



**MORNINGTON
PENINSULA**
Shire

AGENDA

**MORNINGTON PENINSULA CEMETERY TRUST
MEETING**

WEDNESDAY, 15 MARCH 2023

4.30PM

ONLINE TEAMS MEETING

MORNINGTON PENINSULA CEMETERY TRUST

TRUST MEMBERS

**Cr Lisa Dixon
Cr Antonella Celi
Mayor, Cr Steve Holland**

Ms Nicole Young, Manager – Property and Commercial Services (Executive Officer)

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1 PROCEDURAL MATTERS

1.1 Election of Chairperson

RECOMMENDATION

That Cr xxx be elected Chairperson of the Mornington Peninsula Cemetery Trust.

1.2 Apologies

1.3 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the *Local Government Act 2020*

1.4 Confirmation of Minutes

RECOMMENDATION

That the Minutes of previous Mornington Peninsula Cemetery Trust Meeting held on 9 November 2022, be confirmed.

2 MANAGEMENT REPORTS

2.1 Financial Report for the Quarter Ended 31 December 2022

Prepared By	Laura Bettles, Team Leader - Finance Business Partners
Authorised By	Manager - Property and Commercial Services
Document ID	A11988900
Briefing Note Number	Not applicable
Attachment(s)	1. Financial Report for the quarter ended 31 December 2022 ↓

PURPOSE

The purpose of this report is to present the financial report for the period ending 31 December 2022 (Attachment 1) for the Mornington Peninsula Cemetery Trust (Trust).

DISCUSSION

Income Statement

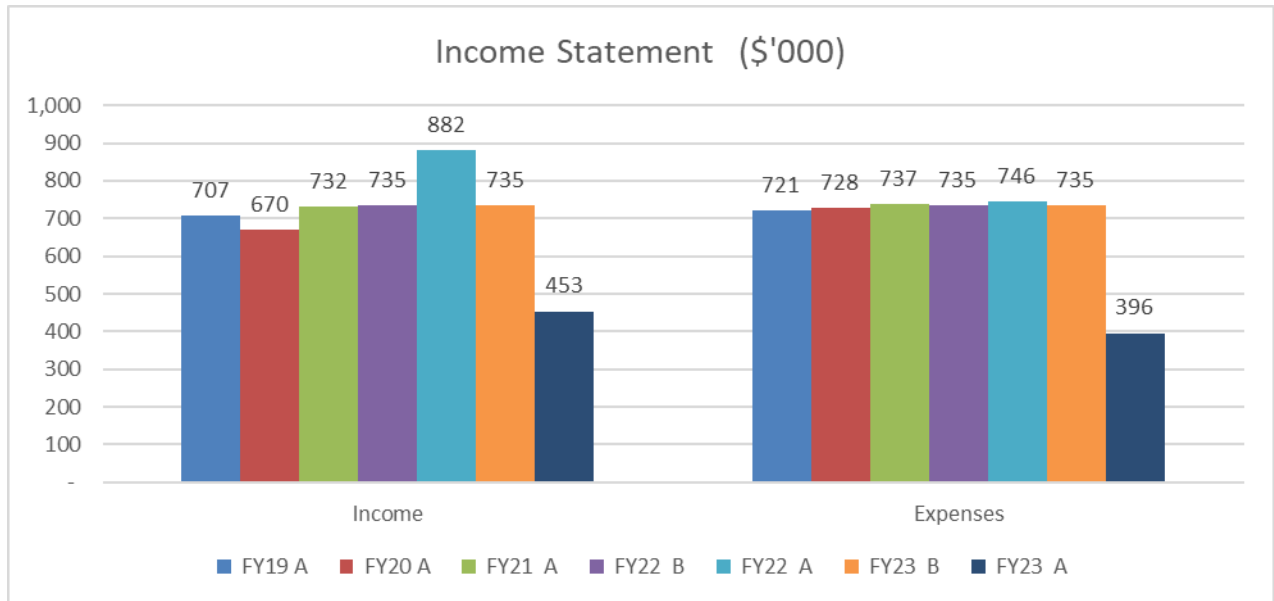
The actual year to date (YTD) quarterly operating result discloses a \$57,524 surplus, which is a favourable variance of \$1,241 to the year-to-date budget.

The main features of the operating performance are:

