



# Gladstone Regional Council

## Council Policy

<b>Title</b>	<b>CEMETERY AND CREMATORIUM POLICY</b>
<b>Policy Number</b>	<b>P-2019-03</b>
<b>Business Unit/s</b>	<b>OPERATIONS</b>
<b>Date of Adoption</b>	
<b>Resolution Number</b>	
<b>Date Review Due</b>	
<b>Date Repealed</b>	

### 1.0 PURPOSE:

The purpose of this policy is to provide strategic direction on the management of Council controlled cemeteries, crematorium and memorial parkland facilities.

### 2.0 SCOPE:

This Policy applies to all cemeteries, crematorium and memorial parkland administered, operated and maintained by Council.

### 3.0 RELATED LEGISLATION:

- Cremations Act 2003
- Cremations Regulation 2003
- Gladstone Regional Council Local Law No. 1 (Administration) 2011
- Gladstone Regional Council Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011
- Gladstone Regional Council Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011
- Gladstone Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
- Gladstone Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
- Local Government Act 2009
- Births, Deaths and Marriages Registration Act 2003
- Births, Deaths and Marriages Registration Regulation 2003
- Burials Assistance Act 1965

### 4.0 RELATED DOCUMENTS:

- Management of Council Controlled Cemeteries and Crematorium Corporate Standard
- Gladstone Regional Council Cemeteries procedures

## 5.0 DEFINITIONS:

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

**Applicant** means the person making an application for a cemetery or cremation service provided by the Business, that is subject to an application process.

**Application Form** or **Application** means all forms which are required to be lodged with the Business or another Agency to undertake a service, or obtain an approval, within a Council controlled Cemetery and Crematorium.

**Ashes** means Cremated Remains placed in an Urn.

**Burial** means the act of burying the remains of a deceased person.

**Burial Rights** means exclusive rights to a Plot granted by the Business to a person, where they are given the rights to be interred in the Plot, to authorise the interment of others in the Plot, to establish or alter a memorial or monument on the Plot and to object or endorse an exhumation of a body or ashes in the Plot (there is no entitlement to any 'real estate' or property as such).

**Burial Rights Holder** is as defined in Section 6.5 of this Policy.

**Cemetery** or **Cemeteries** is as defined in Gladstone Regional Council's *Local Law No. 1 (Administration) 2011* – Schedule 1 'local government cemetery' and as listed in Schedule 6 of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

**Coffin** used interchangeably to describe a coffin or casket.

**Corporate Standard** means Gladstone Regional Council's Management of Council Controlled Cemeteries and Crematorium Corporate Standard.

**Council** means Gladstone Regional Council and generally refers to the elected body of Council in their capacity as decision makers or Council as the ownership entity

**Crematorium** means a building where human remains are burnt.

**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.

**Cremation** means the process of burning human remains.

**Exhumation** means the removal from the ground of a body or Ashes.

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

**Interment** means the Burial of a deceased person's remains in a coffin or in an Ashes Urn.

**Memorial** means a Plot within a Council controlled Cemetery without an Interment which serves the purpose of a place of remembrance of a deceased person.

**Monument** means any structure, headstone, masonry, metal work, casting or item placed over, in, or around a Plot.

**Monument Mason** means a tradesman mason or person possessing the skills to carry out monument masonry work.

**Next of Kin or Authorised Representative** means:

- (a) for a Cremation, the person authorised to act for the deceased person; and
- (b) for an Interment, the person authorised to act for the deceased person where they are not the Burial Rights Holder of a Plot.

**Plot** means a place for the Interment or memorialisation of the remains of a deceased person, whether cremated or not.

**Reservation** means to pre-purchase a Burial Right for a Plot.

**Scattering** means to respectfully disperse the Ashes of a deceased person.

**the Business** means Gladstone Regional Council as an operating entity

**Urn** means a container for Cremated Remains. An Urn may include the Cremated Remains of one or more deceased persons.

## **6.0 POLICY STATEMENT:**

### **6.1 WORK IN CEMETERIES**

Parties other than the Business may undertake an activity within a Council controlled Cemetery when authorised.

