



# *Cemeteries Policy*

**POLICY  
NO.**

**COR 1029**

## **1. Background and Context**

Cloncurry Shire Council operates cemeteries in Cloncurry and Dajarra. This policy outlines the framework through which the administration of these cemeteries takes place. 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.

The Policy applies to all individuals, organisations, businesses, and Council staff who enter a cemetery under Council's control.

## **3. Objectives**

The Objective of this policy is to:

- (a) Recognise and protect cemeteries as important cultural and historical community assets, including heritage-listed graves or cemeteries.
- (b) Maintain burial practices that protect public health and ensure the safety of cemetery users, staff, and visitors.
- (c) Provide appropriate standards for the services provided at Council operated cemeteries, which enable the effective delivery of services to meet community needs;
- (d) Provide a consistent approach to the safe and sustainable operation of cemeteries owned, managed, and maintained by Council.
- (e) Maintain accurate, secure, and publicly accessible cemetery records in accordance with legislative and archival requirements.
- (f) Ensure compliance with applicable legislative requirements.

## **4. Definitions**

In this policy:

**CEO** means the Chief Executive Officer.

**Council** means the Cloncurry Shire Council.

**Council Staff** includes employees, contractors, volunteers, and all others who perform work on behalf of Council.

Document No. Policy # COR 1029  
Authorised by Director Corporate Services  
Document maintained by Corporate Services

Version No.2  
Initial Date of Adoption: 21.03.2023  
Current Version Adopted: 15.07.2025  
Next review date: 07/2029

<b><i>Interment</i></b>	means the act or ritual of interring or burying.
<b><i>Right of Burial</i></b>	means the right of interment into a burial plot.
<b><i>Right of Burial Certificate</i></b>	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).
<b><i>Right of Burial Holder</i></b>	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. This Policy applies to all cemeteries that are under Council's formal control. This includes the following:
  - 6.1.1. Afghan Cemetery (Cloncurry)
  - 6.1.2. Cloncurry First Cemetery (Cloncurry)
  - 6.1.3. Chinese Cemetery (Cloncurry)
  - 6.1.4. General Cemetery (Cloncurry)
  - 6.1.5. Lawn Cemetery (Cloncurry)
  - 6.1.6. Dajarra Cemetery (Dajarra)
  - 6.1.7. Selwyn Cemetery (Selwyn)
- 6.2. Council has no land tenure and therefore no formal control over the following cemeteries:
  - 6.2.1. Kajabbi Cemetery (Kajabbi)
  - 6.2.2. Kuridala Cemetery (Kuridala)
- 6.3. There are no new burial plots available in the Afghan Cemetery, Cloncurry First Cemetery, Chinese Cemetery or the General Cemetery. Authorisation from the CEO may allow for burials in the General Cemetery in special circumstances.
- 6.4. Cemetery fees for services provided are set out in Council's Fees and Charges, which are available on Council's website and 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.
- 6.6. Council's approved cemeteries forms must be completed for every new service and submitted to Council's Administration Office.

## **7. Standard Conditions**

### **7.1. Operating Hours**

All burials shall take place between 8:30am and 3:00pm weekdays. It is the obligation of the funeral director in charge of the site to ensure these times are clearly communicated and adhered to.

After hours burials may be requested, and, if granted, will incur fees for after hours' services as set out in Council's Fees and Charges.

### **7.2. Notification requirements for grave digging**

Five working days' notice must be given to allow enough time for grave digging to be completed. In circumstances where a burial is required on shorter notice, Council will make every reasonable effort to enable this to occur.

### **7.3. Maximum interments per day**

Council can accommodate a maximum of two (2) coffin interments per day.

### **7.4. Lawn cemetery plot allotment sizes:**

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

7.4.2. Portion 3: 2.8m x 1.5m

### **7.5. Lawn Cemetery Grave Specification**

Grave depths prepared for burials are to meet the following requirements

7.5.1. Single depth 1.8m

7.5.2. Full depth/double 1.8m

7.5.3. Traditional 1.2m

7.5.4. Infant 1.2m

7.5.5. Ashes 0.6m

### **7.6. Coffin requirements**

A coffin or other form of container appropriate for 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. The coffin or container must comply with the following requirements:

7.6.1. Be constructed to prevent any liquids or gases leaking or escaping;

7.6.2. Be securely closed during transportation to the burial site and at the time of interment;

7.6.3. 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);

### **7.7. Interments per plot**

The number of interments permitted in a plot shall be:

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

7.7.2. A Traditional Burial only permits one coffin in lawn and monumental plots (refer section 13).

- 7.7.3. One infant coffin (except for twins interred within the same coffin) is permitted.
- 7.7.4. Up to four ashes interments permitted in lawn plots in an existing grave; two (2) at the head of the burial plot and two (2) at the foot of the burial plot.
- 7.7.5. In instances 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 and Council's determination will be final.
- 7.7.6. Council will take all reasonable care when required to re-open a grave for a second or subsequent burial, but does not accept responsibility for any accidental or unintentional damage caused to monuments, gravesite, or lawn during such opening.