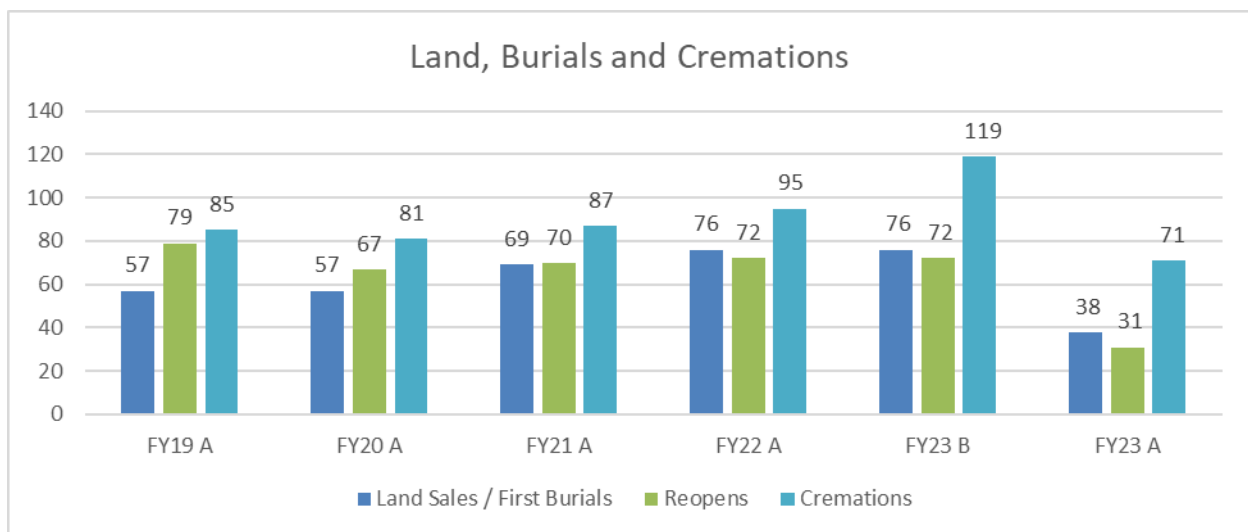
- Total income received from user charges ended the quarter \$27,428 (Note 1, Attachment 1) unfavourable to budget.
 - o Land and Burial fees are tracking ahead of financial year 2022 YTD (FY22) by \$2,236 and tracking \$32,609 behind budget. This is driven by lower than expected burial numbers and this trend appears to be continuing.
 - o Cremation sites and interment fees are tracking ahead of FY22 by \$29,225 and tracking \$20,018 ahead of budget. Trend has been increasing as year progresses.
 - o Memorial walls and garden – Maintenance Perpetuity fees are tracking behind FY22 by \$895 and tracking \$17,110 behind budget. Trend for perpetuity sales is hard to predict. Last financial year more were sold in the second half of the year and variance is also likely driven by mix of goods purchased.
- Total expenditure ended the quarter \$18,645 favourable to budget.

2.1 (Cont.)

Below is a year-on-year comparison of the income and expenditure from FY19 to current year budget.



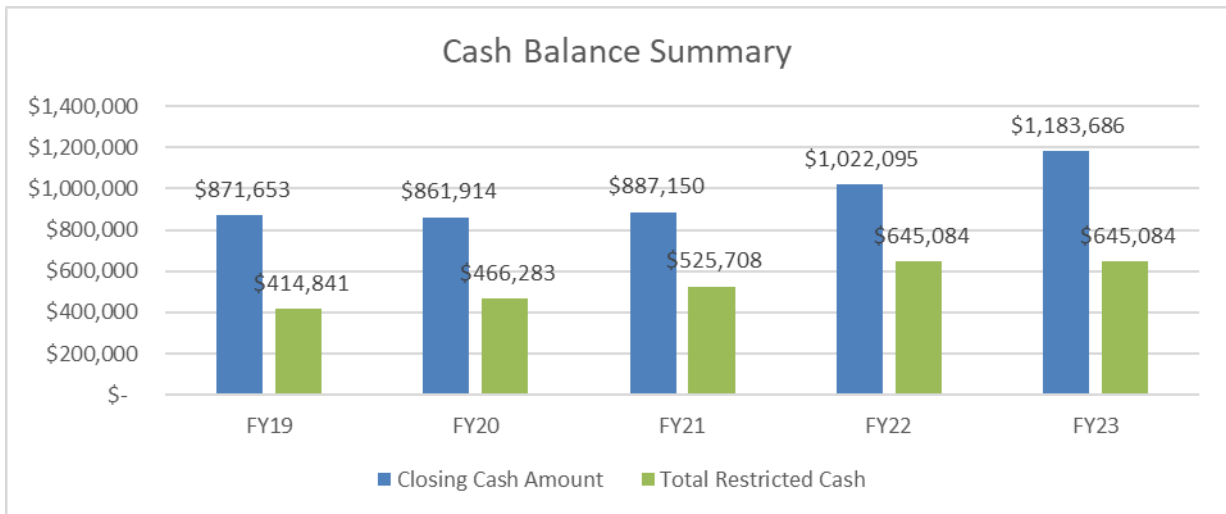
A trend analysis of the land sales and burials or reopens that occurred since FY19 to date is detailed below.



2.1 (Cont.)

Balance Sheet

On 31 December 2022, the balance of cash and cash equivalents was \$1,183,686 (\$1,022,095: June 2022). Refer to Notes 5 and 8 of the attached statements.



Unearned income represents graves, wall memorials and garden memorials that have been purchased for future use. The details of current reservations are as follows:

Reservations	Qty Jun 22	Qty Dec 22	Income Jun 22	Income Dec 22	Estimated Cost Jun 22	Estimated Cost Dec 22
Graves	434	433	\$ 435,697	\$ 434,300	\$ 257,015	\$ 256,423
Walls	254	241	\$ 113,381	\$ 110,022	\$ 14,707	\$ 13,954
Garden	151	150	\$ 197,223	\$ 201,712	\$ 8,743	\$ 8,685
Totals	839	824	\$ 746,301	\$ 746,034	\$ 280,464	\$ 279,062

Perpetuity Reserve

The Perpetuity reserve represents the amount set aside for future maintenance of the cemeteries after they are closed for new burials and interments. On 31 December 2022, the balance of this account was \$624,141 which is part of the restricted cash amount.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

RECOMMENDATION

That the Financial Report for the Mornington Peninsula Cemetery Trust for the quarter ended 31 December 2022 be received and noted (Attachment 1).

Mornington Peninsula Cemetery Trust

Financial Report

For the period ending 31 December 2022

Comprehensive Income Statement

	Notes	Actual	Year to Date		Full Year	
		YTD FY23 \$	Budget \$	Variance \$	FY23 Budget \$	FY22 Actuals \$
Income						
Fees and User Charges:						
		215,020	247,629	(32,609)	495,258	455,208
	1	89,806	87,534	2,273	175,068	161,391
	1	85,009	64,992	20,018	129,984	129,880
	1	47,960	65,070	(17,110)	130,140	122,135
		14,374	5,250	9,124	10,500	1,532
		900	-	900	-	12,000
Total Income		453,070	470,475	(17,404)	940,949	882,146
Expenditure						
Variable Expenditure						
	2	50,821	54,478	3,657	108,957	85,919
	2	49,223	47,268	(1,954)	94,537	80,480
Total Variable Expenditure		100,044	101,747	1,703	203,493	166,399
Fixed Expenditure						
		9,720	9,720	-	19,440	19,454
		-	-	-	6,600	6,450
		86	-	(86)	4,731	4,421
	4	12,655	22,500	9,845	45,000	18,842
	3	165,174	168,519	3,346	337,039	330,348
		2,396	1,750	(646)	3,500	12,547
		102,989	105,675	2,685	207,000	171,779
		500	1,000	500	2,000	2,000
		1,231	1,284	53	1,284	1,206
		751	1,996	1,245	3,991	2,416
		-	-	-	-	10,000
Total Fixed Expenses		295,502	312,444	16,942	630,585	579,463
Total Expenses		395,546	414,190	18,645	834,078	745,861
Comprehensive Result for the year		57,524	56,284	1,241	106,871	136,285

Balance Sheet

As at 31 December 2022

	Notes	Dec 2022 \$	Jun 2022 \$
Current Assets			
Cash and Cash Equivalents	5	1,183,686	1,022,095
Receivables	6	45,560	48,696
Other		1,602	4,260
Total Current Assets		1,230,848	1,075,052
Non-Current Assets			
Land		2,172,500	2,172,500
Building		236,548	236,548
Total Non-Current Assets		2,409,048	2,409,048
Total Assets		3,639,896	3,484,100
Current Liabilities			
Payables		185,579	95,531
Trust Funds and Deposits		20,943	20,943
Unearned Income		746,034	746,302
Payroll Accrual		6,788	6,788
Annual Leave Provision		9,682	9,682
Long Service Leave Provision		15,521	15,521
Total Current Liabilities		984,547	894,766
Non-Current Liabilities			
Total Non-Current Liabilities		-	-
Total Liabilities		984,547	894,766
Net Assets		2,655,349	2,589,333
Equity			
Accumulated Surplus		517,308	451,292
Asset Revaluation Reserve		1,513,900	1,513,900
Reserve - Perpetual Maintenance		624,141	624,141
Total Equity		2,655,349	2,589,333

The above Balance Sheet should be read in conjunction with the accompanying notes

Cash Flow Statement

For the quarter ending 31 December 2022

	Notes	Dec 2022 \$	June 2022 \$
Cash Flows from Operating Activities			
Receipts (inclusive of GST, wherever applicable)			
User charges		467,821	917,383
Donatons received		-	-
Grants & subsidies received		900	12,000
Interest		9,072	682
Payments (inclusive of GST, wherever applicable)			
Employee Costs		(102,684)	(146,242)
Payment to Contractors and for other services		(213,432)	(624,561)
Net cash Inflow/(Outflow) from operating activities	7	161,591	134,945
Net cash inflow/(Outflow) from investing activities		-	-
Net cash inflow/(Outflow) from financing activities		-	-
Net increase/(decrease) in cash held		161,591	134,945
Cash at the beginning of the financial period		1,022,093	887,149
Cash at the end of the financial period	8	1,183,686	1,022,093

The above Cash Flow Statement should be read in conjunction with the accompanying notes.

Notes to and forming part of the quarterly Financial Report

Income Statement:

Note 1 User Charges:

Income for the September quarter finished \$17,404 less than budget.
Details of YTD income

	Q1	Oct	Nov	Dec	Q2
	\$	\$	\$	\$	\$
Land and Burial Fees	92,694	39,390	43,963	38,972	122,326
Plaques and Monuments Fees	46,765	23,485	14,262	5,295	43,041
Cremation Sites and Interments Fees	26,084	20,118	36,831	1,977	58,925
Cemetery Fees - Perpetuity	12,750	20,350	1,110	13,750	35,210
	178,293	103,343	96,166	59,994	259,503

Note 2 Variable Expenses:

The YTD variance for maintenance is on target.

