



Gladstone Regional Council

Council Policy

Title	CEMETERY AND CREMATORIUM POLICY
Policy Number	P-2014/7
Responsible Directorate	PLANNING AND ENVIRONMENT
Responsible Officer	MANAGER PARKS AND ENVIRONMENT
Date of Adoption	20 MAY 2014
Resolution Number	G/14/2006
Date Review Due	20 MAY 2017

1.0 PURPOSE:

The purpose of this policy is to provide guidelines for cemetery and crematorium operations for Gladstone Regional Council in the capacity of cemetery owners and crematorium operators.

2.0 SCOPE:

This Policy applies to all cemeteries, crematoriums and memorial gardens administered, operated and maintained by Gladstone Regional Council in the present and future.

3.0 RELATED LEGISLATION:

- Cremations Act 2003
- Cremations Regulation 2003
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Coroners Act 2003
- Coroners Regulation 2003
- Subordinate Local Law No. 1.9 and 1.13 Administration 2011
- Subordinate Local Law No. 4 Local Government Controlled Area, Facilities and Roads 2011.
- Local Government Act 2009
- QLD Law Reform Commission – Review of the Law in Regards to the Final Disposal of a Dead Body
- Births, Deaths and Marriages Registration Act 2003
- Births, Deaths and Marriages Registration Regulation 2003
- Heritage Act 1992
- Public Records Act 2002
- Information Privacy Act 2009
- Public Health Act 2005
- Public Health Regulation 2005
- Burials Assistance Act 1965

- Land Regulation 2009
- QLD Heritage Act 1992
- QLD Heritage Regulation 2003

4.0 RELATED DOCUMENTS:

- Gladstone Regional Council Corporate Standards for Management of Council Controlled Cemeteries and Crematorium
- Gladstone Regional Council Cemeteries Procedures
- Gladstone Regional Council Local Heritage Register.

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

“corporate standards” means Gladstone Regional Council’s “Corporate Standards for Management of Council Controlled Cemeteries”.

“procedures” means Gladstone Regional Council’s “Procedures for undertaking Administration, Cremations, Burials & Maintenance”.

“applicant” means the person making an application for a cemetery service provided by Council that is subject to an application process.

“appropriate fee” means a fee according to Council's Schedule of Fees and Charges.

“application form” or “application” means all forms which are required to undertake a service within Council Controlled Cemeteries.

“cemetery” or “cemeteries” means an area containing one or more burial places.

“burial” means the act of burying the remains of a deceased person.

“burial site/plot” means a place for the disposition or memorialisation of the remains of a deceased person, whether cremated or not.

“burial rights” means exclusive rights to a burial site granted by Council to a person (there is no entitlement to any “real estate” or property as such).

“burial rights holder” means the person who has been issued with the burial rights, whose name and details appear upon the approved form at the time of application from the Funeral Director to conduct a service.

“Council” means Gladstone Regional Council.

“Funeral Director” means an individual, or business carrying out a funeral service.

“cremated remains” means the human remains that have undergone the cremation process and the body has been reduced to small pieces of ash and bone.

“reservation” means to pre-purchase a burial right for a burial site/plot.

“register” means Council’s formal repository of data containing all the required details of Council's Cemetery services.

“the Policy” means this Policy.

“monument” means any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial plot/site.

“monument mason” means a tradesman mason or person possessing the skills to carry out monument masonry work.

“niche” means the hollow space in a Columbarium Wall to place cremated remains.

“scattering” means to respectfully disperse the cremated remains of a deceased person.

6.0 MANAGEMENT OF CEMETERIES

6.1 Days and Hours of Operations

- 6.1.1 Council operates within standard operating hours according to Council's Corporate Standard.
- 6.1.2 Council provides cemetery services on application being made and accepted during all normal work days, weekends and public holidays except for Australia Day, Christmas Day, Boxing Day, New Year's Day, Easter Friday through to Easter Monday inclusive and Anzac Day.
- 6.1.3 Applications received will be reviewed and acceptance of the application will be notified in writing. Verbal approval will be provided where written approval is not practical. Reason(s) for non-acceptance will be notified in writing to the applicant as soon as practical.

6.2 Work Undertaken Within Cemeteries

Council does not permit any person to undertake any activity within a Council Controlled Cemetery unless the activity has been approved by Council.

6.3 Register of Burial Places and Cremation

- 6.3.1 A register of burials will be kept by Council in respect of all burial places under Council's control.
- 6.3.2 A register of cremation, as required by the *Cremations Act 2003*, will be kept in respect of each cremation.
- 6.3.3 A register of reservation plots/sites (which will include the number of the plot, name and address, and the date when the plot was reserved) will be kept by Council in respect of each reservation.
- 6.3.4 Each register, which may be kept in written, printed or electronic form, will include the name of deceased, date of death, date of interment, age, deceased's next of kin name and address, name of Funeral Director and location of interment site of every person whose remains are interred in cemeteries under Council's control.
- 6.3.5 The register may not include interments in historical and monumental cemeteries due to loss of records from previous operating entities.
- 6.3.6 Each register entry will contain the name and address of the owner of the burial right with the exception of the historical records where this information may not have been obtained.

6.4 Exhumation

- 6.4.1 Council does not carry out exhumations.
- 6.4.2 All arrangements for exhumations are to be made with a registered Funeral Director.
- 6.4.3 Such Funeral Director must have obtained prior confirmation from Queensland State Health Department approving the exhumation or relocation of the remains to be relocated.

- 6.4.4 Permission for exhumation by a Funeral Director will only be granted to the Burial Rights Holder on application to Council.

6.5 Burial Rights

- 6.5.1 Burial rights may not be sold.
- 6.5.2 A burial right on a vacant or reserved plot may be surrendered to Council.
- 6.5.3 There will be no refund given for relinquishing a reserved plot.

6.6 Burial Rights Holder

- 6.6.1 A 'Burial Rights Holder' is the person who has been issued with the burial rights, whose name and details appear upon the approved form at the time of application from the Funeral Director to conduct a service.
- 6.6.2 There can only be one Burial Rights Holder per plot.
- 6.6.3 The purchaser of the plot is the person who signs the initial cemetery application form.
- 6.6.4 The Burial Rights Holder has the right to be buried in that grave and the right to authorise the burial of others in that grave (up to the permitted number as determined by Council under Clause 6.8.2 of this Policy).
- 6.6.5 Permission for all interments and modifications, must be provided in writing by the Burial Rights Holder except where the permission is being sought by the next of kin for the internment of or undertaking of modifications for the Burial Rights Holder.
- 6.6.6 On the death of the Burial Rights Holder, where the Burial Rights Holder is not interred in the plot for which the Burial Rights Holder holds the rights the Burial Rights for that plot will revert to Council.
- 6.6.7 Council, in its' absolute discretion, will transfer the burial rights to a spouse, child, partner, relative or direct descendant of the Burial Rights Holder (as nominated on the application form) provided Council has no reason to believe that the Burial Rights Holder would have objected to such transfer.
- 6.6.8 The Burial Rights Holder must comply with all rules and regulations which apply to the operation of Councils' Cemeteries and Crematoria.

Note: Council acts in good faith when it relies on advice provided by the Burial Rights Holder, and does not accept any responsibility for allowing a service that might be subject of a later dispute between family members.

6.7 Reservations of Plots

Reservations of plots are to be made in accordance with current application process and are limited to specific cemeteries outlined in Councils Corporate Standard for Cemeteries.

