved ones when operating the facility; and
- (c) to respect the diverse burial, cremation and interment practices, cultural practices and religious beliefs of people when operating the facility; and
- (d) to operate the facility in a financially sustainable way; and
- (e) to promote financially sustainable practices for burying or cremating human remains or interring cremated remains at the facility; and
- (f) to maintain the facility to an acceptable standard; and

(g) any other function given to the authority under this Act or another territory law.

The Authority currently manages and operates three public cemeteries at Gungahlin, Woden and Hall, and a Mausoleum and Crematorium that service the ACT and surrounding communities. Cemeteries are important spaces for the community and the Authority ensures that all matters related to its services (burials and interments) are handled with dignity and respect.

In addition, on 23 May 2023 the Minister for Transport and City Services (through Notifiable Instrument NI2023-267) appointed the Cemeteries and Crematoria Board to:

- Develop Southern Memorial Park as identified in Schedule 1; and
- Operate stage 1 of Southern Memorial Park as identified by the red outline in Schedule 1.

The key purpose of the Authority is to ensure the equitable availability of interment options and maintain burial capacity in the medium to long term for the ACT community. The Authority operates as an efficient government business with a strong customer-service focus and is directly responsible to the Minister for Transport and City Services for the good governance and successful operations of the Authority.

The Tribunal last received a submission from the Authority in 2019 and currently classifies the Authority as a Decision-Making Board within a Level 2 remuneration band paid per-diem. With the significant expansion of the size, diversification, scale, responsibilities and complexity since our last submission, I submit the attached submission to the Tribunal to increase the base remuneration for the Authority Board Members.

The proposed increase in remuneration for Board Members will be covered as part of the Authority's budget.

I look forward to the Tribunal's favourable decision on this matter and would be pleased to discuss it further on 0410 515 068.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neale Guthrie', with a stylized flourish at the end.

Neale Guthrie
Chair
Cemeteries and Crematoria Authority Board

27 September 2023

Attachment:

1. Cemeteries and Crematorium Authority Submission to the ACT Remuneration Tribunal 2023 Spring Sitting

**Submission to the ACT Remuneration Tribunal 2023 Spring Sitting
Review Part-Time Holders of Public Office
Cemeteries and Crematoria Authority**

Executive Summary

The nature, size and complexity of the Authority and the work of the Board has increased and changed significantly since 2019.

In the Authority's opinion the current remuneration status and quantum does not reflect the Board's responsibilities and workload in operating the Authority.

The Board suggest a remuneration in line with entities of a similar size and complexity is more appropriate and has proposed some benchmarks for the Tribunal's consideration.

Cemeteries and Crematoria Authority Board – Current Remuneration

Members of the Cemeteries and Crematoria Authority Board (the Board) are currently remunerated as Part-Time Holders of Public Office, where the Base remuneration (Per Diem) applies to Board meetings and additional work undertaken by the office holder in performing the duties of their office. Our last application for review of remuneration to the Tribunal was made in 2019.

At that time the Tribunal recognised the **ACT Public Cemeteries Authority** as a decision-making board with a Level 2 remuneration on a Per-Diem rate.

The Board's current remuneration is referenced in Table 1 below.

Table 1: Remuneration rates for Part-time Holders of Public Office

Entity	Position	Determination No.13 of 2022 15/12/2022
Cemeteries and Crematoria Board	Chair	\$625
	Member	\$545

During 2022-2023, Board members attended the following Board meetings and Committee meetings for the total annual remuneration set out in Table 2 below. Table 2 also includes details of additional work paid under the terms of the current Determination No. 13 of 2022 for additional work of the Authority undertaken by members. What is not reflected in Table 2 is the other ad hoc work by members that was less than an hour and therefore not paid.

Table 2: Board Member Actual Commitments and Remuneration 2022/23

Role	No of meetings attended	22/23 earnings using current per-diem	Actual Earnings	Additional Work per-diems
Chair	23	\$14,375	\$21,555	11
Deputy Chair	17	\$9,265	\$11,990	5
Member 1	15	\$8,175	\$8175	0
Member 2	16	\$8,720	\$9810	2
Member 3	17	\$9,265	\$10,335	2
Member 4	18	\$9,810	\$9,810	0

Role and Responsibilities - The Cemeteries and Crematoria Authority and Board

The Cemeteries and Crematoria Authority (the Authority) is established under Section 113 of the *Cemeteries and Crematoria Act 2020* (the Act). The Authority currently manages and operates three public cemeteries at Gungahlin, Woden, Hall, a Mausoleum at Woden Cemetery, and a Crematorium at Gungahlin. Recently, the Authority has been appointed as the operator for the new major cemetery, Southern Memorial Park. The Authority's functions are to develop and manage public cemeteries and crematoria for which the Minister has appointed the Authority as the operator.

The Act requires the Authority:

- (a) to develop, build or operate a facility approved by the Minister under section 115; and
- (b) to recognise the rights of people to the dignified and respectful treatment of their human remains and the human remains of their loved ones when operating the facility; and
- (c) to respect the diverse burial, cremation and interment practices, cultural practices and religious beliefs of people when operating the facility; and
- (d) to operate the facility in a financially sustainable way; and
- (e) to promote financially sustainable practices for burying or cremating human remains or interring cremated remains at the facility; and
- (f) to maintain the facility to an acceptable standard; and
- (g) any other function given to the Authority under this Act or another Territory law.

The key purpose of the Authority is to ensure the equitable availability of interment options and maintain burial capacity in the medium to long term for the ACT community. The Authority strives to operate as an efficient government business with a strong customer service focus.

Underpinning the services offered, the Authority has adopted operating practices that safeguard the environment and the health and safety of its staff and visitors.

Customers and Stakeholders of the Authority include:

- ACT Government and Ministers;
- Transport Canberra and City Services (TCCS);
- Religious and Cultural organisations;
- Families in the Canberra and surrounding region community;
- State and National Industry Organisations;
- Funeral directors and stonemasons;
- suppliers of goods and services; and
- our employees.

The Board is responsible for the good governance and successful operations of the Authority. The Board takes governance of its operations seriously. In addition to the Act and the *Financial Management Act 1996* which together, in principle, serve as its constitution, the Board operates under a Charter developed by the Board. The Charter sets out the role, responsibilities and authority of the Board, the Chair, individual directors and the Chief Executive Officer (CEO) within its governance framework. From this flows all policies and practices of the Board and the Authority and its relationships, lines of communication, management and probity frameworks with its stakeholders which include the Minister, TCCS, Authority staff, business partners and the community. Board directors and staff are all familiar with the underpinning concepts of transparency, accountability, responsiveness and inclusivity.

The Board is established under Part 8, Section 117 of the *ACT Cemeteries and Crematoria Act 2020*, which specifies the functions. The governing board has at least 6, and not more than 12, members and must include at least 2 members who, in the Minister's opinion, represent the general community and religious denominations.

The Board currently consists of a Chair, Deputy Chair and seven members with various backgrounds and AICD qualifications and whom also reflect the general community's cultural and religious views.

The Board meets bi-monthly. It is ultimately responsible to the Minister for the good governance and successful operations of the Authority. Under the Financial Management Act the Board is responsible for the appointment of the CEO. The Board provides governance to the Authority; management responsibilities are exercised by the CEO. The

Board sets the strategic goals for the Authority and works closely with the Authority CEO to ensure that there is an agreed delivery program in place that is aligned to achieve the strategic guidance within a risk framework, and which includes agreed KPI's revenue targets, budgets and timelines.

The Authority comprises of a CEO (employed directly by the Board) and 20 employees (administrative and operations).

The Board has established sub-committees for Audit and Risk, Finance, Governance, and Special Projects, which meet quarterly.

Sub-Committee	Role
Audit & Risk	To provide recommendations and advice to the Board on risk management activities (including strategic risk management, internal audit, WHS and fraud) undertaken by the Authority.
Finance	<ul style="list-style-type: none"> To provide recommendations and advice to the Board on financial management and planning for activities undertaken by the Authority. To provide recommendations and advice to the Board on potential business development and expansion opportunities, stakeholders and reputation management issues, and marketing activities undertaken by the Authority.
Governance	To provide independent assurance to the Board that the Authority has in place adequate processes to fulfil its governance and legislative responsibilities.
Special Projects	To provide advice to the Board on the prioritisation, planning and delivery of significant projects (currently includes Southern Memorial Park, Gungahlin Memorial Hall and Condolence Lounge and the Gungahlin Ash Memorialisation Garden). These projects have a combined value of in excess of \$100M.

Change in Business Size and Nature Since 2019

The role, size, scale, and complexity of the Authority has increased and expanded significantly since our submission in 2019, resulting in significant increases in the complexity of the Board's work and in the role and responsibilities of the Board.