### **6.2 REGISTER OF BURIALS, CREMATIONS AND PLOT RESERVATIONS**

The Business will maintain a Cemetery Register as a single digital database which will contain the following information:

- 6.2.1. All Interments and Memorials in Council controlled Cemeteries. This may not include Interments in historical Cemeteries due to loss of records from previous operating entities.
- 6.2.2 Cremations as required by the *Cremations Act 2003* for each Cremation conducted by the Business.
- 6.2.3 Plot Reservations which will record the Burial Rights for a Plot reserved by a person within a Council controlled Cemetery.

### **6.3 EXHUMATION**

- 6.3.1 The Business will not carry out Exhumations.
- 6.3.2 All arrangements for Exhumations are to be made with a registered Funeral Director.
- 6.3.3 Permission for Exhumation by a Funeral Director will only be granted to the Burial Rights Holder on Application.

## 6.4 BURIAL RIGHTS

- 6.4.1 Burial Rights which are reserved by a person may not be sold. Burials rights may be transferred when authorised by the Business.
- 6.4.2 A Burial Right on a vacant or reserved Plot may be surrendered to the Business.
- 6.4.3 A full or partial refund may be given for relinquishing a reserved Plot.

## 6.5 BURIAL RIGHTS HOLDER

- 6.5.1 There can only be one Burial Rights Holder per Plot.
- 6.5.2 The Burial Rights Holder is the person whose name appears on the Application Form as the Authorised Person for the purchase of a new Plot for an interment, memorial or reservation.
- 6.5.3 The Burial Rights Holder has exclusive rights to be interred in the Plot, to authorise the interment of others in the Plot, to establish or alter a memorial or monument on the Plot and to object or endorse an exhumation of a body or ashes in the Plot. This is subject to the restrictions on the number of interments permitted per Plot.
- 6.5.4 On the death of the Burial Rights Holder, where the Burial Rights Holder is interred or memorialised in the Plot for which they hold the rights, the Burial Rights for that Plot will follow the lines of succession of that holder, where the person whose name appears as the Authorised Person on the Application Form will become the new Burial Rights Holder of that Plot.
- 6.5.5 If there is a living Burial Rights Holder at the time of Application, the Burial Rights will not be transferred to a Next of Kin or Authorised Representative whose name appears on the Application Form (for example: A wife has a reserved Plot. Her husband passes, and their daughter completes the Burial Application for the reserved Plot. In this circumstance the wife maintains the Burial Rights and not their daughter, whose name appears on the Application Form).
- 6.5.6 Where a Next of Kin or Authorised Representative is not the Burial Rights Holder of the Plot and they make an Application for interment, memorial, monumental works or exhumation, permission must be obtained in writing (by way of approved form) from the Burial Rights Holder and submitted with the Application.
- 6.5.7 On the death of the Burial Rights Holder, where the Burial Rights Holder is **not** interred or memorialised in the Plot for which they hold the rights, the Burial Rights for that Plot will revert to the Business.
- 6.5.8 Where the existing Burial Rights Holder of the Plot is historic or unknown, the Burial Rights for that Plot will revert to the Business.
- 6.5.9 In the circumstance where the Business is the Burial Rights Holder of the Plot, the Business at its' absolute discretion, will transfer the Burial Rights of the Plot to a spouse, child, partner, relative or direct descendant of the deceased by way of an approved Application, provided the Business has no reason to believe that the previous Burial Rights Holder (if known) would have objected to such transfer. This also applies to historic reservations, where the exact family member who made the reservation cannot be determined.

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

6.5.10 The Burial Rights Holder must comply with all rules and regulations which apply to the operation of Council's Cemeteries.

## **6.6 RESERVATIONS OF PLOTS**

Reservations of Plots may be made in accordance with the Application process for Open Cemeteries (see Section 6.14).

## **6.7 INTERMENTS**

6.7.1 Interments will be accepted in a Council controlled Cemetery by Application in writing on the approved Application Form and subject to approval by the Business.

6.7.2 The maximum number of Interments and the combination of the types of Interments into a single Plot will be determined by the Business.

6.7.3 Further Burial Interments into a single Plot are best performed after one year from the first Burial Interment, however, the Business will accept Applications for a further Burial Interment into a Plot prior to one-year subject to:

(a) The Applicant being advised and acknowledging the risks and the potential conditions and issues that may arise from re-opening the Plot; and

(b) Any conditions that the Business may place on the Interment approval.

The Business reserves the right to refuse an Application for a further Burial Interment into a Plot where it considers that Plot conditions are not suitable for re-opening at a particular point in time.

