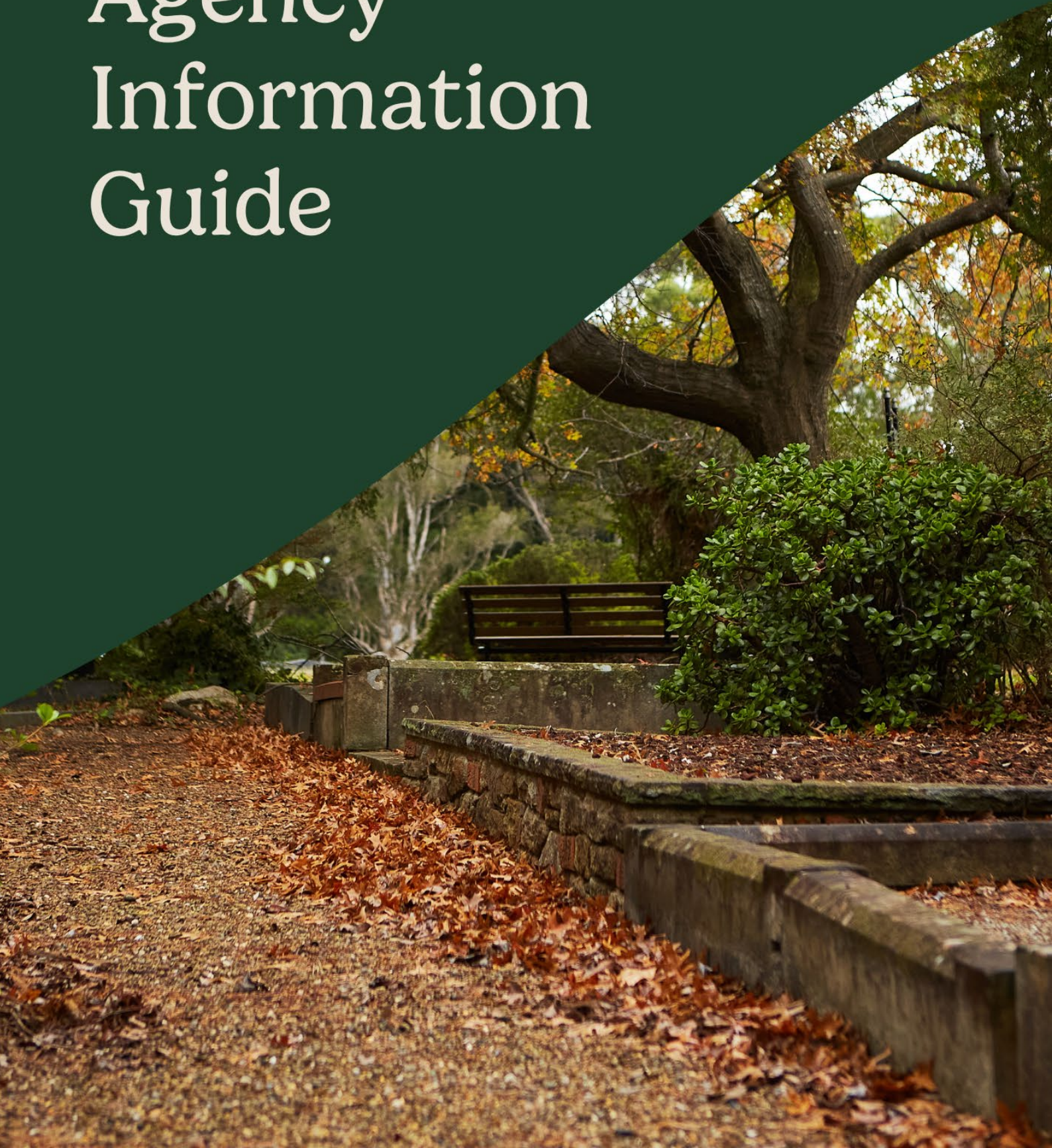




Metropolitan
Memorial Parks

Agency Information Guide



1. Introduction

Metropolitan Memorial Parks (MMP) has adopted this Agency Information Guide (Guide) in accordance with section 20 of the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act).