6.8 Interments – Burial Plots

- 6.8.1 No burial will, under any circumstances, be permitted in a Council Controlled Cemetery until an application has been received and approved by Council in writing.
- 6.8.2 No more than two coffin interments and/or ashes interments shall be buried in the same burial plot/site. A coffin interment will not be performed after interment of ashes.
- 6.8.3 The same burial plot/site shall not be reused for a further burial before one year has lapsed except as allowed under the Land Regulation 2009.
- 6.8.4 Coffins shall be interred at the following depth (as a minimum):
- a) Single depth – 1.5 metres
 - b) Double depth – 1.8 metres
- 6.8.5 Every burial plot/site within a Council Controlled Cemetery will be dug by Employees or Contractors of Council excluding burial plot exhumations.
- 6.8.6 All burial plots/sites are allocated by Council Administration or Cemetery Staff.
- 6.8.7 Specific Cultural/Religious requirements are to be advised in writing at time of application. Council will endeavour to grant the requirements of each request based upon Council's Work Health and Safety Policy, Cemetery Corporate Standard and availability of suitably skilled staff and equipment.
- 6.8.8 Animal burials are prohibited in Council Cemeteries.

6.9 Scattering of Ashes

Scattering of ashes is not permitted on open grassed areas, including lawn sections, within Council's Cemeteries.

6.10 Cremations

- 6.10.1 Cremations shall be in strict accordance with relevant legislation, Cremations Act 2003 and Councils Corporate Standard and Procedures.
- 6.10.2 Caskets will NOT be opened in the crematoria.
- 6.10.3 Council accepts no responsibility for items (flowers, cards, covers, jewellery, ornaments etc.) left on, or in, the casket once it has been accepted into the crematory.

6.11 Plaques, Monuments & Inscriptions

- 6.11.1 Memorial plaques are the responsibility of the Burial Rights Holder and may be organised through a Funeral Director or a private supplier in accordance with requirements outlined in Councils Corporate Standard.
- 6.11.2 A person shall not, in any Council Controlled Cemetery, construct or install any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing,

railing or other structure, and/or make any inscription or carry out any adornment, unless:

- a) written approval for same is obtained from the Burial Rights Holder; and
- b) such works are in accordance with the standards required within that Cemetery; and
- c) approved in writing by Council's Cemetery Department.

6.11.3 Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a grave. The responsibility for the costs of repairs and maintenance to plaques, monumental and historical graves and headstones, lie with the Burial Rights Holder.

6.11.4 Funeral Directors and Monumentalists are to ensure the person ordering the plaque/monument is the Burial Rights Holder or has obtained written permission from the Burial Rights Holder.

6.11.5 Council must be notified by way of lodgement of an application with Council two working days prior to any maintenance repair work being sought to be carried out.

6.11.6 Monuments, gravestones, kerbing railing and other structures are not permitted within Lawn Sections of Council Controlled Cemeteries.

6.12 Vases, Flowers, Memorabilia and Ornaments on Graves

6.12.1 Vases, flowers, memorabilia and ornaments on burial plots/sites must comply with Council's Cemetery Corporate Standard for each Council Controlled Cemetery.

6.12.2 Council Cemetery staff may, without notice, remove and dispose of any object that does comply with Council's Cemetery Corporate Standard.

6.13 Planting of Trees and Shrubs

The selection of trees, plants, shrubs and materials used in each Cemetery is at the absolute discretion of Council's Cemetery Department in accordance with Council's Cemetery Corporate Standard and Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011.

7.0 CLOSED CEMETERIES

7.1 The following cemeteries are deemed to be historical and are closed for all burials and reservations:

- Miriam Vale Cemetery
- Targinnie Cemetery
- Builyan Cemetery
- Nagoorin Cemetery

7.2 The following cemeteries are closed to all burials and reservations with the exception of:

- a) Burials in previously reserved plots; and
- b) Plots that have provision for double interment; and
- c) Ashes Interments:

- Gladstone Cemetery, Cemetery Road Gladstone.

8.0 ATTACHMENTS:

Nil

9.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.
3. Periodic Review – 3 years from date of adoption.

10.0 TABLE OF AMENDMENTS		
Originally Adopted	20 May 2014	G/14/2006
Amendment 1	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>
Amendment 2	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>
Amendment 2	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>

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STUART RANDLE
CHIEF EXECUTIVE OFFICER