

Cemeteries Policy

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Responsible Officer	Manager Systems and Customer Service	Date Approved:	15 May 2019
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Author:	Coordinator Customer Service	Commencement:	15 May 2019

1. PURPOSE

The purpose of this policy is to outline Mareeba Shire Council's guidelines for the operation and management of activities within its cemeteries and the performance of all interments within the Mareeba Shire.

2. SCOPE

The policy applies to:

- All cemeteries under the management of Council.
- All employees, volunteers or contractors authorised by Council to carry out works within, or administer the operations of, a Council cemetery.
- All persons that have an interest in a plot within a Council cemetery, e.g. funeral directors and stonemasons.
- All visitors to a Council cemetery.
- The performance of all interments within the Mareeba Shire.

3. POLICY STATEMENT

Council is responsible for the management of multiple cemeteries throughout the shire. This policy outlines Council's expectations in relation to activities performed within these cemeteries and the administration of interments that occur outside of a Council controlled cemetery.

3.1 CEMETERIES OPERATIONS

3.1.1 *Records to be maintained*

Records will be maintained at Council's offices and managed in accordance with standard record keeping practices. In accordance with the Land Act 1994, records will be made available for inspection by members of the public. An interment must be recorded as soon as practicable after Council is notified and may be amended to remove or correct inaccuracies.

3.1.2 *Hours of operation*

The hours appointed for the performance of interments in a cemetery are to commence no earlier than 8.00am and complete no later than 3.00pm Monday to Friday (excluding public holidays). Outside these hours, interments may be performed by special arrangement.

3.1.3 *Cemetery closures*

Council may temporarily or permanently close a cemetery to further interments.

3.1.4 *Interment of human remains in a council cemetery*

A person must not inter human remains in any section of a Council cemetery unless approval has been granted by Council.

3.1.5 *Interment of human remains outside a council cemetery*

A person must not inter human remains (excluding ashes) outside a Council cemetery unless approval has been granted by Council.

3.1.6 *Disturbance of human remains*

A person must not disturb or interfere with human remains that have been interred, without prior approval from Council.

3.1.7 *Interment request*

Requests must be submitted on Council's prescribed form.

Requests should be received no less than two business days prior to the proposed interment date. This requirement may be waived in pressing (i.e. time critical) circumstances, subject to the availability of resources.

For interments not conducted by a funeral director, all associated costs must be paid up front and in full.

3.1.8 *Reservation request*

Requests must be submitted on Council's prescribed form. Council will grant the reservation after sufficient investigation and full payment of the applicable fee.

3.1.9 *Interment activities*

All graves within Mareeba Shire Council cemeteries must be dug by employees or contractors of Council. In either case a representative of Council must be present.

Appropriate materials are to be used to securely contain human remains for interment.

The upper surface of a coffin, once interred, must be no less than one metre from the natural surface of the soil. An existing coffin must not be disturbed for the purpose of deepening the grave.

Council will apply a limit to the maximum number of bodies interred per grave. There is no maximum number for the interment of ashes.

Council will level a grave site where the ground has subsided.

All requests for subsequent grave interments will be assessed for viability to eliminate the possibility of disturbing existing human remains.

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.

The 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.

3.1.10 Flowers

Flowers placed on a plot are permitted to remain for 14 days, after which Council officers may remove same.

3.1.11 Construction or maintenance of a memorial

Requests must be submitted on Council's prescribed form and include full payment of the applicable fee.

A person must not construct or maintain a memorial unless approval has been granted by Council.

The construction or maintenance of memorials is the responsibility of the next of kin, or another person who has proper interest in the memorial.

Council may maintain memorials if necessary for public health and safety.

3.1.12 Damage and vandalism

Council will take reasonable care to protect the property and property rights of owners within the cemetery from loss or damage, but disclaims all responsibility for loss or damage beyond its control, e.g. vandalism.

3.2 PROHIBITED CONDUCT

An authorised person who finds a person contravening or about to contravene a prohibition may use reasonable force to:

- prevent the commission or further commission of the prohibition.
- remove the person from the cemetery.

In addition to Schedule 1 of the *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* the following activities are also prohibited:

- Planting any vegetation unless with the prior approval of Council.
- Using the grounds for any recreational activities.

4. REPORTING

No additional reporting is required.

DEFINITIONS

'Authorised Person' means a person authorised by the Local Government to exercise the powers of an authorised person under this policy.

'Construction' means the building, installation or erection of any structure.

'Funeral Director' means an entity whose primary business is the disposal of human remains.

'Grave' means a hole in the ground in which to bury a body.

'Human Remains' means the body, part of the body or ashes of a deceased person.

'Inter/Interment' means the disposal of human remains.

'Maintenance' includes the repair, renovation, enhancement or removal of any structure.

'Memorial' includes anything constructed to mark the site where human remains have been interred.

'Next of kin' means the person's closest living relative or relatives.

'Plot' means an extent of ground or other specified area designated for interment.

5. RELATED DOCUMENTS AND REFERENCES

AS4425-1996; Above-ground burial structures

AS4204-1994; Headstones and cemetery monuments

Local Law No. 1 (Administration) 2018

Subordinate Local Law No. 1 (Administration) 2018

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

Land Act 1994

6. REVIEW

It is the responsibility of the Manager Systems and Customer Service to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.