



# C.04 Cemetery Management Policy

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## **1. OBJECTIVE**

To provide guidelines for cemetery operations for Quilpie Shire Council in the capacity of cemetery owners and operators.

## **2. SCOPE**

This Policy applies to all cemeteries administered, operated and maintained by Quilpie Shire Council in the present and future, which currently includes:

- Quilpie Cemetery
- Eromanga Cemetery
- Adavale Cemetery
- Toompine Cemetery

## **3. STATEMENT**

### **3.1 DAYS AND HOURS OF OPERATION**

Council's Customer Service Centre operates within standard hours, currently 8.00am to 5.00pm – Monday to Friday.

Council provides Cemetery Services upon 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, Good Friday through to Easter Monday and ANZAC Day. (Please note weekends and public holidays incur higher fees).

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.

### **3.2 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

### **3.3 REGISTER OF BURIAL PLACES**

A register of burials will be kept by Council in respect to all burial places under Council's control (where records are available).

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.

Each register, which may be kept in written, printed or electronic form, will include the name of the 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.

The register may not include interments in historical and monumental cemeteries due to loss of records from previous operating entities.

Each register entry will contain the name and address of the owner of the burial site with the exception of the historical records where this information may not have been obtained.

### 3.4 EXHUMATION

Council does not carry out exhumations.

All arrangements for exhumations are to be made with a registered Funeral Director.

Such Funeral Director must have obtained prior confirmation from Queensland State Health Department approving the exhumation or relocation of the remains to be located.

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

### 3.5 BURIAL RIGHTS

Burials may not be sold.

A burial right on a vacant or reserved plot may be surrendered to Council.

There will be no refund given for relinquishing a reserved plot.

### 3.6 BURIAL RIGHTS HOLDER

A 'Burial Rights Holder' is the person who has been issued with the burial rights, whose name and details appear on the approved form at the time of application from the Funeral Director to conduct a service.

There can only be one Burial Rights Holder per plot.

The 'purchaser' of the plot is the person who signs the initial cemetery application form.

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 3.9 of this Policy).

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.

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.

Council, 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.

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

**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.**

### 3.7 RESERVATIONS OF PLOTS

Reservations of plots are to be made in accordance with Council's prevailing application process.

### 3.8 INTERMENTS – BURIAL PLOTS

No burial will, under any circumstances, be permitted in a Council controlled Cemetery until an application has been received and approved by Council.

No more than two coffins, 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.

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*.

All graves are generally prepared as a single depth unless previously arranged.

Every burial plot / site within a Council controlled Cemetery will be dug by Employees or Contractors of Council (excluding exhumations).

All burial plots / sites are allocated by Council's Administration.

Specific cultural / religious requirements are to be advised in writing at the time of application. Council will endeavor to grant the requirements of each request based upon Council's Workplace Health and Safety Policy and availability of suitably skilled staff and equipment.

Animal burials are prohibited in Council Cemeteries.

### 3.9 SCATTERING OF ASHES

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

### 3.10 PLAQUES, MONUMENTS & INSCRIPTIONS

Memorial plaques are the responsibility of the Burial Rights Holder and may be organised through a Funeral Director or a private supplier. Council may provide information regarding companies who supply burial accessories.

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) Written approval is received from Council.

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

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maintenance to plaques, monumental and historical graves and headstones lie with the Burial Rights Holder.

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

Monuments, gravestones, kerbing, railing and other structures are not permitted within lawn sections of Council controlled Cemeteries.

### 3.11 FLOWERS AND ORNAMENTS – GENERAL

Flowers can be placed near graves / memorials. Fresh or limited artificial flowers are welcome tributes.

Visitors are encouraged to remove such items when they become unsightly, weathered or wither.

Floral tributes, both fresh and artificial, or other items that encroach on neighbouring memorials or graves will be removed without notice. Glass vases, jars or any other non-approved receptacles are not permitted and will be removed.

The grounds will be kept neat and tidy by removing withered or weathered floral arrangements and any tributes deemed unsuitable or unsightly. The Burial Rights Holder / family will be requested in writing to remove the items within 7 working days.

### 3.12 PLANTING OF TREES AND SHRUBS

The selection of trees, plants and shrubs and materials used in each Cemetery is at the absolute discretion of Council and in accordance with Local Law 04 (Local Government Controlled Areas, Facilities and Roads) 2012.

## 4. HUMAN RIGHTS COMPATIBILITY STATEMENT

This Policy has been assessed as compatible with the Human Rights protected under the Human Rights Act 2019.

## 5. VERSION CONTROL

V1	17-Aug-19	Developed and adopted
V2	12-Mar-23	Reviewed, New Format and adopted

## 6. DEFINITIONS

Applicant	Means the person making an application for a cemetery service provided by Council that is subject to an application process
Application Form	Means all forms which are required to undertake a service within Council controlled Cemeteries
Appropriate Fee	Means a fee according to Council's current Schedule of Fees and Charges
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 land or property)
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
Cemetery	Means an area containing one or more burial places
Council	Means Quilpie Shire Council
Funeral Director	Means an individual, or business carrying out a funeral service
Monument	Means any structure, plaque, headstone, masonry, metal work, casting or item placed over it
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
Procedures	Means Quilpie Shire Council's Procedures for Undertaking Administration, Burials and Maintenance
Scattering	Means to respectfully disperse the cremated remains of a deceased person
Register	Means Council's formal repository of data containing all the required details of Council's Cemetery Services
Reservation	Means to pre-purchase a burial right for a burial site / plot

**7. RELATED POLICIES | LEGISLATION | OTHER DOCUMENTS**

IX #	Details
	Quilpie Shire Council Procedure for Undertaking Administration, Burials and Maintenance
	Sub-ordinate Local Law 01.09 Operation of Cemeteries 2012
	Local Law 04 – (Local Government Controlled Areas, Facilities and Roads 2012)
	Work Health & Safety Act 2011
	Work Health & Safety Regulation 2011
	Coroners Act 2003
	Coroners Regulation 2015
	Local Government Act 2009
	Queensland Law Reform Commission – Review of the law regarding the final disposal of a dead body
	Births, Deaths and Marriages Registration Act 2003
	Heritage Act 1992
	Public Records Act 2002
	Information Privacy Act 2009
	Public Health Act 2018
	Public Health Regulation 2005
	Burials Assistance Act 1965