



Hon David Templeman MLA

Minister for Local Government; Heritage; Culture & the Arts

Your ref: A776137

Our Ref: 66-10205

Hon Adele Farina MLC

Chair

Standing Committee on Public Administration

Legislative Council Committee Office

Parliament House

4 Harvest Terrace

WEST PERTH WA 6005



Dear Ms Farina

I refer to your letter of 5 September 2019 regarding the Standing Committee on Public Administration's inquiry into private property rights.

I have sought advice from the agencies within my portfolio about your query on term of reference (c): licences or authorities issued under any piece of legislation, and advise:

Department of Local Government, Sport and Cultural Industries – Nil

Department of Planning, Lands and Heritage is involved with issuing a range of land-based licences and authorities under the terms of various statutes it administers and the examples of these will be provided under responses from the Ministers for Planning and Aboriginal Affairs; Lands.

Heritage Council WA – Nil

National Trust (WA) – Nil

Metropolitan Cemeteries Board – Nil

I trust that this information will assist the committee in conducting your inquiry.

Yours sincerely

**HON DAVID TEMPLEMAN MLA
MINISTER FOR LOCAL GOVERNMENT;
HERITAGE; CULTURE AND THE ARTS**

Encl:

1 OCT 2019

Attachment A

List of all MCB-issued licences and authorities	Does the licence or authority create in the holder a private property right?	Legislative head of power establishing any property right?	Does restriction or cancellation of the licence/authority give rise to a right of compensation?	How is compensation quantum determined, and what is the process for determining it?
Funeral Director's licences enable persons licenced at a cemetery to conduct a funeral at that cemetery.	No.	No property right is established. See legislation: <i>Cemeteries Act 1986</i> (the Act) Part IV, Division 3 – Licencing.	No. A decision of the Board to cancel or suspend a licence may be reviewed by SAT.	N/A
Single funeral permits authorise a person who is not a licensed funeral director at MCB cemeteries to run a single funeral service.	No.	No property right established. Refer sections 20-21 of the Act.	N/A	N/A
Grant of right of burial: Under the Act S25: A grant of right of burial is issued for a limited tenure (25 years) and confers upon the holder the exclusive rights to arrange burials and to erect monumental work on that grave. The Act provides that a right of burial shall be subject to such conditions as may be prescribed by local law or by-law.	No.	Section 25 of the Act.	No. The Act contemplates surrender of the right of burial by the grant holder only (s 28).	N/A
Monumental Mason Licence authorises the holder of the licence to carry out monumental works within the cemetery.	No.	MCB By-Law 1992, cl.63.	N/A	N/A
Single Monumental Mason permit authorises the holder of the licence to carry out work to erect a single monument.	No.	MCB By-Law 1992, cl. 68.	N/A	N/A