Table 3 that follows outlines the growth in the business of the Authority in the past four years in terms of key financial benchmarks.

Table 3: Business Growth

Category	30 June 2019 (\$,000)	30 June 2023 (\$,000)	% Change
Operating Revenue	\$2,703	\$6,234	131%
Operating Expenditure	\$1,592	\$4,775	200%
Total Assets	\$9,805	\$22,567	130%
Total Liabilities	\$9,802	\$11,961	22%
Approved / Pending Capital Works Projects	\$205	\$112,700	Significant increase

Gungahlin Crematorium

In 2020/21 the Authority established, funded and constructed the first publicly-owned Crematorium in the ACT, which was officially opened at our Gungahlin Memorial Park on 15 March 2021. This was a new business unit and service of the Authority. As a result, the ACT Public Cemeteries Authority was renamed as the Cemeteries and Crematoria Authority, in the *Cemeteries and Crematoria Act 2020*, to reflect this expansion of role.

Since that time the facility has conducted over 1,000 cremations. This business line has resulted in the development of complex operating practices – which deal with the most sensitive and emotional topics and management of death issues, increased staffing and budgeting and required the Board to provide significant input into the *Cemeteries and Crematoria Act 2020*.

Gungahlin Memorial Hall and Condolence Lounge

The Board is currently overseeing and responsible for the Authority's development and construction of an (ACT Government approved) Memorial Hall and Condolence Lounge at Gungahlin Memorial Park at a cost of circa \$4M. This is a completely new business unit to provide a full service offering to the Canberra community providing a venue for memorial services and wakes for up to 100 people. This new business line will result in the development of a new business plan and operating practices, with increased staffing, budgeting, and reporting. This facility will commence operations by the end of 2024.

Southern Memorial Park

The Minister for Transport and City Services on the 23 May 2023 (Notifiable Instrument NI2023-267) (attached) appointed the Cemeteries and Crematoria Board to:

- Develop Southern Memorial Park as identified in Schedule 1; and
- Operate Stage 1 of Southern Memorial Park as identified by the red outline in Schedule 1.

This is Stage 1 of a four-stage development that will see the development of a bush cemetery for the bush capital, which will provide interment options for the Canberra

community for the next 100 years. Stage 1 has an approximate cost of \$94M, covers an area of over 10 hectares and will provide 2,500 interment plots.

As the detailed design and business case has been developed over the past 18 months, the Board's involvement and responsibilities have increased significantly. With the Board now appointed to develop and operate this new facility, the complexity and time involved in development of the site and the operational planning as a new business unit will continue to increase for the next decade. As part of the ongoing development the Board is required to commence the planning for Stage 2 which will be required in 5-7 years at an estimated cost of \$120M (2023 dollars). It should also be noted that this new business (Stage 1) will result in an increase existing in staff numbers by 35%. This work by the Board is in addition to operating the three existing cemeteries.

Legislative and Government Responsibilities

The work of the Board is complex and requires diligence and understanding to ensure decisions taken address a large range of competing requirements. As a statutory authority, the Board is required on an ongoing basis to;

- Provide advice and guidance into the development of the *Cemeteries and Crematoria Act 2020* and the drafting of Regulations and Codes of Practice;
- Provide complex and advice and guidance on the operation of the Perpetual Care Trust (PCT);
- Submission of an Annual Statement of Intent including agreement of key performance measures with the Minister and Chief Minister (2023/24 attached);
- Prepare and approve Annual Financial Statements for Audit;
- Prepare and submit its own Annual Report to Government;
- Develop Strategic Business Plans (including financial and risk management);
- Develop and approve an MOU with TCCS;
- Provide advice to the Minister and Government on detailed matters pertaining to the business, the Act and responding to Ministerials;
- Provide advice to the Regulator;
- Attend Government Hearings and Inquiries including Budget Estimates, Annual Report Hearings and Elected Members Hearings;
- Meet with the Minister to discuss key strategic issues and emerging issues from a territory, national and international perspective; and
- Employ and manage the CEO, who is a Statutory Officer Holder. The balance of the staff are public servants employed through an MOU with TCCS.

Recommended Increase to Board Remuneration

The Authority Board requests the Tribunal to consider an increase to the remuneration rate and mechanism for the Authority Board to accurately reflect the current performance of duties being executed by the Board recognising the significant increased scale, scope, responsibilities, and complexity that are now required of the Board in light of the information above.

Annual Fee versus Per Diem

The Board has considered its work flow and nature over the past 12 months as we take on additional work.

In our view the workload of the Chair and Deputy Chair has a tendency to be continuous and we consider that their work load can be identified with some certainty over time. We believe that moving to an annual fee for both the Chair and Deputy Chair roles will reduce the administrative workload for the Chair, Deputy Chair and staff in keeping records of significant workload outside meetings and be a more fair remuneration.

We believe that daily fees continue to be most suitable for all other Board members as their workload is predictable but relatively confined to Board meetings and committee meetings (for which per diem payments are made). Retaining a daily fee for these roles will appropriately remunerate Board members as Committee work changes over time with our development, reporting and governance workloads.

However, it is our view that there are no comparative daily fees for Boards (rather than for Advisory Committees or Disciplinary Tribunals) in use by the ACT Remuneration Tribunal. We have included therefore a suggested daily rate based on our best endeavours considering comparable annual fees and converting them to reflect our likely meeting frequency.

The Board has reviewed the nature and size of other governing ACT Government entities whose remuneration is set by the ACT Remuneration Tribunal. The Board considers that entities mentioned in Table 4 below are more in line with the Authority's role and size than the advisory committees which the current Board remuneration appears to be in line with. The remuneration for these comparable entities ranges are noted in Table 4 below.

Table 4: Comparable Entities Current Remuneration Ranges

Role	Base Remuneration (Per Diem)	Base Remuneration (Per Annum)
Long Service Leave Authority Board		
Chair		\$29,550
Deputy Chair		\$14,790
Member	\$505	} NB: we do not consider this relevant for the } Board but consider the Chair and Deputy Chair } remunerations more comparable

ACT Gambling and Racing Commission Board		
Chair -		\$56,235
Member		\$27,280
Cultural Facilities Corporation Board		
Chair		- \$29,550
Deputy Chair		\$14,790
Member		\$10,365
Canberra Institute of Technology Governing Board		
Chair		\$62,230
Deputy Chair		\$31,125
Member	\$650	} NB: we do not consider this relevant for the } Board but consider the Chair and Deputy Chair } remunerations more comparable

Accordingly, the Board requests that the Tribunal consider a remuneration within the range of these entities being appropriate for the Authority. A proposed approach is suggested below in Table 5, noting any increase in remuneration will be accommodated within the Authority Budget.

Table 5: Proposed Remuneration

Entity	Position	Proposed Remuneration
Cemeteries and Crematoria Authority Board	Chair – to amend the payment to an annual payment to reflect continuous workload	\$30,000 annual payment
	Deputy Chair – introduce a separate rate for this role as an annual payment to reflect continuous workload	\$20,000 annual payment
	Member - retain a per diem but increase this to an amount reflective of the statutory role and responsibilities of Board members.	\$830 per diem
	Member - or convert to an annual payment.	\$15,000 annual payment

Summary

The Authority currently manages and operates three public cemeteries at Gungahlin, Woden and Hall, a Mausoleum at Woden Cemetery, and a Crematorium at Gungahlin that service the ACT and surrounding communities. Cemeteries are important spaces for the community and the Authority ensures that all matters related to its services (burials, cremations and interments) are handled with dignity and respect.

The Authority is a statutory body and receives no funding from the ACT Government, except in exceptional circumstances, which has not occurred since the establishment of the Authority in 2003.

As evidenced in our submission, since 2019 (last submission), the role, scope, complexity and scale of the Authority has increased exponentially. The most significant example of this is the appointment, by the Minister, for the Authority to develop and operate Southern Memorial Park. Stage 1 of this project, at a cost of \$94M, is a greenfield development both from the perspective of infrastructure, and business and operational planning. The ultimate outcome is to provide a reimagined cemetery, being a “bush cemetery for the bush capital” that will deliver 60,000 interments over the four stages, sufficient for the next 100 years.

The Board considers an increase to the recommended rate of remuneration for Board members would accurately reflect the current performance of duties being executed by the Board recognising that significant additional responsibilities and business diversification and expansion since 2019.

Recommendation

It is recommended that the Remuneration Tribunal agree to the increase of Base remuneration of the Chair and Members as proposed in Table 5 of this submission.



Mr Neale Guthrie
Chair
Cemeteries and Crematoria Authority Board
nealeguthrie60@gmail.com

Attachments:

1. Notifiable Instrument NI2023-267
2. The Cemeteries and Crematorium Authority Statement of Intent for 2023/24