



Gladstone Regional Council

Council Policy

Title	CEMETERY AND CREMATORIUM POLICY
Policy Number	P-2019-034/7
Business Unit/s	PLANNING AND ENVIRONMENT OPERATIONS
Date of Adoption	
Resolution Number	
Date Review Due	
Date Repealed	

1.0 PURPOSE:

The purpose of this policy is to provide ~~guidelines strategic direction for~~ on the management of Council controlled cemeteries, and crematorium and memorial parkland operations for Gladstone Regional Council in the capacity of cemetery owners and crematorium operators facilities.

2.0 SCOPE:

This Policy applies to all cemeteries, crematoriums and memorial gardens parkland 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 2014~~
- ~~Work Health and Safety Regulation 2014~~
- ~~Coroners Act 2003~~
- ~~Coroners 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~~
- ~~Subordinate Local Law No. 1.9 and 1.13 Administration 2014~~
- ~~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
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- ~~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~~ Corporate Standard
- Gladstone Regional Council Cemeteries pProcedures
- ~~Gladstone Regional Council Local Heritage Register~~

5.0 DEFINITIONS:

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

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

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

Ashes means Cremated Remains placed in an Urn.

Appropriate Fee means ~~a fee according to Council's Schedule of Fees and Charges~~.

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

Burial Plot or **Burial Plot** means ~~a place for the~~ disposition ~~interment or memorialisation of the remains of a deceased person, whether cremated or not~~.

Burial Rights means exclusive rights to a Plot granted by ~~Council~~ 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). ~~means exclusive rights to a ural Plot 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 ural rights, Plot whose name and details appear upon the approved form at the time of application from the Funeral Director to conduct a service is as defined in Section 6.5 of this Policy~~.

~~Corporate Standard means Gladstone Regional Council's Corporate Standards for Management of Council Controlled Cemeteries and Crematorium Corporate Standard.~~

~~Cemetery or Cemeteries means 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, an area containing one or more burial places~~

~~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
Council means Gladstone Regional Council.~~

~~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, plaque, headstone, masonry, metal work, casting or item placed over, in, or around a burial plot/PlotPlot.~~

~~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.~~

~~Niche means the hollow space in a Columbarium Wall to place cremated remains.~~

~~Procedures means Gladstone Regional Council's "Procedures for undertaking Administration, Cremations, Burials & Maintenance".~~

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

~~Register means Council's formal repository of data containing all the required details of Council's Cemetery services.~~

Reservation means to pre-purchase a ~~B~~urial ~~R~~ight for a ~~burial~~ Plot/~~plot~~.

Scattering means to respectfully disperse the ~~Ashes cremated remains~~ of a deceased person.

~~the Business~~ means Gladstone Regional Council as an operating entity
~~Policy~~ means this ~~Policy~~.

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

3.06.0 POLICY POSITION STATEMENT:

~~6.1 Days and Hours of Operation at OPENING TIMES - COUNCIL CEMETERIES AND CREMATORIUM~~

~~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.~~

6.1 WORK UNDERTAKEN WITHIN CEMETERIES

~~Council Parties other than the Business may~~~~does not permit any person to~~ undertake any activity within a Council ~~c~~Controlled Cemetery ~~unless the activity when authorised, has been approved by Council.~~

6.2 REGISTER OF BURIALS, CREMATIONS AND PLOT RESERVATIONS PLACES AND CREMATION

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.

~~6.3.1 register of burials will be kept by Council in respect of all burial places Council controlled under Council's control. for all Council controlled cemeteries.~~

~~6.3.2 A Cremation Register 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 Council will maintain a Burial Reservation Register for Burial Plots and Burial Plot plots/Plots (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 Plot 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.~~

6.3 EXHUMATION

~~6.34.1~~ 6.34.1 ~~T~~Council~~he Business does will~~ not carry out Eexhumations.

~~6.34.2~~ 6.34.2 All arrangements for Eexhumations are to be made with a registered Funeral Director.

~~6.4.3~~ 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.~~

~~6.34.43~~ 6.34.43 Permission for Eexhumation by a Funeral Director will only be granted to the Burial Rights Holder on Application ~~to Council~~.

6.4 BURIAL RIGHTS

~~6.45.1~~ 6.45.1 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~~ 6.4.2 ~~If there is a living Burial Rights Holder, the Burial Rights will not be transferred to a Next of Kin or Authorised Representative whose name appears on the Application Form at the time of Application to Council (for example: A wife has a reserved Plot. Her husband passes and their daughter completes the Interment Application for the reserved Plot. In this circumstance the wife maintains the Burial Rights and not their daughter whose name is on the Application Form).~~

~~6.4.23~~ 6.4.23 A Burial Right on a vacant or reserved ~~plot~~-Plot may be surrendered to Council~~the Business~~.

~~6.45.343~~ 6.45.343 ~~There will be no~~A full or partial refund may be given for relinquishing a reserved ~~burial Plot~~Plot.

6.5 BURIAL RIGHTS HOLDER

~~6.6.1~~ 6.6.1 ~~A 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.~~

~~6.5.1~~ 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 ~~from Council~~ 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 ~~to Council~~, 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 ~~Council~~**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 ~~Council~~**the Business**.
- 6.5.9 In the circumstance where ~~Council~~**the Business** is the Burial Rights Holder of the Plot, ~~Council~~**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 ~~Council~~**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:** ~~Council~~**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.
- ~~6.5.6.1 There can only be one Burial Rights Holder per Burial Plot.~~
- ~~6.5.6.2 The purchaser of the Burial Plot is the person who signs the initial cemetery application form.~~
- ~~6.6.3 The Burial Rights Holder has the right to be buried interred in the Burial Plot and has the right to authorise the interment of others in the Burial Plot subject to the restrictions on the number of interments burials permitted in a Burial Plot set out in Clause 6.8.2 of this Policy.~~

~~6.6.4~~ — 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 interment of or undertaking of modifications for the Burial Rights Holder.

