

Gladstone Regional Council

Council Policy

Title	CEMETERY AND CREMATORIUM POLICY
Policy Number	P-2024-04
Business Unit/s	OPERATIONS
Date of Adoption	
Resolution Number	
Date Repealed	

1.0 PURPOSE:

The purpose of this policy is to provide strategic direction on the management of Council controlled Cemeteries and Crematorium facility.

2.0 SCOPE:

This policy applies to all Cemeteries and the Crematorium operated and maintained by Council. It excludes Cemeteries managed by private trustees and Burials that have occurred on private property. Burials on private property are managed under the *Gladstone Regional Council Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011*.

3.0 RELATED LEGISLATION:

- *Births, Deaths and Marriages Registration Act 2003*
- *Births, Deaths and Marriages Registration Regulation 2003*
- *Burials Assistance Act 1965*
- *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*
- *Human Rights Act 2019*
- *Local Government Act 2009*

4.0 RELATED DOCUMENTS:

- Cemeteries and Crematorium Corporate Standard
- Gladstone Region Cemetery Plan 2022

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 Council, that is subject to an Application process.

“Application Form” or **“Application”** means all forms which are required to be lodged with Council 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.

“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.

“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 and/or niche or in other burial coverings such as burial shrouds.

“Interment Rights” means exclusive rights to a Plot granted by Council 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).

“Interment Rights Holder” is the person that holds the Interment Rights as defined in this Policy.

“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:

- for a Cremation, the person authorised to act for the deceased person; or
- for an Interment, the person authorised to act for the deceased person where they are not the Interment Rights Holder of a Plot.

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

“Reservation” means to pre-purchase an Interment Right for a Plot.

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

“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 CEMETERIES CONTROLLED BY COUNCIL

There are seven open Cemeteries in the region and one restricted Cemetery for reserved Interments only. Six of the open Cemeteries are managed by Council and one managed by private trustees (Raglan Cemetery).

All other Cemeteries in the Gladstone Region are either closed for future Burials and/or administered by private trustees.

6.1.1 Open Cemeteries

- Bororen Cemetery;
- Boyne Tannum Memorial Parklands;
- Calliope Cemetery;
- Mount Larcom Cemetery;
- Port Curtis Cemetery; and
- Rosedale-Tottenham Cemetery.

6.1.2 Restricted Cemeteries

- Gladstone Cemetery is closed to all Burials and Reservations with the exception of:
 - burials in previously reserved Plots;
 - Plots that have provision for double Interment; or
 - Ashes Interments.

6.1.3 Closed/Historical Cemeteries

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

Reservations:

- Beachton Cemetery (formally Keppel Bay Cemetery);
- Builyan Cemetery (formally Many Peaks Cemetery);
- Miriam Vale Cemetery;
- Nagoorin Cemetery;
- Norton Goldfields Cemetery;
- Rosedale Baffle Creek Cemetery (Flinders Cemetery); and
- Targinnie Cemetery.

6.2 WORK AND OPERATING HOURS

- Other parties may undertake work, an activity, or access Cemeteries out of public opening hours, when authorised by Council.
- Burial services are only permitted during business days (excluding public holidays) and specific hours approved by Council. Approval is required by an authorised person outside these times and additional fees may be incurred.
- Public access is available to all Council controlled Cemeteries in accordance with Council's *Subordinate Local Law No. 4 (Local Government Areas, Facilities and Roads) 2011*.

6.3 REGISTER OF BURIALS, CREMATIONS AND PLOT RESERVATIONS

A Cemetery Register will be maintained as a single digital database and will contain the following information:

- 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.
- Cremations as required by the *Cremations Act 2003* for each Cremation conducted by Council.
- Plot Reservations (for reservations made prior to the commencement of this Policy) which will record the Interment Rights reserved by a person within a Council controlled Cemetery.

6.4 EXHUMATION

- Council will not carry out Exhumations.
- All arrangements for Exhumations are to be made with a registered Funeral Director.
- Permission for Exhumation by a Funeral Director will only be granted to the Interment Rights Holder upon Application.

6.5 RESERVATIONS

- Council will honour all Plot and Interment Reservations made prior to the adoption of this Policy.
- From the date of adoption of this Policy, Council will not accept new Plot and Interment Reservations.

6.6 INTERMENT RIGHTS

- Interment Rights which are reserved by a person may not be sold.
- Interment Rights may be transferred when authorised by Council.
- An Interment Right on a reserved Plot may be surrendered to Council.
- A full or partial refund may be given for relinquishing a reserved Plot.

6.7 INTERMENT RIGHTS HOLDER

6.7.1 General Conditions applying to all Interment Rights Holders

- There can only be one Interment Rights Holder per Plot.
- Interment Rights Holders must comply with all rules and regulations which apply to the operation of Council Cemeteries and Crematorium.

