

1. Policy intent

The Cemetery Management Policy provides a framework for the management of Cemeteries within the Tablelands Regional Council (Council or TRC) local government area to support the provisions of its Local Laws.

This framework includes, but is not limited to:

- a) regulation and control of the installation and maintenance of Memorials erected
- b) authorisation to carry out works within a Cemetery
- c) disposal of Human Remains
- d) record keeping.

2. Scope

Council is responsible for the operation of all Local Government Cemeteries within the TRC area.

3. Background

Relevant Legislation/Regulations

1. TRC Local Laws
2. TRC Planning Scheme
3. *Planning Act 2016*
4. *Births, Deaths and Marriages Registration Act 2003*
5. *Queensland Heritage Act 1992*
6. *Building Act 1975*
7. *Work Health and Safety Act 2011 / WHS Regulation 2011*
8. AS4201-1994 Headstones and Cemetery Monuments
9. AS4225-1996 Above Ground Burial Structures

Council will, subject to the *Planning Act 2016* and its planning scheme, establish a Cemetery on land under its control.

4. Definitions

All terms have the same meaning throughout this policy.

Applicant is the Personal Representative of the deceased completing the application.

Ashes are the cremated remains of a deceased person.

Authorised Person is an authorised person for a Local Law under an Act.

Beam is a monument or headstone constructed to Council specifications that is erected on a pre-laid concrete beam.

Cemetery is a place for the disposal of Human Remains by burial, cremation or placement in a Columbarium, Mausoleum or Vault.

Ceremonial Purpose is a ceremony to honour the memory of someone by custom or ritual.

Columbarium is a wall or walls constructed for the purpose of interment of an urn containing the ashes of a deceased person.

Construction is a building, installation or erection of any structure.

Dispose/Disposal/Disposing of Human Remains includes:

- a) burial (including burial at sea)
- b) cremation
- c) placement in a Niche, Mausoleum or Vault.

Disturbance of Human Remains includes interfering with remains, removal of remains and opening of a site of burial.

Funeral Director is a person who carries out the business of Disposing of Human Remains and, if a person who carries out that business is not engaged in a particular case, includes the person who actually undertakes the Disposal of the Human Remains.

Grave is a hole in the ground to bury Human Remains; a place of burial.

Hazard is any agent that can cause harm or damage to humans, property or environment.

Human Remains is a body or part of the body of a deceased person.

Inter/Interment includes burial of Human Remains and placement of Ashes of a deceased person in a Niche.

Lawn Cemetery is any Cemetery or part thereof set aside exclusively for the erection of a headstone or plaque:

- a) on an individual concrete base
- b) on a continuous concrete Beam at the head of the Grave.

Local Government Cemetery is a Cemetery owned by, or under the control of, the local government and includes:

- a) Lawn Cemetery
- b) Columbarium
- c) Vault including a Vault above or below the ground
- d) Garden of remembrance

Maintenance includes repair, renovate or remove.

Mausoleum is an external, free-standing building constructed as a Monument enclosing the Interment space or burial chamber of a deceased person or people.

Memorial is anything erected or placed within a Cemetery to mark a Grave or commemorate a deceased person including a Monument or other structure, headstone, grave plaque, lawn plaque, inscription plate, vase or ornament.

Niche is a recess in a wall for the Interment of Human Remains or Ashes and/or the placement of a Memorial.

Personal Representative is defined in the *Succession Act 1981*.

Plot is a small area of ground or specified area designated for Interment.

Reservation is the pre-purchase of a burial or Interment site.

Tribute is an act, statement or gift that is intended to show gratitude, respect or admiration.

Vault is the lining of a Grave with bricks and mortar or concrete liners cemented together so that the floor, walls and ceiling of the Grave are completely covered and sealed and include a walk in room constructed either above or below ground and a chapel.