#### **7.8. Scattering ashes**

Scattering of ashes at a cemetery which is owned, held in trust or otherwise controlled by Council, is not permitted.

#### **7.9. Preparation of plots**

Councils staff (or those contracted to Council) will prepare grave sites in accordance with work health and safety requirements. The preparation includes:

- 7.9.1. Digging;
- 7.9.2. Laying shoring boards and bars as required;
- 7.9.3. On request by a Funeral Director or family, Council staff will set up chairs and marquees, for graveside services (set up fees apply as per Council's fees and charges); and
- 7.9.4. Set up of lowering devices as required.

#### **7.10. Access**

Access to all cemeteries is restricted to designated roadways. Public vehicles are not permitted to drive on grave beds or on any grassed area at a cemetery, with the exception of a funeral director/hearse, with the prior written approval of the CEO of Council.

#### **7.11. The Funeral Director responsibilities**

- 7.11.1. The Funeral Director must always remain on site and present during the funeral.
- 7.11.2. Funeral Directors must supervise and assist families throughout the duration of a funeral service, including the removal of shoring boards.
- 7.11.3. From the time of entry into the Cemetery, the responsibility for the site solely rests with the Funeral Director. This responsibility only 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.

#### **7.12. Closure of Graves**

- 7.12.1. 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.
- 7.12.2. Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as all attendees have vacated. Family is permitted to backfill if requested on the Application to Inter Remains and if approved by Council.

## **7.13 Exhumations**

### **7.13.1 Coronial Order**

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.

### **7.13.2 Elective Exhumation**

7.13.2.1 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, including Schedule 21 of Council's *Subordinate Local Law No. 1 (Administration) 2014* (or as amended from time to time).

7.13.2.2 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.

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

## **7.14 Personal Images**

Any image used for a photo must display the face of the person interred (or to be interred) at the location and must not be interpreted as offensive in a public venue, in the sole opinion of Council.

## **7.15 Animal burials**

Animal burials are prohibited in the cemeteries.

## **7.16 Reasonable care**

7.16.1 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.

7.16.2 Council shall not be liable for the repair, maintenance, upkeep or preservation of any plaque, monument 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.

## **7.17 Work Health and Safety**

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.

## **7.18 Signage**

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

## **7.19 Landscaping**

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.

## **7.20 Register of Burial Places and Cremation**

7.20.1 A Register of Burials must be kept in respect of all burial places.

7.20.2 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.

7.20.3 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:

7.20.3.1 Surname

7.20.3.2 Date of burial or cremation

7.20.3.3 Burial place location.

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

7.20.5 Registers may be amended to remove or correct inaccuracies.

## **7.21 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).

## **7.22 Burials not within a Cemetery**

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

7.22.2 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.

## **8 Interments And Reservations**

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

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

8.3 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 ("the Burial Right Holder") who pays Council's current fee may reserve a plot at a cemetery and acquires the entitlement to be buried in that plot or, alternatively, the right to authorise the burial of others into the plot in accordance with Section 6 (Standard Conditions). This fee does not include the interment fee that will be payable at the time of burial and in accordance with Council's current fees and charges at that time.

9.2 If a person has paid the current fee for a right of burial, the person may surrender, in writing, the right of burial to Council. There will be no refund given for relinquishing a

reserved plot.