6.7.2 For Plot Reservations made before commencement of this Policy

- The Interment Rights Holder is the person whose name appears on the Application Form for the purchase of the reserved Plot. For historic reservations where there may not be records to support who the exact family member was who made the Reservation, Council will liaise with family members and act in good faith in determining who the Interment Rights Holder is for the Plot.
- On the death of the Interment Rights Holder, where the Interment Rights Holder is interred or memorialised in the reserved Plot and there is capacity for further interments into the Plot, the Interment Rights for that Plot will follow the lines of succession of the Interment Rights Holder.
- On the death of the Interment Rights Holder, where the Interment Rights Holder is **not** interred or memorialised in the Reserved Plot the Interment Rights for that Plot will revert to Council.
- The Interment 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 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.
- Council will consider an application to transfer the Interment Rights on a reserved plot where the original Interment Rights Holder consents to the transfer (for example, the Interment Rights Holder may seek to transfer the responsibility of the Plot Reservation due to ill health).
- Where the existing Interment Rights Holder of the Plot is historic and the Interment Rights Holder cannot be found or cannot be accurately identified the Interment Rights for that Plot will revert to Council.
- Where a Next of Kin or Authorised Representative is not the Interment Rights Holder of the Plot and they make an Application for Interment, Memorial or Monumental works or Exhumation, the application must be accompanied by the written consent of the Interment Rights Holder.

6.7.3 For Memorials or Monumental Works and Burials into Plots that are not Reserved

- The person who appears as the Authorised Person for a Burial Application on an unreserved plot becomes the Interment Rights Holder for the Plot.
- The Interment Rights Holder has exclusive rights to authorise the Interment of others in the Plot, to establish or alter a Memorial or Monument 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.

- Council will consider an application to transfer the Interment Rights where the original Interment Rights Holder consents to the transfer or, where the Interment Rights Holder is deceased, it will follow the line of succession for the person interred in the Plot and/or the Authorised Person for the Burial Application.

6.8 INTERMENTS

- Interments may be accepted in a Council controlled Cemetery by Application in writing on the approved Application Form.
- The maximum number of Interments and the combination of the types of Interments into a single Plot will be determined by the Chief Executive Officer or nominated delegate.
- Further Burial Interments into a single Plot are best performed after one year from the first Burial Interment, however, Council may accept Applications for a further Burial Interment into a Plot prior to one-year subject to:
 - The Applicant being advised and acknowledging the risks and the potential conditions and issues that may arise from re-opening the Plot; and
 - Any conditions that Council may place on the Interment approval.
 - Council 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.
- All Plots are allocated by the Chief Executive Officer or nominated delegate. Applicants can select free-standing Plots from those available in pre-determined locations.
- Specific cultural or religious requirements are to be advised in writing at time of Application. Council will endeavour to grant the requirements of each request subject to operational considerations.
- Council may grant approval for entry to an excavated Plot prior to or during an Interment to place items or perform religious or cultural activities subject to any safety requirements imposed by Council and/or the Funeral Director providing the Burial service.
- Animal Burials are prohibited in Council Cemeteries.

6.9 SCATTERING OF ASHES

- At the request of Applicants Council Officers can 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 Chief Executive Officer or nominated delegate.

6.10 CREMATIONS

- Coffins will not be opened by Council Officers once accepted into the Crematorium.
- Council 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.

6.11 REQUEST FOR BURIAL OR CREMATION OTHER THAN VIA A FUNERAL DIRECTOR

- Applications for a Burial or Cremation Service where a Funeral Director has not been engaged, may be accepted subject to the Applicant providing all the necessary supporting information that evidences that the Applicant has met the legislative and legal requirements for Burial or Cremation of a deceased person.
- The remains of the deceased person must be presented for Burial or Cremation in a way that ensures the protection of public health and allows for the safe and respectful handling of the remains as determined at the sole discretion of the Chief Executive Officer or nominated delegate.
- The Chief Executive Officer or nominated delegate may engage the services of an external party in conducting the required assessments under Section 6.11.1 and 6.11.2, the costs of which are to be met by the Applicant for Burial or Cremation.

6.12 PLAQUES, MONUMENTS AND INSCRIPTIONS

- Memorial plaques are the responsibility of the Interment Rights Holder and may be organised through a Funeral Director or a private supplier.
- 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:
 - written approval for same is obtained from the Interment Rights Holder; and
 - such works are in accordance with the standards required within that Cemetery; and
 - approved in writing by Council.
- Except where work is essential to make a Plot safe, Council 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 Interment Rights Holder.
- Funeral Directors and Monumental Masons are to ensure the person ordering a plaque / Monument is the Interment Rights Holder or has obtained written permission from the Interment Rights Holder.
- Council must be notified by way of lodgement of an Application prior to any maintenance or repair work being carried out.
- 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-Tottenham Cemetery which will accept a headstone.

6.13 VASES, FLOWERS, MEMORABILIA AND ORNAMENTS ON PLOTS

- Vases, flowers, memorabilia and ornaments on Plots must comply with Council's requirements. Information will be publicised on these requirements. In setting the standards, Council 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 and environmental amenity and safety of the Cemetery.
- Council reserves the right, without notice, to remove and dispose of any object that does not comply with publicised requirements.

7.0 ATTACHMENTS:

Nil

8.0 REVIEW MECHANISM:

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 resolution of Council or the CEO; or
3. Five (5) 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	16 July 2019	G/19/3846	Prior policy was P-2014-07.
Amendment 2	17 November 2020	G/20/4373	To temporarily exclude the reservation of burial plots at Boyne Tannum Memorial Parklands.
Amendment 3	16 July 2024		No new plot and interment reservations, may accept burials where it is proposed not to use a funeral director and does not prohibit entry to excavated plot.

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER