



Cloncurry Shire Council

**POLICY
NO.**

COR 1029

CEMETERIES POLICY

1. Background and Context

Cloncurry Shire Council administers operating cemeteries at Cloncurry, Kajabbi, and Dajarra. This policy provides a framework of regulations and guidelines to ensure that they operate in compliance with legal and regulatory requirements. It helps establish standards for cemetery management, interment practices, and infrastructure, ensuring that all activities related to burial and memorialization are conducted in a lawful and appropriate manner.

2. Scope

This policy encompasses comprehensive guidelines and regulations governing the management and preservation of Cloncurry's cemeteries. The policy addresses key areas such as design, maintenance, plot reservation and display. It outlines interment practices, including procedures for grave preparation, burial depth, and memorialization, while respecting cultural and religious customs. The policy emphasizes effective cemetery operations and administration procedures.

3. Objectives

The Objective of this policy is to:

- (a) Honour Cloncurry's history and those who have made Cloncurry the diverse and liveable community it is today;
- (b) Provide appropriate standards for the services provided at Council operated cemeteries, which enable the effective delivery of services to meet community needs; and
- (c) Provide a consistent approach to the operation of cemeteries owned, managed, and maintained by Council.

4. Definitions

In this policy:

<i>Council</i>	Cloncurry Shire Council.
<i>Council Staff</i>	Includes employees, contractors, volunteers, and all others who perform work on behalf of Council.
<i>Interment</i>	The act or ritual of interring or burying.
<i>Right of Burial</i>	The right of interment into a burial plot.
<i>Right of Burial Certificate</i>	A Right of Burial Certificate is a legal document and permits the right to be buried in a particular grave and the right to authorise the burial of others in the grave (up to the number permitted in that grave as determined by Council).

Right of Burial Holder

The person who is issued the Right of Burial certificate for a specific grave. This person is the only person who can authorise an interment into the grave. Consent is also required by the Right of Burial holder for a construction permit to erect a monument/headstone.

5. Roles and Responsibilities

This Policy is the responsibility of the Director of Corporate Services.

POLICY**6. General**

- 6.1. The principles within this document apply to all cemeteries that are under Council's control. These principles apply to all individuals, organisations, businesses, and Council staff who enter a cemetery under Council's control.
- 6.2. Council manages operating cemeteries at Cloncurry, Kajabbi, and Dajarra.
- 6.3. The Afghan Cemetery, Cloncurry First Cemetery, the Chinese Cemetery, and the General are historical cemeteries and no new burial plots are available to reserve – authorisation from the CEO may allow for burials in the General Cemetery.
- 6.4. Cemetery fees for services provided are set out within Council's Fees and Charges, which are reviewed annually.
- 6.5. Council applies cemetery fees and charges at an appropriate level to enable the provision of cemetery services at a fair price to the community. Cemetery fees and charges are set to cover the immediate costs of operating the cemeteries and to contribute to the ongoing maintenance of the cemeteries.
- 6.6. Council's approved cemeteries form/s (section 15) must be completed for every new service and submitted to Council's Administration Office.
- 6.7. Council is the sole determinant of dignified behaviour within the cemeteries.

7. Standard Conditions

- 7.1. All burials shall take place between 9:00am and 3:00pm weekdays. After hours burials can be negotiated with Council and would incur fees for services as set out within Council's Fees and Charges. It is the obligation of the funeral director in charge of the site to ensure these times are clearly communicated and adhered to.
- 7.2. For all enquiries contact Council's Administration Office (council@cloncurry.qld.gov.au).
- 7.3. Two working days' notice must always be given to allow enough time for grave digging to be completed. In the circumstance where a burial is required on shorter notice, Council will make every effort to enable this to occur.
- 7.4. Burials in Council cemeteries must be undertaken by an accredited funeral business.
- 7.5. A coffin or other form of container appropriate to the proposed form of disposal must comply with the industry standards for constructing coffins or other forms of containers for the burial of human remains; it must comply with the following requirements:
 - 7.5.1. Not leak liquids or gases.
 - 7.5.2. Be securely closed during transportation to the burial site and at the time of interment.

7.5.3. Be constructed so as to not distort or collapse when handled during the normal course of event leading up to the burial (including handling when damp).

7.5.4. Be approved in writing by the Chief Executive Officer of the relevant Queensland Government Department with oversight of cemeteries and crematoria.

7.6. Council can accommodate a maximum of 2 coffin interments per day.

7.7. Lawn cemetery plot allotment sizes:

7.7.1. Portion 1 & 2: 2.4m x 1.2m

7.7.2. Portion 3: 2.8m x 1.5m

7.8. Specification for Graves

7.8.1. All standard graves are to be as per clause 2.7. If a non-standard size is to be required, this is to be specified on application, subject to approval. Depth is to be in accordance with current QLD Public Health Guidelines.

7.8.1.1. Grave depths prepared for burials are:

- Single depth 1.8m
- Full depth/double 1.8m
- Traditional 1.2m
- Infant 1m
- Ashes 0.6m

7.9. Closure of Graves

7.9.1. A sheet of 200mm plastic covering the full length of the coffin is to be placed approximately 300mm above the coffin as an aid to re-opening for double burial sites.

7.9.2. Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as all attendees have vacated.

7.10. The number of interments permitted in a plot shall be:

7.10.1. Two coffins (first must be at full depth) and up to six ashes are permitted in lawn plots.

7.10.2. A Traditional Burial only permits one coffin in lawn and monumental plots.

7.10.3. One infant coffin (except for twins interred within the same coffin) is permitted.

7.10.4. Up to six ashes permitted in monumental or lawn plots.

7.11. Testing can be conducted by Council staff to determine the feasibility of a double interment. This will be at the discretion of Council.

7.12. Exhumations

7.12.1. Coronial Order

7.12.1.1. The coroner or their agent has the right to order exhumation at any time and with minimal notice. They must advise Council that they propose to exhume the remains.

7.12.1.2. The relevant fee will apply.

- 7.12.1.3. Elective Exhumation
 - 7.12.1.3.1. All other exhumations will be considered elective and will be considered only when permitted and conducted in accordance with relevant State and Federal legislation operating at the time.
 - 7.12.1.3.2. All applications for elective exhumation must be in writing to the Council and accompanied by all necessary documentation as required by the legislation operating at the time. The relevant fees will also apply.
- 7.12.2. Applications must be lodged a minimum of one month prior to the proposed date of exhumation. Where elective exhumation has been completed, the Right of Burial of the deceased or their heirs and successors is deemed to have been forfeited. All elective exhumations must include full restoration of the site including any monumental works erected.
- 7.12.3. For approval of reinterment in a new burial plot to be considered, the application must comprise of:
 - 7.12.3.1. Written confirmation from a recognised undertaker that they are prepared to carry out the exhumation; and
 - 7.12.3.2. Written consent for the proposed exhumation from the deceased's next of kin, executor or other personal legal representative; and
 - 7.12.3.3. Details of the new burial site where interment is to take place.
 - 7.12.3.4. Where the reinterment plot is located outside the same local government area, written approval of the Director General of the Department of Health (Queensland) is required.
- 7.12.4. Council shall not allow exhumation of human remains that have been interred for a period greater than six days and less than six months unless extenuating circumstances exist to the satisfaction of the authorised person.
- 7.13. Due to the historical nature of the cemetery, there have been instances arising where the first interment has not reached the required depth of 1.8m. Council will confirm if a second interment can attain the required depth to accommodate a second coffin.
- 7.14. Preparation of plots – Council’s Cemetery staff (or those contracted to Council) will prepare grave sites. The preparation includes:
 - 7.14.1. Digging
 - 7.14.2. Laying shoring boards and bars as required
 - 7.14.3. On request by a Funeral Director or family, Cemetery staff will set up chairs and marquees, for graveside services (set up fees apply as per Council’s fees and charges).
 - 7.14.4. Set up of lowering devices as required
- 7.15. The Council shall take every care when required to re-open a grave for a second or subsequent burial but will not accept responsibility for any accidental or unintentional damage caused to monuments, gravesite, or lawn during such opening.
- 7.16. Any image used for a photo must display the face of the person interred (or to be interred)

at the location and cannot be interpreted as offensive in a public venue.

7.17. Burials not within a Cemetery

7.17.1. Applications for Burials to take place in an area outside a cemetery must be made in accordance with any relevant Local Law.

7.17.2. The interment must not take place unless approval is granted by the relevant State Government Minister and Local Government as required under the relevant Policy.

7.18. Animal burials are prohibited in the cemeteries.

7.19. Council will take all care when maintaining the cemetery but will not accept any responsibility for cleaning plaques, adornments, or headstones and will not be liable for damage as a result of vandalism, weather, or the operation of the irrigation system.

7.20. Council shall not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on the grave site, or niche. The responsibility for the costs of repairs and maintenance to plaques, monumental and historical graves, site or niche and headstone lies with the family of the deceased.

7.21. Maximum of 30 minutes early or late arrival times from the scheduled time indicated on the *Application for Interment of Remains* form is permitted with advanced notice to Council's Administration Office.

7.22. The Funeral Director must always remain on site and present during the funeral.

7.22.1. Funeral Directors must supervise and assist families throughout the duration of a funeral service, including the removal of shoring boards.

7.22.2. The responsibility of the site concludes when the last of the family members and the Funeral Director's employees leave the site. At this point the site becomes the responsibility of Council.

7.23. Participation by Council staff in the actual interment process is not permitted; this includes Council staff carrying the casket from the funeral vehicle.

7.24. All activities undertaken within the Cemetery grounds shall comply with relevant Work Health and Safety requirements, including the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011*, AS4204-2019 Headstones and Cemetery Monuments and AS4425-1996 Above Ground Burial Structures.

7.25. Access to all cemeteries is restricted to designated roadways. Public vehicles are not permitted to drive on grave beds.

7.26. By the installation of signage, Council may restrict usage or activities within certain areas of the cemetery.

7.27. The planting of trees, shrubs or flowers within Council controlled Cemeteries is the exclusive right of the Council. Council staff will remove any plantings not performed or authorised by Council.

7.28. Register of Burial Places and Cremation

7.28.1. A Register of Burial must be kept in respect of all burial places.

7.28.2. A register of pre-need burial rights (Reserve Graves) will be kept and must contain the name and address of the owner of the burial right.

7.28.3. Each register, which may be kept in written, printed, or electronic form, must contain sufficient information to allow for simple cross-referencing or entries by:

7.28.3.1. Surname

7.28.3.2. Date of burial or cremation

7.28.3.3. Burial place location.

7.28.4. Each burial or cremation must be recorded in its respective register immediately after the service.

7.28.5. Registers may be amended to remove or correct inaccuracies.

7.29. Vertical Burials - Vertical spaced cemeteries are not planned for any Council cemetery and are not to be implemented for any burial (unless a religious or cultural request to undertake such a burial is received, in which case it will be considered by Council).

8. Interments And Reservations

8.1. Permission for interments and all reservations in Council's cemeteries will be given only in respect of persons who meet one or more of the following criteria:

8.1.1. They are or have been an established resident of Cloncurry Shire; or

8.1.2. They have first degree kinship with established residents of Cloncurry Shire; or

8.1.3. They have first degree kinship with a person previously buried in the cemetery.

9. Reserving A Plot

9.1. The person/s reserving a new plot (Right of Burial Certificate holder) acquires the entitlement to be buried in that plot and the right to authorise the burial of others into the plot.

9.2. A valid Right of Burial may be surrendered to Council. Upon surrender, the Council will pay the valid Right of Burial holder or the valid Right of Burial holder's estate an amount not less than 70% of the original reserve price of the unused grave.

9.3. Whilst Council shall make every effort to honour specific plot reservations, there may be circumstances where Council may not be able to do so. For example, Council is unable to carry out burials that are adjacent and/or opposite to plots that have been buried in, within a twelve-month period due to the risk of collapse.

9.4. The maximum number of plots a person may reserve is 4.

9.5. Council retains the right to deny a reservation application.

10. Right Of Burial Transfer

10.1. The Right of Burial Certificate may be transferred to another applicant where Council eligibility requirements have been met, these include –

10.1.1. Original Right of Burial Certificate and written authority from the current Right of Burial Certificate holder consenting to the transfer; or

10.1.2. A certified copy of the deceased Right of Burial Certificate holder's last known Will and Testament; and

10.1.3. Certified written authority provided from all beneficiaries; or

10.1.4. Written authority from the Right of Burial Certificate holder's personal legal representative providing evidence of authority to transfer.

11. Application For Interment

- 11.1. A Form FRM-COR 1029-01: *Application for Interment of Remains* form must be completed and sent to Council's Administration Office at least 2 working days before the intended funeral date to allow sufficient time for the grave to be prepared.
- 11.2. Where the Form 1 is for a new plot, the Applicant for the interment will become the Right of Burial holder.
- 11.3. Approval of an *Interment Consent Application* for a pre-reserved site will be granted when:
 - 11.3.1. The Applicant is the Right of Burial holder; or
 - 11.3.2. The Right of Burial certificate holder is the person being interred; or
 - 11.3.3. The Right of Burial certificate holder has consented to the interment and done so where indicated on the *Interment Consent Application* form.
- 11.4. Where the application is for the deceased Right of Burial holder, the Applicant has the authority to arrange a suitable memorial. Authority for any future interments into the plot shall not be permitted, until such time as the Right of Burial has been transferred to the rightful beneficiary, as per the Right of Burial Transfer guidelines outlined within Section 7 of this document.
- 11.5. Refer to Council's Cemetery Fees and Charges for a full list of applicable fees.