By describing MMP's functions, responsibilities and organisational structure, the Guide aims to promote a better understanding of our role as a Crown Land Manager and Crown Cemetery Operator, how we serve the community, how members of the public can engage with us as well as how they can request access to information held by us.

2. About us

Our organisation

Metropolitan Memorial Parks (MMP) was established by the Minister for Lands and Property under Schedule 5, clause 2 of the *Crown Lands Management Act 2016* (CLM Act). While the Minister has some important specific powers, MMP's day to day care, control and management responsibility is overseen and directed by an appointed Board.

As a statutory land manager, MMP is a statutory corporation with perpetual succession but is not a NSW Government agency or "the Crown". However, some legislation does apply to MMP as if it were a government agency while other legislation does not.

MMP's primary functions are regulated by:

- The CLM Act (role as a Crown land manager).
- The *Cemeteries and Crematoria Act 2013* (CC Act) (role as a Crown cemetery operator).
- Important responsibilities under the *Public Health Act 2010*.

Under the CC Act, MMP exercises public functions as a Crown cemetery operator where we manage and operate cemeteries and crematoria on Crown land and are regulated by Cemeteries and Crematoria NSW. As a cemetery and crematoria operator, we provide interment services in accordance with the CC Act and Cemeteries and Crematoria Regulation 2022.

We perform interment services (body and ash), sell products associated with interment and sell and administer the rights to interment. We provide access to chapels, landscape and maintain grounds and facilities, build crypts and vaults, memorial walls, assist with plaque design, administer permits and quality assure monument construction.

Our income base is generated from the sale of products and services we offer to the public. We do not perform any of our functions for private profit, nor do private individuals have any interests in the assets. We compete in a contested marketplace for the provision of interment services.

We pay a levy on each interment service (burial and ash) and on each cremation performed in the form of a 'general levy' imposed on cemetery operators, as a contribution towards the cost of the administration of the CC Act.

Our Cemeteries and Crematoria

MMP oversees 1,000 acres of Crown Land cemeteries across Sydney and Newcastle. Our memorial parks offer places of reflection and are committed to meeting the changing needs of our diverse communities by supporting people to grieve, celebrate life, and remember their loved ones.

Our parks offer sustainable and affordable interment options, crematoria, memorialisation, chapels and functions, through to history and recreational facilities.

- Eastern Suburbs Memorial Park (established 1888)
- Field of Mars Cemetery (established 1890)
- Frenchs Forest Bushland Cemetery (established 1868)
- Gore Hill Memorial Cemetery (established 1868)
- Macquarie Park Cemetery and Crematorium (established 1922)
- Rookwood General Cemetery (established 1867)
- Sandgate Cemetery – Newcastle (established 1881)
- Woronora Memorial Park (established 1895)

Our vision

To provide unparalleled, compassionate and inclusive memorial services that transcend generations.

Our values



DELIVER
EXCELLENCE



ONE
TEAM



RESPECT
DIVERSITY



GENUINE
CARE

Genuine care

- We show empathy for others, especially at the worst time of their lives
- We provide emotional support for each other
- We have the courage to speak up when something is wrong because we care about the outcome

Respect diversity

- We actively listen and give others our attention
- We respect the work and opinion of everyone
- We go the extra mile to meet specific cultural needs and differences

One team

- We communicate with each other clearly, transparently and honestly
- We collaborate cross functionally to solve problems
- When something needs to be done, we go out of our way to help each other

Deliver excellence

- We take pride in what we do
- We attend to tasks with our full attention and follow through on our commitments
- We go above and beyond to achieve the best outcomes for the community

3. Leadership and governance

Organisational structure

MMP is led by a Chief Executive Officer (CEO) who reports to a Board appointed by the Minister.

The CEO provides stewardship in accordance with our legal and regulatory obligations and strategic direction set by the Board. The CEO is responsible for the leadership, operations and performance of the organisation.