- 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 Burial Right Holder**

A Burial Right Holder who holds a burial right in respect of a plot does not acquire any legal or equitable estate, interest or ownership in the burial site. Payment entitles the Burial Right Holder to exercise a burial right only, including, but limited to, the following:

- 10.1 An entitlement to be buried or interred in the plot (“burial site”).
- 10.2 Authority to consent to the interment of cremated remains (ashes) in the burial site and authority to authorise the reopening of the burial site for the purposes of a further burial.
- 10.3 Authority to consent to other persons being buried or interred in the burial site.
- 10.4 An entitlement, which is shared with the next of kin of the Burial Right Holder, to apply for, and be granted permission to, install a plaque or monument at the burial site.
- 10.5 The Burial Right Holder must not sell a burial right of the Burial Right Holder. However, a burial right may be transferred in accordance with Section 11.
- 10.6 A Burial Right Holder for a burial site is the person who applied and paid for the burial right for the burial site. In the event that the person who paid for the burial right and the Burial Right Holder nominated in the application for the burial right being different, the burial right may be exercised by the Burial Right Holder nominated in the application, not the person who paid for the burial right. A Burial Right Holder must be nominated on Council’s Cemeteries application form (Form 1 – Request for Interment of Remains).
- 10.7 Council is unable to transfer a burial right held by the Department of Justice and Attorney-General.
- 10.8 Due to historic recordkeeping practices, Council does not have a record of every Burial Right Holder who is entitled to exercise a burial right. If Council’s records do not clearly identify a Burial Right Holder who is entitled to exercise a burial right in respect of a particular burial site, a person may be deemed the Burial Right Holder by Council if the person provides:
  - Evidence, such as receipts or correspondence, which confirms that the person is the Burial Right Holder for the burial site; and/or
  - A statutory declaration which includes:
    - Details of the burial site in question;
    - A declaration that to the best of the knowledge of the person, they are the Burial Right Holder or should be the Burial Right Holder for the burial site and substantiate their reasons for making this claim;



- confirmation that there are no family disputes in relation to the burial site and that the person asserting the burial right has the agreement of the family to do so;
  - If the burial site is occupied – a statement as to the relationship between the person and the deceased.
  - If there is evidence that burial assistance was provided by the State Government, the Department of Justice and Attorney-General must be deemed to be the Burial Right Holder.
- 10.9 This Section apply if a person is a Burial Right Holder for a vacant burial site and the person dies and:
- 10.9.1 The burial site was intended for the person's burial or interment; and
  - 10.9.2 The person is not buried or interred in the burial site; and
  - 10.9.3 Prior to their death, the person did not provide written instructions authorising the use of the burial site by another party; and
  - 10.9.4 Council's records identify the next of kin of the person.
- 10.10 The Cemetery Administration Officer must make all reasonable attempts to contact the next of kin of the Burial Right Holder to ascertain if they wish to retain or surrender the burial right. The next of kin must lodge a completed Form 1 – Request for interment of Remains.
- 10.11 If the next of kin wishes to retain the burial right, Council may deem the next of kin to be the Burial Right Holder.
- 10.12 If the next of kin does not wish to retain the burial right, the burial right may be surrendered to Council and the next of kin will be entitled to payment for the surrender of the burial right in accordance with Section 9.2.
- 10.13 The Council may, by written memorandum, deem the burial right to be surrendered to Council if reasonable attempts to contact the next of kin are unsuccessful.
- 10.14 The next of kin may apply to Council for a payment in accordance with Section 9.2 for a period of up to five years after the burial right is deemed to be surrendered, by written memorandum.
- 10.15 When a Burial Right Holder of an occupied burial site dies, the next of kin of the first person buried or interred at the burial site is deemed to be the Burial Right Holder.
- 10.16 If:
- (a) A burial site has multiple burials or interments; and
  - (b) The original Burial Right Holder is deceased and the Burial Right Holder (next of kin of the first person buried or interred) is also deceased,
- Council may, by written memorandum, deem the next of kin of the second buried or interred to be the Burial Right Holder.
- 10.17 The Burial Right Holder may request Council to:
- (a) Close a burial site to future burials and/or interments; or



- (b) Impose restrictions on the use of the burial site for a future burial and/or interment. The request of the Burial Right Holder must be made in writing.

10.18 If the Council has approved:

- (a) The closure of a burial site; or
- (b) Imposition of restrictions on the use of a burial site for a future burial and/or interment, nothing in this Section 10 authorises the re-opening of the burial site or an action which contradicts a restriction imposed on the use of the burial site.

## 11 Reserved Plot Transfer

A burial site is a “reserved plot” if, for the burial site, Council has granted a burial right to a Burial Right Holder under The Right of Burial Certificate and may be transferred to another applicant where Council’s eligibility requirements have been met, these include –

- 11.1 Original Right of Burial Certificate and written authority from the current Right of Burial Certificate holder consenting to the transfer; or
- 11.2 A certified copy of the deceased Right of Burial Certificate holder’s last known Will and Testament or the Letter of Administration obtained by the administrator for the deceased’s estate; and
- 11.3 Certified written authority provided from all beneficiaries; or
- 11.4 Written authority from the Right of Burial Certificate holder’s personal legal representative providing evidence of authority to transfer.

## 12 Application For Interment

12.1 Council offers two burial options within its cemeteries

- (a) Interment into a grave site/plot; or
- (b) Interment into a niche in the Lawn Cemetery Memorial Wall.

12.2 A Form FRM-COR 1029-01: *Application for Interment of Remains* form must be completed and sent to Council’s Administration Office at least 5 working days before the intended funeral date to allow sufficient time for the grave to be prepared.

12.3 Where the Form 1 is for a new plot, the Applicant for the interment will become the Right of Burial holder.

12.4 Approval of an *Interment Consent Application* for a pre-reserved site will be granted when:

- 12.4.1 The Applicant is the Right of Burial holder; or
- 12.4.2 The Right of Burial certificate holder is the person being interred; or
- 12.4.3 The Right of Burial certificate holder has consented to the interment and done so where indicated on the *Interment Consent Application* form.

12.5 Where the application is for the deceased Right of Burial holder, the Applicant has the authority to arrange a suitable plaque. 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 in this document.

12.6 Refer to Council’s Cemetery Fees and Charges for a full list of applicable fees.

### **13 Traditional Burials**

- 13.1 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.
- 13.2 Where the first burial is a traditional depth (1.2m) the grave can only be used for one coffin burial (plus ashes).
- 13.3 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.
- 13.4 During a traditional burial it will be necessary to remove head and side boards once the coffin has been lowered.
- 13.5 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).
- 13.6 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.

### **14 Lawn Cemetery Memorial Wall Niches**

- 14.1 Memorial Wall Niches are available at the Cloncurry Lawn Cemetery.
- 14.2 Niche size may vary slightly but approximate size is 160mm wide x 130mm high with a length of 285mm.
- 14.3 All plaques are required to be within the size of 175mm x 130mm and are required to be installed by Council.
- 14.4 A niche in the memorial wall can hold one (1) container of ashes.

### **15 Lawn Cemetery**

- 15.1 Council is responsible for the maintenance of the lawn area. All shrubs, plants etc within a cemetery are planted and cared for by Council.
- 15.2 No tree, shrub or other plant is permitted to be planted within the cemetery, including at grave sites, other than by Council.
- 15.3 Fresh and artificial flowers are permitted to be retained within flower urns and metal vases only and must:
  - 15.3.1 Be securely positioned in the allocated space in the footstone or on the concrete beam for those where such is provided.
  - 15.3.2 Not encroach on adjacent plots or grassed areas.
  - 15.3.3 Not exceed 300mm in height so as not to interfere with irrigation spray patterns.
  - 15.3.4 Be of sufficient weight and stability to avoid being displaced by wind or irrigation.
- 15.4 Council takes no responsibility for any items left at grave sites.
- 15.5 Items that are not approved by Council include, but are not limited to:
  - 15.5.1 Any glass, rocks, shells, ceramic ornaments, flags, candles, solar lights, non-approved vases or other non-approved ornaments;

- 15.5.2 Any flowers that have been placed in accordance with section 15.3 that have deteriorated, at the discretion of Council or do not comply with the requirements under section 15.3.;
- 15.5.3 Any items that enclose a Plot with railings or kerbing, or that surrounds it or has placed upon it, rocks, bricks, or any other materials;
- 15.5.4 Any archway, statue or other structure placed within the lawn section.
- 15.6 Additionally, Council reserves the right to remove any structure, memorial, or container – including any footstone, granite, marble, concrete, ornaments and any flower containers that poses a safety risk to visitors or staff, or has deteriorated to the extent that it is structurally unsound. 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 Only Council-approved plaques and footstones are permitted as memorials in the lawn cemetery.
- 15.8 Approved footstones are those that meet the following criteria:
  - 15.8.1 Inclined footstones that meet the requirements of AS4204:2019 Headstones and Cemetery Monuments.
  - 15.8.2 Inclined footstones with the following dimensions: 650mm (length) x 400mm (width) x 140mm (height).
  - 15.8.3 Inclined footstones with the following no. of vase holes: 0, 1, or 2.
- 15.9 Footstones will be affixed to concrete beams by Council.
- 15.10 Plaques on inclined footstones have a maximum size of:
  - 15.10.1 560mm x 305mm
- 15.11 Plaques will be affixed to footstones by Council.
- 15.12 The following plaque finishes are Council endorsed:
  - 15.12.1 Brass with raised lettering
  - 15.12.2 Black metal (vitreous) with white writing
  - 15.12.3 Marble with white writing
- 15.13 Footstones are permitted to be painted with prior written authorisation from the CEO.