12. Traditional Burials

- 12.1. All traditional burials are carried out at a single burial depth of 1.2m to allow the family to backfill the grave in line with their tradition.
- 12.2. Where the first burial is a traditional depth (1.2m) the grave can only be used for one coffin burial (plus ashes).
- 12.3. During the excavation of a single traditional burial grave, headboards and side boards will be installed where possible. This is to ensure the grave can be excavated safely.
- 12.4. During a traditional burial it will be necessary to remove head and side boards once the coffin has been lowered.
- 12.5. Council will not provide any additional material for the purpose of back filling the gravesite. Once the family has finished the backfilling of the grave, Council staff will remove any additional overburden from the grave and the grave will be top dressed (in the lawn section only).
- 12.6. No unapproved structures are to be left at the gravesite. Any unapproved structures or items left at grave sites shall be removed at the discretion of Council.

13. War Graves

- 13.1. Council does not have a specified area for war graves.
- 13.2. War graves can be accommodated in the cemetery and are to be constructed and maintained by the Australian War Graves Commission.

14. Lawn Cemetery

- 14.1. Any unapproved structures or items left at grave sites as outlined here in shall be removed at the discretion of Council.
 - 14.1.1. No glass, rocks, shells, non-approved vases, or non-approved ornaments are to be

left at grave sites.

- 14.1.2. Fresh and plastic flowers are permitted to be retained within flower urns and metal vases only and must be securely placed in the allocated space between the concrete edges or on the concrete beam for those where such is provided. Such flowers will be removed as they deteriorate, at the discretion of Council. Council takes no responsibility for any items left at gravesites.
- 14.1.3. No glass is permitted. Vases must be of a size that does not encroach on adjoining graves or grassed areas and not exceed 300mm in height so as to not interfere with irrigation spray patterns. The vase must be of a sufficient weight to remain secure.
- 14.2. Plots must not be enclosed with railing or kerbing or surrounded by rocks, bricks, or other materials.
- 14.3. No archway, statue or other structure is permitted to be installed within the lawn section.
- 14.4. Any item identified as a hazard that may endanger the wellbeing of the public or Cemetery staff shall be removed at the discretion of Council. Council reserves the right to remove any headstone, granite, marble, concrete, and any flower containers if the condition of same renders it dangerous to Cemetery staff or visitors and the cost of so doing may be recovered, at the discretion of the Council, from the valid Right of Burial holder or their family.
- 14.5. Memorial plaques and headstones (permanent fixtures) may be installed within the allocated space by the Construction Permit holder. Memorial plaques and headstones must comply with the specifications outlined in the Memorials and Monuments section of this document.

15. General Cemetery

- 15.1. Any unapproved structures or items left at grave sites as outlined here in shall be removed at the discretion of Council.
 - 15.1.1. No glass, rocks, shells, non-approved vases, or non-approved ornaments are to be left at grave sites.
 - 15.1.2. Fresh and plastic flowers are permitted to be retained within flower urns and metal vases only and must be securely placed in the allocated space between the concrete edges or on the concrete beam for those where such is provided. Such flowers will be removed as they deteriorate, at the discretion of Council. Council takes no responsibility for any items left at gravesites.
 - 15.1.3. No glass is permitted. Vases must be of a size that does not encroach on adjoining graves or grassed areas and not exceed 300mm in height so as to not interfere with irrigation spray patterns. The vase must be of a sufficient weight to remain secure.
- 15.2. Council is responsible for the maintenance of aisles between the rows of graves in the General grave sections. Maintenance of the grave and immediate surrounds is the responsibility of the Right of Burial certificate holder and family. All shrubs, plants etc. within the cemeteries are planted and cared for by Council.
- 15.3. No tree, shrub or other plant is permitted to be planted within the cemetery, including at grave sites, other than by Council.
- 15.4. Fresh and plastic flowers are permitted to be retained within flower urns and metal vases only and must be placed at the head of the grave site. Such flowers will be removed as they deteriorate, at the discretion of Council.

- 15.5. Any unapproved structures or items left at grave sites as outlined here in shall be removed at the discretion of Council and placed in the green removed items bin located near the office for a maximum of 4 weeks after removal at which time they will be disposed of.
- 15.6. Any item identified as a hazard that may endanger the wellbeing of the public or Cemetery staff shall be removed at the discretion of Council. Council reserves the right to remove any headstone, granite, marble, concrete, or any flower container if the condition of same renders it dangerous to Cemetery staff or visitors and the cost of so doing may be recovered, at the discretion of the Council, from the valid Right of Burial holder or their family.
- 15.7. Memorial plaques and headstones (permanent fixtures) may be installed by the Construction Permit holder. Memorial headstones and plaques must comply with the specifications outlined in the Memorials & Monuments section of this document.

16. Memorials And Monuments – General Cemetery Only

- 16.1. A Construction Permit application form must be completed for the erection of all new monuments, headstones, and upgrade works. The Right of Burial holder must provide their consent for this application to be processed. Where the Right of Burial holder is deceased, a Construction Permit to erect a monument or headstone may be issued with the approval of the applicant identified on the Application for Interment Form/s
- 16.2. All memorials and headstones must be constructed by the Construction Permit holder or a representative of the permit holder. A Construction Permit will only be issued to a qualified Monumental Mason/Licensed Builder who has provided Council with evidence of a current public liability insurance policy. All works must comply with the Australian Standard AS4204-2019 Headstones and Cemetery Monuments as well as any additional requirements identified by Council. Failure to comply may result in removal.
- 16.3. The fee for a Construction Permit is designated in the Cemetery Fees and Charges. Once a permit has been paid for and approved, it will be issued to the Monumental Mason/Licensed Builder.
- 16.4. A family can request to erect a monument on a historical plot in honour of the deceased person through a Construction Permit application form. Council may consider such a request where it believes the family are acting with the full consent of the deceased person. If approval is given, the Right of Burial certificate will not automatically be transferred, refer to section *Right of Burial Transfer* of this policy.
- 16.5. Any monumental grave, vault, monument, headstone, plaque, or marker in the Cemetery shall be maintained by the Legal Personal Representative or family of the person whose remains have been buried within the plot.
- 16.6. All contractors must sign in on arrival and sign out when leaving the site.

17. Funeral Assistance Scheme – Queensland Courts

- 17.1. Under the Burials Assistance Act 1965, the Queensland Government is authorised to make funeral arrangements for eligible persons who have died in Queensland and have no known next of kin who are willing or able to meet the cost of a funeral service.
- 17.2. If eligible, you can apply for help with paying the upfront costs of a funeral service for a loved one or a friend. Funeral directors can apply on behalf of the next of kin where the deceased has no family or friends to make funeral arrangements, or to apply for funeral assistance on their behalf.

- 17.3. Council will allocate the next available plot, in the relevant cemetery, for the burial to take place. Any requests received by Council following the interment, including reopening for additional burial or interment of ashes or installation of a memorial will be directed to the Queensland Government for assessment.
- 17.4. Following a government assisted funeral, it is possible that another deceased person could be buried in the same grave. If the next of kin prefers this not to take place, they must make a request to the government to transfer the burial rights.
- 17.5. For further information about Queensland Governments funeral assistance, visit the website: www.courts.qld.gov.au

18. Application Forms

- 18.1. Council's website (<https://www.cloncurry.qld.gov.au/downloads/download/27/cemetery>) has forms for the following:
 - 18.1.1. Application for Grave
 - 18.1.2. Application for Plaque
 - 18.1.3. Application for Incline Footstone & Installation
 - 18.1.4. Application for Reservation of Plot
 - 18.1.5. Application for a Grave Location Search
 - 18.1.6. Application for Permit to Erect, Install Maintain or Repair a Memorial or Monument

19. Compliance

- 19.1. Should monumental or memorial work occur that has not been approved or that is not consistent with Council's specifications, a notice to remove and replace or rectify within that time frame will be issued and will result in the removal of any structures and/or a fine as specified under the local law or reimbursement of Council's costs to rectify the problem.
- 19.2. Until a monumental mason rectifies any unsatisfactory work then no further permit for other installations will be issued to that mason.
- 19.3. For minor breaches of Council's policy or Local Law, a first warning will be issued, should the persons or organisation continue to fail to adhere to Council's requirements then permission to provide services in Council's cemetery will not be provided.

References and Related Documents

The legislation and documentation relevant to adoption and operation of the Cemeteries Policy includes, but is not limited to:

- Cremations Act 2003
- Cremations Regulation 2003
- Work Health and Safety Act 2011

- Work Health and Safety Regulation 2011
- Coroners Act 2003
- Coroners Regulation 2003
- Subordinate Local Law No. 4 Local Government Controlled Area, Facilities and Roads 2011
- Local Government Act 2009
- 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
- Land Regulation 2009
- QLD Heritage Act 1992

Adopted by Council Resolution

POLICY VERSION AND REVISION INFORMATION

Version No.	Resolution	Date Adopted	Review Date
1	06.2023	21 March 2023	March 2027

Authorised by: Philip Keirle



Title: Chief Executive Officer