~~6.56.35~~ — On the death of the Burial Rights Holder, where the Burial Rights Holder is not interred in the plot Plot for which the Burial Rights Holder holds the rights, the Burial Rights for that plot Plot will revert to Council.

~~6.56.46~~ — Council, in at 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.

~~**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 the subject of a later dispute between family members.~~

~~6.56.57~~ — The Burial Rights Holder must comply with all rules and regulations which apply to the operation of Council's' 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.~~

6.6 RESERVATIONS OF PLOTS

~~Reservations of plots Plots are to may be made in accordance with current the Application process and for Open Cemeteries (see Section 6.14) are limited to specific cemeteries outlined in Councils Corporate Standard for Cemeteries.~~

6.7 INTERMENTS — BURIAL Plots

~~6.78.1~~ 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. 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.

~~6.78.2~~ No more than The maximum number of Interments and the combination of the types of Interments into a single Plot will be determined by the Business. two coffin interments and/or ashes interments shall be buried in the same burial plot/Plot. A coffin interment will not be performed after interment of ashes.

~~6.78.3~~ 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.

~~The same burial plot/Plot 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):

Single depth — 1.5 metres

Double depth — 1.8 metres

~~6.8.5 Every burial plot/Plot within a Council Controlled Cemetery will be dug by Employees or Contractors of Council excluding burial plot/Plot exhumations.~~

6.78.46 All ~~burial plots/Plots~~Plots are allocated by ~~Council~~the Business Administration or Cemetery Staff. Applicants can select free-standing Plots from those available in pre-determined locations.

6.78.57 Specific ~~c~~Cultural or ~~r~~Religious requirements are to be advised in writing at time of ~~A~~Application. ~~Council~~The Business will endeavour to grant the requirements of each request ~~based upon~~subject to ~~Council's Work Health and Safety Policy, Cemetery Corporate Standard and availability of suitably skilled staff and equipment.~~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.

6.78.68 Animal ~~B~~burials are prohibited in Council Cemeteries.

6.36.8 SCATTERING OF AshesASHES

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

6.9 CREMATIONS

~~6.10.1 Cremations shall be in strict accordance with relevant legislation, Cremations Act 2003 and Councils Corporate Standard and Procedures.~~

6.940.21 ~~Coffins~~askets will ~~not~~NOT be opened once accepted into the ~~Cerematorium~~uma.

6.940.23 ~~Council~~The Business— accepts no responsibility for items (flowers, cards, covers, jewellery, ornaments etc.) left on, or in, the ~~asket~~coffins once it has been accepted into the ~~Cerematorium~~umy.

6.10 PLAQUES, MONUMENTS AND INSCRIPTIONS

6.104.1 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.~~

6.104.2 A person shall not, in any Council ~~c~~Controlled Cemetery, construct or install any ~~M~~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~~ the Business.
- 6.104.3 ~~Except where work is essential to make a Plot safe, Council~~ the Business will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a ~~grave~~ Plot. The responsibility for the costs of repairs and maintenance to plaques, monuments ~~and~~ and historical graves and headstones, lie with the Burial Rights Holder.
- 6.104.4 Funeral Directors and Monumentalists ~~Masons~~ are to ensure the person ordering ~~the~~ plaque / ~~M~~onument is the Burial Rights Holder or has obtained written permission from the Burial Rights Holder.
- 6.104.5 ~~Council~~ The Business 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.
- 6.104.6 Monuments, gravestones, kerbing railing and other structures are not permitted within ~~Lawn~~ sSections of Council ~~c~~ontrolled Cemeteries with the exception of Bororen Cemetery and Rosedale Cemetery which will accept a headstone.-

6.11 VASES, FLOWERS, MEMORABILIA AND ORNAMENTS ON ~~Graves~~ PLOTS

- 6.112.1 Vases, flowers, memorabilia and ornaments on ~~burial plots/Plots~~ Plots must comply with ~~Council's the Business's Cemetery Corporate Standard requirements for each Council Controlled Cemetery. 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.~~
- 6.112.2 ~~Council~~ The Business reserves the right ~~Cemetery staff may~~, without notice, to remove and dispose of any object that does not comply with publicised requirements ~~with Council's Cemetery Corporate Standard.~~

~~6.4 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.~~

~~6.124~~ **CLOSED CEMETERIES**

The following ~~C~~emeteries are deemed to be historical and are closed for all ~~Interments~~ burials and ~~R~~eservations:

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

6.13 RESTRICTED USE CEMETERIES

The Gladstone Cemetery, Cemetery Road, Gladstone ~~following cemeteries are~~ is closed to all ~~B~~urials and ~~R~~eservations with the exception of:

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

- ~~Gladstone Cemetery, Cemetery Road Gladstone.~~

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:

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

7.0 ATTACHMENTS:

_____ Nil

4.08.0

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 ~~from time to time~~ by a resolution of Council or the CEO; or.
3. ~~Periodic Review~~ — Three years from date of adoption.

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

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STUART RANDLELEISA DOWLING
CHIEF EXECUTIVE OFFICER