## **16 General Cemetery**

- 16.1 Any unapproved structures or items left at grave sites as outlined here in shall be removed at the discretion of Council.
  - 16.1.1 No glass, rocks, shells, non-approved vases, or non-approved ornaments are to be left at grave sites.
  - 16.1.2 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.
  - 16.1.3 No glass is permitted. The vase must be of a sufficient weight to remain secure.

- 16.2 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.
- 16.3 No tree, shrub or other plant is permitted to be planted within the cemetery, including at grave sites, other than by Council.
- 16.4 Fresh and artificial 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.
- 16.5 Any unapproved structures or items left at grave sites as outlined here in shall be removed at the discretion of Council.
- 16.6 Additionally, Council reserves the right to remove any structure, memorial, or container – including any headstone, granite, marble, concrete, ornaments and any flower containers that poses a safety risk to visitors or staff, or has deteriorated to the extent that it is structurally unsound. The cost of so doing may be recovered, at the discretion of the Council, from the valid Right of Burial holder or their family.
- 16.7 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.

## **17 General Cemetery - Memorials and Monuments**

- 17.1 A Construction Permit application form must be completed for the erection of all new monuments, headstones, and upgrade works and approval obtained from Council prior to any works being undertaken in the Cemetery. 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 to the next of kin previously identified by the Burial Right Holder, or if none were identified, to the applicant identified on the Application for Interment Form/s.
- 17.2 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.
- 17.3 The fee for a Construction Permit is/may be 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.
- 17.4 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.
- 17.5 Any monumental grave, 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.
- 17.6 All contractors must sign in on arrival and sign out when leaving the site.

## 18 War Graves

- 18.1 Council does not have a specified area for war graves.
- 18.2 War graves can be accommodated in the cemetery and are to be constructed and maintained by the Australian War Graves Commission in accordance with this Policy.

## 19 Funeral Assistance Scheme – Queensland Courts

- 19.1 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.
- 19.2 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.
- 19.3 Council will allocate the most appropriate and 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.
- 19.4 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.
- 19.5 For further information about Queensland Governments funeral assistance, visit the website: [www.courts.qld.gov.au](http://www.courts.qld.gov.au)

## 20 Application Forms

The following forms can be access via Council's website (<https://www.cloncurry.qld.gov.au/Home>):

- 20.1 Application for Interment of Remains
- 20.2 Application for Plaque
- 20.3 Application for Incline Footstone & Installation
- 20.4 Application for Reservation of Plot
- 20.5 Application for a Grave Location Search
- 20.6 Application for Permit to Erect, Install Maintain or Repair a Memorial or Monument

## 21 Compliance

- 21.1 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.
- 21.2 Until a monumental mason rectifies any unsatisfactory work then no further permit for other installations will be issued to that mason.
- 21.3 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 2014*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Coroners Act 2003*
- *Coroners Regulation 2015*
- *Local Law No. 1 (Administration) 2011*
- *Subordinate Local Law No. 1 (Administration) 2011*
- *Subordinate Local Law No. 4 (Local Government Controlled Area, Facilities and Roads) 2011*
- *Local Government Act 2009*
- *Births, Deaths and Marriages Registration Act 2023*
- *Births, Deaths and Marriages Registration Regulation 2024*
- *Queensland Heritage Act 1992*
- *Public Records Act 2023*
- *Information Privacy Act 2009*
- *Public Health Act 2005*
- *Public Health Regulation 2018*
- *Burials Assistance Act 1965*
- *Land Act 1994*
- *Land Regulation 2009*

## **Adopted by Council Resolution**

### **POLICY VERSION AND REVISION INFORMATION**

<b>Version No.</b>	<b>Resolution</b>	<b>Date Adopted</b>	<b>Review Date</b>
1	06.2023	21 March 2023	15 July 2027
2	226.2025	15 July 2025	July 2029

*Authorised by: Philip Keirle*



*Title: Chief Executive Officer*