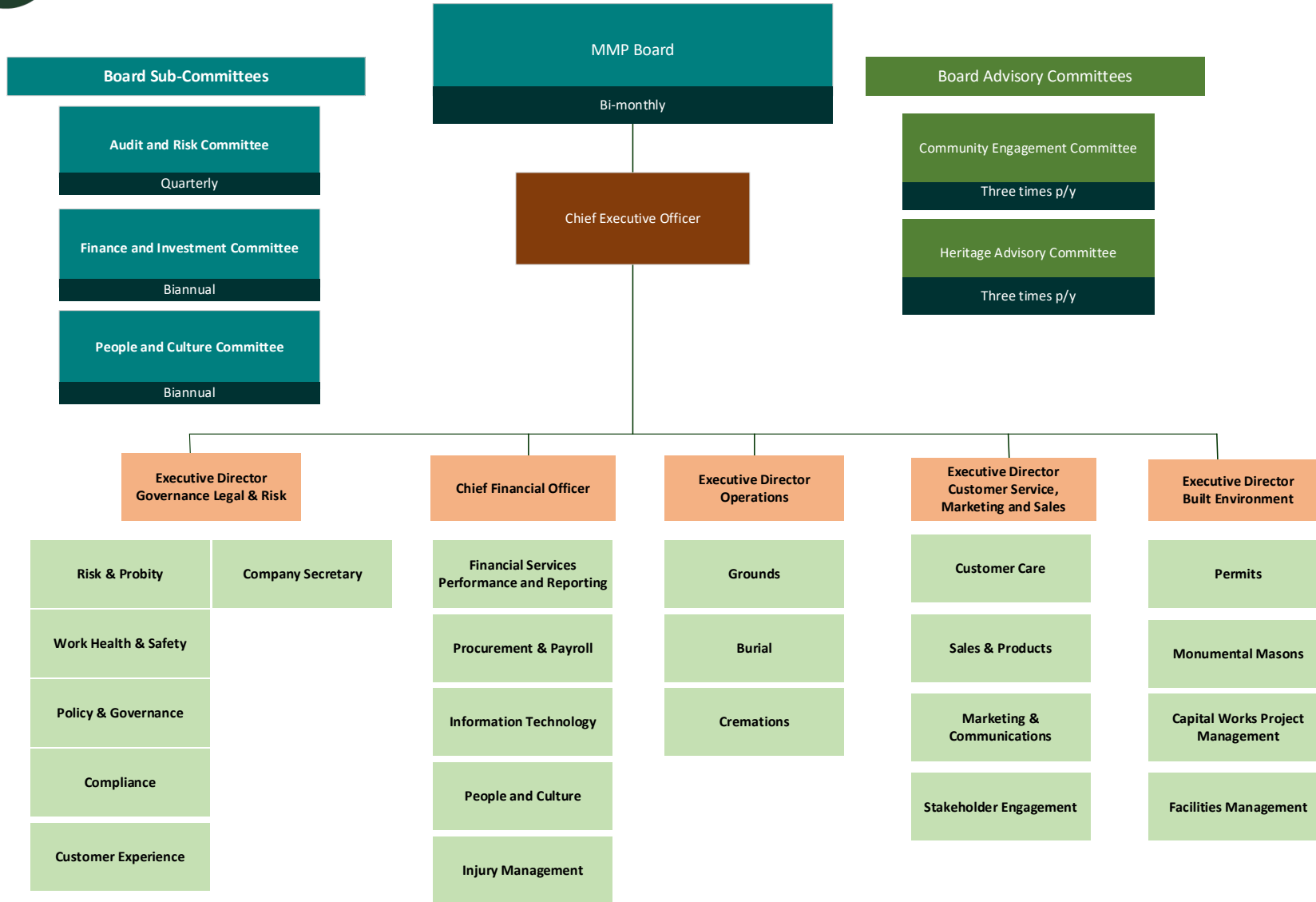
MMP Board

The role of the board is to control the affairs and govern the strategic direction and financial management of the Metropolitan Memorial Parks Land Manager which cares for, controls and manages key Crown cemetery sites in Sydney and Newcastle.

The *Cemeteries and Crematoria Act 2013 (NSW)* (CC Act) requires a cemetery Board to establish a finance committee, an audit and risk committee, a community advisory committee (in addition to any other committee as it determines from time to time). Further, a cemetery operator is required to establish a heritage advisory committee if renewable tenure is to be offered.