5. Policy Statement

5.1 General Conditions

- a) Disposal of Ashes in a Cemetery must be registered through Council.
- b) The size and position of Graves, Mausoleum walls, Columbarium walls, Vaults and free standing Mausoleums in cemeteries must be determined, surveyed and approved by an Authorised Person.
- c) Council may set apart a portion of a Local Government Cemetery for the burial of members of any religious denomination.
- d) Council may set apart a Local Government Cemetery or any portion of a Local Government Cemetery as a Lawn Cemetery, and may prohibit the construction, erection or maintenance of any Vault, monument, headstone or other surface structure in that section.
- e) Flowers placed on a Plot at the time of burial are permitted to remain on that Plot for fourteen (14) days, after which an Authorised Person may remove them.
- f) Tributes, if not causing a Hazard, are permitted.
- g) Authorised Persons have the right to remove any Tribute, be it natural or made, when deemed a Hazard.
- h) The only Memorials permitted on a Beam and Columbarium wall are Council-approved standard size plaques.
- i) Vases are permitted in the Cemetery as follows:
 - i. Lawn Cemetery Plaque on Beam section — maximum of one (1) vase and must be sunk into the cement Beam where such a facility is provided. Where the facility to sink into the Beam is not provided, vases and other Memorials must be of such size and Construction that they will not cause a Maintenance issue or Hazard.
 - ii. Mausoleum wall — maximum of two (2) vases and must be fixed to the granite face at the same time as the inscription is being completed to ensure the weight of the vase does not damage the granite face.
 - iii. Columbarium wall — maximum of one (1) vase and must be attached to the wall by an Authorised Person.
- j) Authorised Persons will level a Grave site within the Cemetery as required to accommodate the collapsing of Graves.
- k) Council may temporarily or permanently close a Cemetery to further burials or the placement of Ashes.
- l) Council will take reasonable care to protect the property and property rights of owners within the Cemetery from loss or damage but disclaim all responsibility for loss or damage caused by its employees or agents and/or equipment of the Council or from other causes beyond its control.
- m) Council reserves the right of a temporary easement at any time on or across any space/Plot/Grave, for equipment and material access necessary for Interment on adjoining lots or other operational purposes.
- n) Unless through prior arrangement, every Grave within the Local Government Cemeteries will be dug by employees or contractors of Council. An Authorised Person must be present when a Grave is dug.
- o) The upper surface of a coffin once Disposed must be no less than one (1) metre from the natural surface of the soil. The surface must not be disturbed for the purpose of deepening the Grave.

5.2 Prohibited Conduct within Cemeteries

- a) Bringing an animal (other than for Ceremonial Purposes associated with a burial) unless it is restrained, and any faeces left by the animal is removed.
- b) Sell or buy an article or thing.
- c) Distribute or erect advertising.
- d) Damage or remove any infrastructure or landscaping.
- e) Planting, tending or keeping of any tree, shrub or plant unless approved by an Authorised Person.
- f) Take part in any meeting without prior approval of Council, other than of a religious or commemorative nature.
- g) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such a discharge.
- h) Ride any animal or drive a vehicle other than on a roadway.
- i) Recreational activities without prior approval of Council.
- j) Interfere with a Grave, Memorial or Tributes without prior approval from Council.
- k) Interrupt or interfere with a funeral or commemorative service lawfully conducted.

An Authorised Person who finds a person undertaking or about to undertake a prohibited action may use reasonable force to prevent the action occurring or to remove the person from a Cemetery.

5.3 Burial Records

- a) As required by the *Births, Deaths and Marriages Registration Act 2003*, Council must maintain a register of burials and register a burial with the Queensland Government's Births, Deaths and Marriages service within fourteen (14) days.
- b) Applications for burial must be submitted via the correct application.
- c) Council records will be kept and managed in accordance with legislation and standard record practices. Burial records are available for inspection by members of the public.

5.4 Disposal of Human Remains in a Local Government Cemetery

- a) No more than two (2) bodies are to be Disposed of in one (1) Grave if there is sufficient depth (2.1m). There is no maximum number for the Interment of Ashes.
- b) Council's Authorised Person may refuse the Interment of more than one (1) body if the original burial is not deep enough.
- c) A Funeral Director who arranges for the Disposal of Human Remains in a Local Government Cemetery must ensure the conditions of the relevant approval are complied with.
- d) A person must not Dispose of Human Remains in any section of a Local Government Cemetery unless:
 - i. an application for the Disposal of the Human Remains has been submitted and approved under this Policy
 - ii. the remains are enclosed in a coffin or other form of container appropriate to the proposed form of Disposal
 - iii. prescribed fees are paid within the arranged time frame
 - iv. forty-eight hours' notice is provided prior to Interment. In special circumstances Council will consider urgent requests.

5.5 Disposal of Human Remains Outside a Local Government Cemetery

- a) Council may consider an approval to Dispose of Human Remains outside a Cemetery in accordance with Local Law no.7 (Human Remains and Cemeteries).
- b) If Human Remains are Disposed of on land without the authorisation required under this Policy, or contrary to the conditions of an authorisation under this Policy, Council may, by notice in writing to the owner of the land, require the owner to have the Human Remains removed to a Cemetery within a specified period. If a person fails to have the remains removed to a Cemetery as required, Council may remove the Human Remains and place them in a Cemetery at a cost to the Personal Representative.

5.6 Application to Reserve a Plot/Niche

- a) Anyone can apply to reserve a Plot/Niche in a Local Government Cemetery. Council will allocate the next available Plot to effectively manage the Cemetery.
- b) The fee paid at the time of application is for the reservation of the Plot only. Burial fees will be payable at the applicable charge at time of Interment.
- c) Any notice sent to the Applicant, at the address in Council's records, will be considered legal notification in relation to a reserved Plot.
- d) Reserved Plots that are unused and no longer required may be relinquished and transferred back to Council only and refunded to the amount of the original purchase price. A Personal Representative may apply to Council within three (3) months to use this Reservation and Council may approve if the Reservation can practically be used and the person pays the difference between the fees paid at the time of Reservation and the current fees.

5.7 Construction, Installation, Renovation and Maintenance of a Memorial

- a) Memorials in a Local Government Cemetery must comply with the requirements outlined in this Policy and abide by the Local Laws.
- b) The following criteria apply to the approval for the erection, installation and renovation of a Memorial:
 - i. the Applicant must be the Personal Representative of the deceased
 - ii. the required application is to be completed and lodged with the applicable fee, detailing the wording and design of the proposed Memorial
 - iii. confirmation that the proposed site for Construction of the Memorial is for the relevant deceased person
 - iv. must not exceed the maximum dimensions as per the Local Law
 - v. does not encroach adjoining Plots
 - vi. is consistent with the existing section of the Cemetery
 - vii. to be constructed in accordance with Australian Standard AS4204 — Monuments and Headstones in Cemeteries
 - viii. to be erected/installed in such a way that it cannot be moved
 - ix. a development approval is obtained if the Construction, installation or renovation of a Memorial falls under the *Planning Act 2016*
 - x. the inscription is not to appear inappropriate
 - xi. to be made of materials of a permanent nature and be structurally sound so as not to topple, causing damage or injury to any person or property
 - xii. memorials older than fifty years may be subject to the *Queensland Heritage Act 1992* therefore proposed works need to be consistent with the requirements of the Act
 - xiii. sealing of a Vault must be conducted by a qualified stonemason who holds a current public liability insurance policy and has experience in the sealing of vaults containing Human Remains

- xiv. removal and reinstating of facia from a Mausoleum wall or Columbarium wall must be conducted by a qualified stonemason who holds a current public liability insurance policy and has experience in such works.
- c) A person who carries out the Construction of a Memorial in a Local Government Cemetery must have prior approval and comply with the Australian standards for aboveground burial structures and headstones and Cemetery Monuments.
- d) If upon inspection the completed works do not comply with the above criteria, Council may remove the Memorial and may recover costs for the removal.
- e) Council will not accept any responsibility for damage to Memorials through acts of vandalism, ageing or deterioration. Repair of damaged Memorials is the responsibility of the Personal Representative of the deceased.
- f) If a Memorial needs to be removed to allow for a burial or multiple Interment, it is removed at cost to the Personal Representative.
- g) Council may remove a Memorial if it has become a Hazard.
- h) If there is no immediate danger to the public, Council will, before removing a Memorial, give the deceased's Personal Representative, whose identity and whereabouts are known, reasonable notice of its intention to remove the Memorial and advise of the cost to do so.
- i) A person who carries out Maintenance of a Memorial must have prior approval from Council before any works are carried out.
- j) The Maintenance of Memorials is the responsibility of the Personal Representative.

6. Responsibility

Council is responsible for the adoption, amendment and repeal of the Policy and the Chief Executive Officer is responsible for the development and amendment of any associated procedures and guidelines relevant to the Policy.

7. Review

It is the responsibility of Chief Executive Officer to monitor the adequacy of this policy and recommend appropriate changes. This Policy will be formally reviewed every three years or as required by Council.

This Policy is to remain in force until otherwise amended/repealed by resolution of Council.

This Policy repeals the former Tablelands Regional Council Policy titled 'Cemetery Management Policy' adopted 2 July 2015.

JUSTIN COMMONS
CHIEF EXECUTIVE OFFICER