Details of YTD expenditure:	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
	\$	\$	\$	\$
Burial Costs	28,377	22,444	-	-
Plaques and Monuments Costs	20,596	28,627	-	-
	48,973	51,071	-	-

Note 3 General Maintenance:

Details of YTD expenditure:	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
	\$	\$	\$	\$
General Maintenance	82,587	82,587	-	-

Note 4 Essential Works:

The Actual YTD expenditure break up is as follows:

	YTD Actual	Annual Budget
	\$	\$
Plinths Lawn Plaque and Headstone		10,000
Concrete and Granite Desks		10,000
New Gardens and Plantings	6,268	10,000
Lawn bench seating		1,136
Dromana Tree Works / beautification	3,056	7,000
Excess soil removal		5,000
Other	1,720	
Bequest	475	
Total	12,655	45,000

Balance Sheet:

Note 5 Cash and Cash Equivalents

Refer to note 8 for detail on individual investments.

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
	\$	\$	\$	\$
Cash Movement:				
Cash	349,526	383,686	-	-
Investments	700,000	800,000	-	-
	1,049,526	1,183,686	-	-
Less: Restricted Cash				
Reserve - Perpetual Maintenance	624,141	624,141	-	-
Trust Funds and Deposits	20,943	20,943	-	-
	645,084	645,084	-	-
Total Unrestricted Cash	404,442	538,603	-	-

Note 6 Receivables

Receivables include:	Current	30 days	60 days	90 days	Total
Cemetery Debtors	30,551	5,968	1,810	1,080	39,409
	30,551	5,968	1,810	1,080	39,409

Cash Flow Statement:

Note 7 Reconciliations of cash flow from operating activities

Reconciliation of cash flow from operating activities:	\$
Operating result	57,524
Movement in retained earnings	8,492
(Increase)/decrease in Receivables & Other Current Assets	5,794
(Increase)/decrease in Accrued Salary	-
Increase/(decrease) in Payables	90,048
Increase/(decrease) in Trust Funds and Deposits	-
Increase/(decrease) in Prepaid Income	(267)
	161,591

Note 8 Cash at the end of the financial period

Cash Assets include:

Type	Date Maturing	Interest rate	\$
At Call		0.10%*	383,686
Term Deposit	26/04/2023	4.00%	100,000
Term Deposit	18/08/2023	4.15%	500,000
Term Deposit	27/02/2023	4.20%	200,000
			1,183,686

2.2 Request to reserves graves at Tyabb Cemetery - Jeremiah, Anthony

Prepared By	Jenny Brown, Senior Cemeteries Officer
Authorised By	Manager - Property and Commercial Services
Document ID	A11993679
Briefing Note Number	Not applicable.
Attachment(s)	<ol style="list-style-type: none">1. Email and letter to Cr Mercurio (confidential)2. Response to Cr Mercurio (confidential)3. Letter from Neale Burgess MP (confidential)4. Cemetery response to Neale Burgess MP (confidential)5. Jeremiah request to pre-purchase 5 graves (confidential)6. Trust Meeting Report 18 November 2019 ↓7. Trust Meeting Report 21 April 2020 ↓

PURPOSE

The purpose of this report is to inform the Mornington Peninsula Cemetery Trust (Trust) of Mr Anthony Jeremiah's recent request in November 2022 to reserve a grave at the Tyabb cemetery.

RECOMMENDATION

1. **That Mr Anthony Jeremiah's request be refused in line with relevant Trust decisions from 2019 and 2020.**
2. **That Mr Anthony Jeremiah receive notification in writing from the Trust regarding their decision as soon as possible.**
3. **That the Trust resolves that Attachments 1, 2, 3, 4, 5 to this report be retained as confidential items pursuant to section 3 (1) (f) of the *Local Government Act 2020* as they contain personal information.**

BACKGROUND

At the Trust meeting on 18 November 2019 a report was tabled regarding the ceasing of reservations at the Tyabb and Flinders cemeteries (Attachment 6). A further report was tabled at the Trust meeting on 21 April 2020, following the cessation of reservations on 31 March 2020 (Attachment 7).

To inform the community of the cessation of reservations, two signs were placed at each cemetery on 3 January 2020 informing the community of the changes. Notices were placed in the Mornington Peninsula Leader newspaper and the Westernport News in the publication on 9 December 2019, 14 January 2020, 10 February 2020 and 9 March 2020. Letters were sent on 2 January 2020 to local funeral directors, advising of the ceasing of grave reservations. In addition, a notice was placed onto the Cemetery page on the Mornington Peninsula Shire Council's website.

On 31 March 2020 (the day that reservations ceased), Mr Jeremiah enquired about making reservation at Tyabb Cemetery, and was informed that reservations were ceasing at Tyabb and Flinders cemeteries and this request could not be accommodated. At that time, it was

2.2 (Cont.)

explained to Mr Jeremiah that Tyabb Cemetery had many years of burials remaining and as such graves would be available for purchase on an 'at-need' basis.