The Board has established the following sub-committees:

- Audit and Risk Committee
- Finance and Investment Committee
- People and Culture Committee



MMP functions under legislation

MMP has functions conferred upon it by various legislation. Examples include:

Legislation	Examples
<i>Crown Land Management Act 2016</i>	To care for and control the use of Crown land that is dedicated or reserved for specific purposes.
<i>Crown Land Management Regulation 2018</i>	Maintain financial, contractual and other governance records including minutes of board meetings
	Annual reporting to the Department of Planning and Environment
<i>Cemetery and Crematoria Act 2013</i>	Administration of interment rights
	Determine Right holder where there is doubt or dispute
	Maintain a Register of interment rights, memorials, cremations and interments
	Issue Order for burial
	Pay a levy on each interment and cremation to the Regulator
	Submit an Annual Activity Report to the Regulator
	Permit and quality assure construction of memorials
<i>Heritage Act 1977</i>	Conservation of historic sites
<i>Native Title Act 1993</i>	Recognise native title rights and interests and has a certified native title manager to support these rights and interests to be upheld.
<i>Public Health Act 2010</i> <i>Public Health Regulation 2022</i>	Cremation Authority obligations
	Arrangements for exhumation
	Placement of coffins at specified depth
	Placement of bodies in Vault

In addition to the CC Act and CLM Act, MMP also has obligations under a number of other Acts including (but not limited to):

- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Public Disclosures Act 2022 (NSW)*
- *Work Health and Safety Act 2011 (NSW)*

MMP business unit functions

The major functions allocated to each business unit are set out below:

Customer Care and Sales		
Frontline customer service Administration of Cemetery Register/Interment Rights	Chapel Services Sale of products Booking Services	Product development Plaque development
Marketing and Stakeholder Engagement		
Website & social media management Film and photography approvals	Stakeholder engagement Community Engagement Committee	Community events External Publications Media
Governance Legal and Risk		
Governance – Delegations, Policies, Board & Audit & Risk Committee business papers and minutes Legislative compliance framework	Enterprise Risk Management Work Health and Safety Framework Fraud and Corruption Control Framework	Legal Services Government Information (Public Access) Act formal applications Internal Audit program
Operations		
Grounds maintenance Landscape design	Coffin burial Exhumation	Cremation Ash interment
Built Environment		
Asset management Buildings maintenance Capital Works Programs Property management	Land Development Heritage Advisory Committee	Monumental Permits Stonemason
Finance & Information Technology		
Information services & systems Systems Support Telecommunications Digital security IT Strategic Planning	Perpetual Maintenance long term financial planning Management accounting Budget Accounts payable / Debtors Pricing and revenue	Purchasing and Procurement Management Payroll Contracts Management Finance and Investment Committee
People and Culture		
Performance Management	Learning and Development	Change Management

Renumeration Management	Injury Management	
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4. Community Participation

Our community has direct involvement in the strategic direction of MMP through community based advisory committees established by the Board. These forums provide the opportunity to participate in policy development and other functions. The committees established are:

- Community Engagement Committee – to provide advice regarding community views on proposed management of managed land (including the impact that proposed management of the managed land may have on different members of the community).
- Heritage Advisory Committee – to provide expert advice on conservation and management of heritage items; and ensuring Aboriginal heritage is managed consistent with the social and cultural values of respectful exchange, community and undertaking duties with the dignity of First Peoples.

We engage with our stakeholders, such as funeral directors and stonemasons, through regular discussion forums.

We provide feedback channels on the website, conduct surveys and provide a contact point for compliments and complaints.

We hold community events and open days in which the public can participate.

5. Information held by MMP and access arrangements

What kind of information do we have?

MMP holds information relating to:

- Policy documents including specifications and standards
- Documents concerning arrangements for body and ash interments
- Information required to be retained in the Cemetery Register
- Applications and permits for monumental work by stonemasons
- Planning documents for land management
- Documents on internal administration of MMP
- Correspondence with stakeholders and the public
- Internal working papers for the Board and sub committees
- Maps of cemeteries and location of graves

What kind of information is available to the public, and how?