6.7.4 All Plots are allocated by the Business. Applicants can select free-standing Plots from those available in pre-determined locations.

6.7.5 Specific cultural or religious requirements are to be advised in writing at time of Application. The Business will endeavour to grant the requirements of each request subject to operational and Cemetery management considerations. The Business will not allow members of the public to enter an excavated Plot prior to Interment to place items or perform religious or cultural preparatory activities – these must be performed outside of the excavation.

6.7.6 Animal Burials are prohibited in Council Cemeteries.

## **6.8 SCATTERING OF ASHES**

The Business will at the request of Applicants arrange for our People to scatter Ashes in designated areas of Council Cemeteries. Individuals wanting to perform this function in person within a Council controlled Cemetery may do so by arrangement with the Business.

## **6.9 CREMATIONS**

6.9.1 Coffins will not be opened once accepted into the Crematorium.

6.9.2 The Business accepts no responsibility for items (flowers, cards, covers, jewellery, ornaments etc.) left on, or in, the coffins once it has been accepted into the Crematorium.

## **6.10 PLAQUES, MONUMENTS AND INSCRIPTIONS**

- 6.10.1 Memorial plaques are the responsibility of the Burial Rights Holder and may be organised through a Funeral Director or a private supplier.
- 6.10.2 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 the Business.
- 6.10.3 Except where work is essential to make a Plot safe, the Business will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a Plot. The responsibility for the costs of repairs and maintenance to plaques, monuments and historical graves and headstones, lie with the Burial Rights Holder.
- 6.10.4 Funeral Directors and Monumental Masons are to ensure the person ordering a plaque / Monument is the Burial Rights Holder or has obtained written permission from the Burial Rights Holder.
- 6.10.5 The Business must be notified by way of lodgement of an Application prior to any maintenance repair work being carried out.
- 6.10.6 Monuments, gravestones, kerbing railing and other structures are not permitted within lawn sections of Council controlled Cemeteries with the exception of Bororen Cemetery and Rosedale Cemetery which will accept a headstone.

## **6.11 VASES, FLOWERS, MEMORABILIA AND ORNAMENTS ON PLOTS**

- 6.11.1 Vases, flowers, memorabilia and ornaments on Plots must comply with the Business's requirements. Information will be publicised on these requirements. In setting the standards, the Business will aim to achieve a balance between the needs of loved ones to show love and remembrance through the placement of floral and ornamental tributes with maintaining the visual amenity of the Cemetery.
- 6.11.2 The Business reserves the right, without notice, to remove and dispose of any object that does not comply with publicised requirements.

## **6.12 CLOSED CEMETERIES**

The following Cemeteries are deemed to be historical and are closed for all Interments and Reservations:

- Miriam Vale Cemetery
- Targinnie Cemetery
- Builyan Cemetery
- Nagoorin Cemetery
- Baffle Creek Cemetery.

## **6.13 RESTRICTED USE CEMETERIES**

The Gladstone Cemetery, Cemetery Road, Gladstone is 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.

#### 6.14 OPEN CEMETERIES

The following Cemeteries are open:

- Bororen Cemetery Bruce Highway south of the Bororen;
- Boyne Tannum Memorial Parklands (includes Crematorium) Pioneer Drive, Boyne Island;
- Calliope Cemetery, 60 Morcom Street, Calliope;
- Mount Larcom Cemetery, 47 Popenia Road, Mt Larcom;
- Port Curtis Lawn Cemetery Aerodrome Road, Clinton Gladstone;
- Rosedale Cemetery Ferry Road, Rosedale.

The Reservation of Plots can be made as indicated below:

Cemetery	Burial Plots	Ashes Plots
Bororen Cemetery	✓	✓
Boyne Tannum Memorial Parklands	✓	✓
Calliope Cemetery	x	✓
Mount Larcom Cemetery	✓	x
Port Curtis Cemetery	x	✓
Rosedale Cemetery	✓	x

#### 7.0 ATTACHMENTS:

Nil

#### 8.0 REVIEW TRIGGER:

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

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by a resolution of Council or the CEO; or.
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	20 May 2014	G/14/2006	
Amendment 1			
Amendment 2			
Amendment 3			

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**LEISA DOWLING**  
**CHIEF EXECUTIVE OFFICER**