Following this advice, Mr Jeremiah contacted Cr Paul Mercurio via phone and then email on the 27 August 2021 advising that he was disappointed that he would be unable to pre-purchase a grave at Tyabb and that he did not know how this decision could be made without advising the community (Attachment 1). Nathan Kearsley, former Executive of the Trust provided a response to Mr Jeremiah on behalf of Cr Mercurio via email on 6 September 2021 and offered the opportunity to discuss this matter, which Mr Jeremiah never acted upon (Attachment 2).

Following the September 2021 response to Mr Jeremiah, Mr Jeremiah then contacted Neale Burgess MP, again expressing his disappointment in the ceasing of reservations at Tyabb Cemetery. Neale Burgess MP wrote to the Trust regarding Mr Jeremiah's concerns (Attachment 3). Nathan Kearsley provided a response to Mr Burgess's enquiry via email on 1 October 2021 outlining what had been previously stated in the email to Cr Mercurio (Attachment 4).

On 9 November 2022, Mr Jeremiah has again contacted the Trust requesting this matter to be taken further as he now wishes to reserve five graves for his family (Attachment 5).

On average, the Tyabb Cemetery conducts four new burials a year. Based on the current cemetery layout and land available, approximately 2180 graves are currently available for purchase.

Issues

As mentioned in Attachment 6, problems occur when reserved graves at Flinders are utilised or monumental masons attend to install monuments – the area is disturbed greatly, especially in winter. These areas experience more machinery activity than an established area. When monuments are installed, the large gaps between graves often cause the monuments to be slightly out of line, causing major problems down the track with losing valuable space in the row and in some case losing whole rows.

Discontinuing reservations would mean that 'at-need' burials are completed within a similar time frame allowing the graves time to settle, the area to recover and for a monument or headstone to be installed.

Machinery and trucks would only need to enter the area when a reopen is required which usually occur years after the first burial. Allowing the area to be better established will mean any machine activity is less likely to cause damage to the area.

Flinders cemetery currently averages six 'at-need' burials a year. The cemetery has room for approximately 2,000 plus grave sites in the future, allowing for burials for the next 300 plus years. These numbers would not impact the community as there would be graves available for 'at-need' purchase well into the future.

Owing to the low demand for reservations at Tyabb cemetery, the amount of vacant land available and a low 'at-need' burial rate, it is suggested that ceasing reservations at this cemetery would not impact greatly on the community as the cemetery will have 'at-need' graves well into the future available for purchase.

Also, the reserving of graves at today's fees allows for land to be effectively placed on hold until it is required in the future, at a discount. The fees are placed in trust until death occurs and the reserved grave is utilised. Reservations can sit in trust for many years before being utilised. Selling graves at an 'at-need' basis only means that each grave has had the yearly

2.2 (Cont.)

fee reviewed and as maintenance costs increase so do the fees for 'at-need' graves, allowing for more funds to be made available for perpetual maintenance.

Should Mr Jeremiah be given special consideration to reserve graves, then a precedent would be set meaning that all community members who enquire about reserving graves at any of the four Trust cemeteries should also be given the same consideration and be allowed to reserve a grave(s).

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

**Mornington Peninsula Cemetery
Trust Minutes**

18 November 2019

2.3 Flinders and Tyabb Cemeteries - Cessation of Reservations

Prepared By	Jenny Brown, Cemeteries Administration Officer
Authorised By	Manager - Property and Strategy
Document ID	A9364950
Attachment(s)	Nil

PURPOSE

Currently the reservation of graves for future use burials is accepted at the Flinders and Tyabb cemeteries, however reservations are not accepted at the Mornington cemetery.

In order to maintain better control over land use it is suggested that the practice of reserving graves at the Flinders and Tyabb cemeteries cease from 31 March 2020. This would bring these cemeteries into line with the current practice at the Mornington cemetery.

BACKGROUND

The current practice of reserving graves at Flinders and Tyabb cemeteries is causing a number of issues, mainly in regards to not being able to use the available land area sustainably or efficiently. Ceasing reservations will prevent available land from becoming land locked in the current working areas and will increase land availability for 'at-need' burials in the future.

Mornington cemetery ceased reserving graves in the early 1980s. This practice was stopped to allow greater control over the location of new burials and in regards to developing and maintaining the area following new burials.

When 'at-need' burials take place side by side and next in row, this allows the cemetery to maintain control over the burial area, allowing the area to recover before a 'reopen' is required.

Flinders cemetery currently allows for the reservation of graves and since 2016, 86 reservations have been purchased while only 18 'at-need' graves have been sold.

Reservations are currently five times higher than 'at-need' burials at Flinders which is creating a land lock situation in the current area allocated for new burials, which is also causing huge gaps between each burial in each row. There is disturbance caused by grave digging machinery and monumental masons installing memorials to the new area of the cemetery.

Flinders is a monumental cemetery, where families can choose to have a full monument or a headstone memorial on the grave.

Tyabb cemetery is also a monumental style cemetery conducting 11 'at-need' burials and reserving 19 graves since 2016.

The Rye Cemetery Trust also ceased reserving graves a number of years ago due to the limited number of graves available at the cemetery, as reserving graves was causing a land lock situation.

**Mornington Peninsula Cemetery
Trust Minutes**

18 November 2019

2.3 (Cont.)