The Government Information (Public Access) Act 2009 (GIPA Act) gives you the right to access government information you ask for, unless there is an overriding public interest against release.

Government information is any record held by an agency, a private sector entity or the State Records Authority to which the agency has an immediate right of access, or a record that is in the possession or under the control of a person in his or her capacity as an officer of the agency. A record means any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.

Information is made available in four ways:

- Mandatory disclosure -open access information
- Proactive release
- Informal release
- Formal release

Mandatory disclosure – Open access information

The following open access information is available on the website free of charge:

Document type	Method of access
Agency Information Guide	This document sets out the structure and functions of MMP, as well as the type of information held by MMP and how to request access. The Guide will be made available on the website for downloading.
MMP Policies	Documents used in connection with MMP services that affect the public will be available on the website. Policy documents not available on the website can be specifically requested.
Cemetery Maps	Maps of cemeteries and grave locations
Disclosure Log of Formal (Access) Applications for Information	GIPA Act requires a Disclosure Log that records details of formal requests for information (access applications) where MMP considers that the information requested may be of interest to the wider public. The Disclosure Log will be displayed on the website.
Details of significant government contracts and tenders	Contracts awarded by MMP valued at \$150,000 or more will be displayed on the NSW e-tendering website.
Record of open access information (if any) that it does not make publicly	A list of the open access information that MMP does not generally make publicly available on the basis of an

available on the basis of an overriding public interest against disclosure	overriding public interest against disclosure under the GIPA Act is available on the website.
Information about MMP contained in any document tabled in NSW Parliament by or on behalf of MMP	Information will be made available upon written request.
Agency Advertising Compliance Certificates	Will be available through the NSW Government Website. https://www.nsw.gov.au/nsw-government/communications/government-advertising

Authorised proactive release

The GIPA Act encourages agencies to go beyond the minimum mandatory disclosure requirement, unless there is an overriding public interest against disclosure. This is a discretionary power to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost.

MMP will proactively release as much information as possible. However, sometimes this may not be possible, for instance if the information concerns another party's affairs or it is commercial in confidence.

As part of the authorised proactive release program, MMP will make the following information of public interest available on the website where possible.

Document type	Method of access
The structure and terms of reference for MMP Board, sub-committees and community engagement committees (eg community engagement committee and heritage committee)	Copy of the Charters and Terms of Reference will be made available on the website
Strategic Plans	Copy will be made available on the website
Annual Reports	Copy will be made available on the website
MMP's Pricing List	MMP's pricing list for products and services for the current financial year will be made available on the website

Informal release

Access to information which is not available as mandatory proactive release (open access) or Authorised Proactive Release may be provided through Informal Release.

As per proactive release methods, MMP is authorised to release information unless there is an overriding public interest against disclosure. To enable the release of as much

information as possible, MMP is also authorised to redact (delete) content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in the existence of an overriding public interest against disclosure. Applications should be made to MMP by submitting an Informal Request for Information form.

There is no time limit for processing informal applications, however, it may take up to 20 days to finalise. There is no right of review for informal applications.

Formal release

MMP requires a formal access application to be submitted if the information being sought:

- Is not available via proactive or informal release.
- Is of a sensitive nature that requires careful weighing of the considerations in favour of, and against, disclosure.
- Contains personal or confidential information about a third party that may require consultation.
- Would involve an unreasonable amount of time and resources to produce.

Applications should be made to MMP by submitting the Formal Request for Information Form, accompanied by the application fee (\$30). Additional processing charges may be applicable at a rate of \$30 per hour. Instructions for how to submit an application are provided on the form.

Please note an application will be invalid if it seeks access to excluded information of MMP or does not meet the formal requirements for an access application. An application must:

- Be in writing
- Specify it is made under the GIPA Act
- State the name of the applicant and an Australian postal address or an email address for correspondence in connection with the application
- Be accompanied by the \$30 fee
- Provide sufficient detail to enable MMP to identify the information requested.