DISCUSSION

Problems occur when reserved graves at Flinders are utilised or monumental masons attend to install monuments – the area is disturbed greatly, especially in winter. These areas experience more machinery activity than an established area. When monuments are installed, the large gaps between graves often cause the monuments to be slightly out of line, causing major problems down the track with losing valuable space in the row and in some case losing whole rows.

Discontinuing reservations would mean that 'at-need' burials are completed within a similar time frame allowing the graves time to settle, the area to recover and for a monument or headstone to be installed.

Machinery and trucks would only need to enter the area when a reopen is required which usually occur years after the first burial. Allowing the area to be better established will mean any machine activity is less likely to cause damage to the area.

Flinders cemetery currently averages six 'at-need' burials a year. The cemetery has room for approximately 2,000 plus grave sites in the future, allowing for burials for the next 300 plus years. These numbers would not impact the community as there would be graves available for 'at-need' purchase well into the future.

Owing to the low demand for reservations at Tyabb cemetery, the amount of vacant land available and a low 'at-need' burial rate, it is suggested that ceasing reservations at this cemetery would not impact greatly on the community as the cemetery will have 'at-need' graves well into the future available for purchase.

Also, the reserving of graves at today's fees allows for land to be effectively placed on hold until it is required in the future, at a discount. The fees are placed in trust until death occurs and the reserved grave is utilised. Reservations can sit in trust for many years before being utilised. Selling graves at an 'at-need' basis only means that each grave has had the yearly fee reviewed and as maintenance costs increase so do the fees for 'at-need' graves, allowing for more funds to be made available for perpetual maintenance.

ISSUES

The Department of Health and Human Services was contacted by Jenny Brown, the Mornington Peninsula Shire's (the Shire's) Cemeteries Administration Officer, to obtain advice on the ceasing of reservations. Estelle Russ, Project Officer, Cemetery Sector Governance Support Unit, advised "A cemetery trust can elect not to sell pre-need rights of interment and/or not to allow site selection and instead sell 'next in row' only".

Changing our cemeteries to be 'at-need' cemeteries only will allow more control on the development and maintenance of new burial areas in our cemeteries as is the case at the Mornington cemetery and will also mean that all available land will be sold on an 'at-need' basis at the current gazetted fee.

Each new burial will take place side by side and next in row allowing for the positive outcome of new areas being able to recover after each burial and each monument or headstone installed. Burying side by side will also have a positive impact on keeping rows straight and compact rather than having large areas of open space between graves.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

Mornington Peninsula Cemetery
Trust Minutes

18 November 2019

2.3 (Cont.)

CONCLUSION

Ceasing the practice of reserving graves for future burials at the Flinders and Tyabb cemeteries will not affect the community in the foreseeable future, as graves will be available to purchase 'at-need' for many more years. However, it will mean that the Cemetery Trust will have more control on where burials take place and in regard to the development of each new area that is currently being used for 'at-need' burials.

RECOMMENDATION

1. That signs be placed at the Flinders and Tyabb cemeteries (plus an advertisement in local newspapers) advising the community that as of 31 March 2020 reservations will no longer be accepted and that if they have any enquiries regarding this matter to contact the Cemeteries Office directly.
2. That as of 31 March 2020 reservations cease at the Flinders and Tyabb cemeteries bringing these cemeteries into line with the current practice at Mornington cemetery.

COMMITTEE DECISION

Moved: Cr Roper

Seconded: Cr Celi

1. That signs be placed at the Flinders and Tyabb cemeteries (plus an advertisement in local newspapers) advising the community that as of 31 March 2020 reservations will no longer be accepted and that if they have any enquiries regarding this matter to contact the Cemeteries Office directly.
2. That as of 31 March 2020 reservations cease at the Flinders and Tyabb cemeteries bringing these cemeteries into line with the current practice at Mornington cemetery.
3. That an investigation into whether a maintenance fee can be charged to reserved grave sites be undertaken.

Carried

**Mornington Peninsula Cemetery
Trust Minutes**

21 April 2020

2.2 Flinders and Tyabb Cemeteries - Cessation of Reservations

Prepared By	Jenny Brown, Cemeteries Administration Officer
Authorised By	Manager – Property and Strategy
Document ID	A9695866
Attachment(s)	1. Tyabb and Flinders Cemeteries - Reservation Signage

PURPOSE

The purpose of this report is to provide an update on the Mornington Peninsula Cemetery Trust's 18 November 2019 resolution that grave reservations at Flinders and Tyabb cemeteries will cease on 31 March 2020, to bring these cemeteries into line with the current practice at Mornington Cemetery.

BACKGROUND

The proposed change to reservations was communicated to the community via placement of signs at Flinders and Tyabb cemeteries, plus an advertisement in local newspapers advising the community that as of 31 March 2020 reservations will no longer be accepted.

DISCUSSION

Two signs were placed at Flinders and Tyabb cemeteries (refer Attachment 1 for photographs of signage), as well as two signs at both the Mornington and Dromana cemeteries on 3 January 2020, advising the community about the ceasing of reservations.

Notices have been placed in both the Mornington Peninsula Leader newspaper and the Westernport News to appear the weeks of 9 December 2019, 14 January 2020, 10 February 2020 and 9 March 2020.

Letters were also sent out on 2 January 2020 to local funeral directors, advising of the ceasing of grave reservations.

Enquiries have been received from approximately 10 members of the community. Additionally, there have been eight reservation appointments for Flinders Cemetery which is only a slight increase to usual. There have been no enquires for Tyabb.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

CONCLUSION

The cessation of grave reservations at the Flinders and Tyabb cemeteries will improve the management of the cemetery and grave maintenance, and not impact local communities as land supply is readily available and graves will be available on an 'at need' basis for the next 100 years.

RECOMMENDATION

That the report titled 'Flinders and Tyabb Cemeteries - Cessation of Reservations' be received and noted.

Mornington Peninsula Cemetery
Trust Minutes
2.2 (Cont.)

21 April 2020

TRUST DECISION

Moved: Cr Martin
Seconded: Cr Roper

That the recommendation be adopted.

Carried

FLINDERS & TYABB/HASTINGS CEMETERY RESERVATION SIGNAGE AS AT 24 JANUARY 2020

TYABB/HASTINGS CEMETERY



Mornington Peninsula Cemetery Trust
Minutes
2.2 (Cont.)

21 April 2020

Attachment 1

FLINDERS & TYABB/HASTINGS CEMETERY RESERVATION SIGNAGE AS AT 24 JANUARY 2020

FLINDERS CEMETERY



2.3 Draft - Complaints Handling Policy March 2023

Prepared By	Jenny Brown, Senior Cemeteries Officer
Authorised By	Manager - Property and Commercial Services
Document ID	A12000919
Briefing Note Number	Not applicable.
Attachment(s)	1. Draft Complaints Policy March 2023 ↓ 2. Draft - Complaints Register - Cemeteries March 2023 ↓

EXECUTIVE SUMMARY

In September 2021, a performance review of the Mornington Peninsula Cemetery Trust (Trust) was undertaken as part of the Class B Cemetery Trust Performance Support Program. This review was completed by NTT Australia Digital Pty Ltd on the request of the Department of Health (DH).

At the Trust meeting held on the 9 June 2022 the report was tabled and a recommendation was made to provide the Trust with a Draft Complaints Policy and Register in a future meeting.

RECOMMENDATION

That the draft Complaints Handling Policy is noted and that subject to feedback a final copy of the Policy be presented to the Trust in the August 2023 meeting.

BACKGROUND

The DH carry out five reviews per year on selected Class B Cemetery Trusts. The objective of the review is to assess the adequacy of the Trust's governance systems, processes, and practices and to identify any potential areas where improvements can be made.

One of the recommendations made to the Trust was to develop a complaints policy with complaints register specifically for the Mornington Peninsula Cemetery Trust. A draft policy and register have now been developed and is available for review (see Attachments 1 and 2).

CONFLICTS OF INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

POLICY **DRAFT**

Title	Complaints Handling Policy		
Document Sponsor	Manager - Property & Commercial Services		
Authorised by	Mornington Peninsula Cemetery Trust	Date First Adopted:	00/00/0000
Version	01.00	Date This Version Approved:	00/00/0000
Next Review Date (3 years from date of approval)	00/00/0000	Document No:	001
Business Function	Policy		
Keywords	Complaint, complainant, complaints process, feedback, Victorian ombudsman, remedy, remedies, complaints procedure		

1 Introduction

1.1 Purpose

This policy outlines and facilitates MPCT's best practice approach to complaint handling, ensuring improved outcomes for individuals and the MPCT. This policy defines an open and transparent approach to complaint handling to ensure the effective, timely, consistent and appropriate response to complaints.

1.2 Scope

This policy applies to all feedback and complaints received by MPCT, regardless of the method in which the complaint is received and including complaints about third parties, such as contractors. It applies to all MPCT staff.

2 Policy Statement

MPCT is committed to best practice complaint handling as part of its **customer-centric service philosophy**. – should we say something here about Shire values??

We promote a culture that encourages feedback and complaints, and we learn from complaints to improve our services.

Members of the public expect high quality, timely services and decisions that are transparent and fair. We acknowledge the right of members of the public to make a complaint when their experience and/or our services do not meet their expectations or meet the standards we have established in our **customer charter**.

3 Policy Details

3.1 Guiding Principles

This policy is based on the following seven principles

3.1.1 Commitment

We are committed to resolving complaints and have a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.

3.1.2 Accessibility

People with a range of needs can easily complain and staff actively assist them to navigate the complaints process.

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3.1.3 Transparency

We make it clear how to complain, where to complain and how the complaint will be handled.

The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

3.1.4 Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

3.1.5 Privacy

Complaint information is handled according to privacy laws and other relevant legislation.

We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.

3.1.6 Accountability

We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes.

3.1.7 Continuous improvement

Acting on, learning from and using complaint data helps us identify problems and improve services.