Applicants have the right to request a review of certain decisions made by MMP about the release of information in response to a formal access application under the GIPA Act. There are generally three review options:

- Internal review by an officer who is no less senior than the person who made the original decision
- External review by the Information Commissioner
- External review by the NSW Civil and Administrative Tribunal (NCAT).

Further information about review rights can be obtained from the NSW Information and Privacy Commission website.

Privacy and personal information protection

Access to certain information may be limited in accordance with the *Privacy and Personal Information Protection Act 1998* (PIIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act). The PIIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

Cemetery operator register

Under the CC Act, MMP is required to keep a Register of interment rights, memorials, cremations and interments. This includes interment rights granted by the cemetery operator; memorials erected in respect of interment sites; each interment carried out; and each cremation carried out.

The Cemetery Operator's Register includes the following:

- The name and contact details of the holder of the right.
- The contact details for next of kin or other persons nominated by the holder as secondary contacts for the holder.

Details relevant to cremations:

- Details of the deceased including name, age and last address before death
- Date of the person's death
- Date of the cremation
- Cultural or religious practices, if any, that apply to the deceased person
- Name of the funeral director who transported the body to the crematorium
- Details of the disposal of the cremated remains (eg given to family, interred or scattered on site)
- If cremated remains are buried at the cemetery – the section and allotment where the interment occurred (and if the relevant section or allotment of the cemetery is consecrated for use by a cultural or religious group)

Details relevant to burials:

- Details of the deceased including name, age and last address of the person whose remains have been interred, the date of the person's death and the date of the burial.
- Name, age and last address of the person whose remains have been cremated, the date of the person's death, the date of the cremation and details of the disposal of the cremated remains.
- Cultural or religious practices, if any, that apply to the deceased person.
- Section and allotment where the burial occurred (and if the relevant section or allotment of the cemetery is consecrated for use by a cultural or religious group).
- Name of the funeral director who transported the body to the cemetery.
- Fees paid to the cemetery operator for the burial.

MMP's Cemetery Operator's Register is contained within the computer system operating at each cemetery administration site and referred to as the Cemetery Records Management System.

Access to the cemetery operator register

The Cemetery Operator's Register (Register) is classified as a public register because it is required to be "available for public inspection free of charge" under section 63(7) of the CC Act. However, disclosure of personal information stored within the Register can only occur pursuant to the *Privacy and Personal Information Protection Act 1998* (section 57, 58 and 59).

MMP has an obligation to not disclose any personal information kept in the Register unless MMP is satisfied that it is to be used for a purpose relating to the purpose of the Register or the purpose of the CC Act.

An individual who seeks to obtain information from the Register may be required to give particulars in the form of a statutory declaration outlining the following:

- (a) what personal information is being sought; and
- (b) the purpose of inspecting the personal information; and
- (c) the intended use of the information obtained from the inspection.

Should the application be approved, the information will be provided free of charge.

Public interest considerations in favour of disclosure

The GIPA Act provides a presumption in favour of disclosure of government information but allows for consideration of any public interest in favour of disclosure.

The GIPA Act lists the following examples of interests MMP might consider (but is not limited to considering):

- Promoting open discussion of public affairs
- Enhancing Government accountability or contributing to positive and informed debate on issues of public importance
- Informing the public about the operations of MMP and, in particular, policies and practices for dealing with members of the public

Ensuring effective oversight of the expenditure of public funds

- The information is the personal information of the person to whom it is to be disclosed
- Revealing or substantiating that an agency (or member of an agency) has engaged in misconduct, or in negligent, improper, or unlawful conduct

Public interest considerations against disclosure

The GIPA Act provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that MMP may consider in applying the public interest test. Considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes, and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy, and general matters
- Secrecy provisions
- Exempt documents under interstate freedom of information legislation

NSW Information and Privacy Commission

The NSW Information and Privacy Commission is responsible for overseeing the application of the PPIP Act, HRIP Act and the GIPA Act.

Further information regarding privacy obligations and your rights to access information can be obtained by contacting the NSW Information and Privacy Commission:

Email: ipcinfo@ipc.nsw.gov.au

Telephone: 1800 472 679

Website: www.ipc.nsw.gov.au

Version control

Number	Date issued	Change
1	4.11.2024	Approved by CEO