3.2 Roles and responsibilities of MPCT staff

Senior Cemetery Officer Cemetery Officer	<ul style="list-style-type: none"> • Taking initial complaint and assessing complaint against pre-defined criteria for complaints, in particular • Initial acknowledgment of the complaint to the complainant • Resolve and subsequently inform administrator of the complaint OR forward directly to the administrator to resolve
Managers and directors* NB: This is a point of escalation and referral	<ul style="list-style-type: none"> • Ultimate accountability for resolution of individual complaints • Provide support and direction as required to cemetery staff in meeting expectations and obligations in accordance with this policy and our customer charter • Respond in accordance with the policy and workflow • Assist as required with complaint resolution external to their directorate (as part of a complaints review /process)
Executive Officer The Trust NB: This is a point of escalation and referral	<ul style="list-style-type: none"> • Limited to complex, serious or systemic complaints and, in relation to those complaints: <ul style="list-style-type: none"> - Approve and sign correspondence - Approve media statements/interviews - Attend meetings with complainant - Liaise with Department of Health (as required) - Liaise with the Cemeteries and Crematoria Unit (as required)
Senior Cemeteries Officer	<ul style="list-style-type: none"> • Record/log all complaints in the Objective system • Monitor (enforce) progress to closure within defined time frames • Escalate/draw on resources to resolve issue • Follow up on recommended learnings and business process changes and ensure implementation
Executive Officer The trust	<ul style="list-style-type: none"> • Oversight of communications • Develop/review written communication to complainant
Legal consultant	<ul style="list-style-type: none"> • Review of written communication

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	<ul style="list-style-type: none"> • Review of proposed compensation if offered • Review of requests against the Act/privacy
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3.3 How can complaints be made

Complaints can be submitted verbally, by phone or in person, in writing, by email or other feedback channels.

MAIL	Mornington Peninsula Cemetery Trust Private Bag 1000 ROSEBUD VICTORIA 3199
PHONE	03 5950 1284
EMAIL	cemeteries@mornpen.vic.gov.au
IN PERSON	Mornington Peninsula Shire Council Customer Service 90 Besgrove Street ROSEBUD VICTORIA 3199

3.4 Accessibility

Anyone who has been affected by a decision or action of MPCT (including a failure to make a decision or take action) can make a complaint.

MPCT accepts and responds to anonymous complaints, provided enough information has been provided.

3.5 Complaint handling procedure

Details of how complaints are handled, recorded and reported against as well as possible remedies, are outlined in MPCT's Complaints Handling Procedure. Criteria against which complaints are assessed are also outlined in the definitions section of the complaints handling procedure.

The complaints handling procedure is a four-tiered approach:

- a) Frontline resolution
- b) Investigation, if required
- c) Internal review
- d) Access to external review

3.6 Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with The Mornington Peninsula Shire Council - Local Government Inspectorate.

3.7 Recording complaints

All complaints are recorded in MPCT's complaint database.

Complaint data is reported on a 6 monthly basis to the Trust

3.8 Reporting on performance

To measure our performance, we have the following key performance indicators:

- Complaints agreed to (deemed valid), partially valid, not valid
- Performance against timelines set by MPCT ie: average time to respond

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- Number of changes made to services because of complaints
- Number of complaint outcomes overturned on internal review
- Customer satisfaction with the complaint handling system
- Complaints escalated to the Victorian Ombudsman's office where GMCT's original decision has been overturned and/or proposals for action have been made by the Ombudsman

We will report against our complaint handling key performance indicators in our annual report.

4 References & Related Materials

4.1 Legislation & Regulations

- *Cemeteries & Crematoria Act 2003 (Vic)*
- *Cemeteries & Crematoria Regulations 2015 (Vic)*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*

5 Policy History

Date	Details of Change
00/00/0000	New policy established

6 Definitions

Term	Definition
Complaint	A complaint is an expression of dissatisfaction with: <ul style="list-style-type: none"> • the quality of an action taken, decision made, or service provided by an agency or its contractor • a delay or failure in providing a service, taking an action, or making a decision by an agency or its contractor.
Senior Cemeteries Officer Cemeteries Officer	All staff who engage with the public as a part of their regular work, including burial operations and horticulture staff, reception and sales staff

DRAFT - CEMETERY COMPLAINTS REGISTER - 2023

COMPLAINT NUMBER	DATE RECEIVED	FROM	DATE ACKNOWLEDGED AND HOW	NAME OF INVESTIGATOR	OUTCOME	OUTCOME ADVISED TO WHOM AND HOW	ACTIONS	DATE CLOSED
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

3 OTHER BUSINESS

3.1 Cemetery Trust Decision Register

Prepared By	Jenny Brown, Senior Cemeteries Officer
Authorised By	Manager - Property and Commercial Services
Document ID	A11998099
Briefing Note Number	Not applicable
Attachment(s)	1. Cemetery Trust Decision Register (confidential)

EXECUTIVE SUMMARY

The Purpose of this report is to present the Mornington Peninsula Cemetery Trust (Trust) Decision Register for the past 12 months (Confidential Attachment 1).

RECOMMENDATION

1. That the Decision Register as shown in Confidential Attachment 1 be received and noted.
2. That the Trust resolves that Attachment 1 to this report be retained as a confidential item pursuant to section 3 (1) (h) of the *Local Government Act 2020* as it contains confidential meeting information.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

4 URGENT BUSINESS

Under Council's Governance Rules, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Cemetery Trust Meeting.
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.