

CEMETERY



Terms and Conditions

Please carefully read the terms and conditions set out below before signing any associated documentation.

CEMETERY DEVELOPMENT & CLOSURE

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

Council may, if necessary, modify the cemetery sections, infrastructure, landscaping and amenities at the site to better service the evolving needs of the community.

CEMETERY MAINTENANCE

Council is not responsible for any damage or loss caused by prohibited activity in the grounds (e.g. vandalism), ageing and deterioration or events beyond Council's control (e.g. extreme weather).

Council reserves the right of a temporary easement at any time on or across any space, plot or grave for equipment and materials access that is necessary for interment on adjoining allotments or other operational purposes.

PROHIBITED ACTIVITIES

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 within Council operated cemeteries:

- planting any vegetation, unless with prior approval of Council;
- using the grounds for any recreational activities without prior approval of Council.

FEES & CHARGES

Council will adopt a schedule of fees and charges each year for granting of interment rights, interment and other related cemetery goods and services.

All fees and charges must be paid upfront and in full, except where a funeral director is arranging and paying for an interment or associated goods and services.

INTERMENT RIGHT

Granting of Interment Right

- a. Council may grant an interment right in relation to a specific cemetery allotment, upon receipt of an *Interment Right (Reservation) Application* and payment of the designated fee.
- b. If the application is approved before need, Council will issue an Interment Right (Reservation) Certificate.
- c. An interment right (reservation) may be issued at the time of need or in advance of need and will be recorded in the name of one person only. An individual may hold interment rights over a maximum of two cemetery allotments.
- d. The interment location (cemetery allotment) will be allocated at Council's discretion, being the next available position in the appropriate section.
- e. It is the responsibility of the interment right holder to notify Council in writing of any changes to their contact details.
- f. Council may revoke an interment right if it has not been exercised within 25 years after it is granted and if Council has been unable to contact the right holder, next of kin or personal representative after reasonable notice.

Surrender and Transfer of Interment Right

- a. An interment right cannot be sold to third parties.
- b. An Interment Right that has not been exercised can be surrendered back to Council by the Right Holder, by submitting an *Application to Surrender an Interment Right*. Council may, at its discretion, provide a refund up to the original interment right fee paid.

- c. Council may approve the transfer of an interment right to a family member of the Right Holder, upon receipt of an *Application to Transfer an Interment Right* from a Right Holder and payment of the designated fee.
- d. If the transfer application is approved, Council will issue an updated Interment Right (Reservation) Certificate and will update the Interment Right Register to reflect the name of the new Right Holder.

Claimants to Interment Right

- a. Unexercised interment rights can be transferred in accordance with the will of a deceased Interment Right Holder.
- b. If the holder of an unexercised interment right dies, and has not bequeathed the interment right, then it may be transferred to the Right Holder's next of kin.
- c. In both instances, claimants to an interment right must, if required, provide written evidence satisfactory to Council, submit an *Application to Transfer Interment Right* and pay the designated fee.

INTERMENT ACTIVITIES

Interment Authority (Burial Request)

- a. A person must not inter human remains in any section of a Council cemetery unless approval has been granted by Council.
- b. Council may approve an interment upon receipt of an *Application to Inter Human Remains* from the Right Holder, Next of Kin of the Deceased or Personal Representative of the Deceased and payment of the designated fee.
- c. An existing Interment Right (Reservation) Certificate must be confirmed. If no Interment Right (Reservation) Certificate exists, this must be approved and paid at need, prior to interment.
- d. Requests for interment must be received no less than two (2) business days prior to the proposed interment date. This requirement may be waived at Council's discretion. Interment dates and times

- are not confirmed until a written response is received from Council.
- e. Council will apply a limit to the maximum number of bodies or ashes that may be interred in each grave.
- f. All requests for subsequent interments will be assessed for viability to eliminate the possibility of disturbing existing human remains.
- g. Interments are to commence no earlier than 8:00am and be completed no later than 3:00pm Monday to Friday (excluding public holidays.) Outside of these hours, interments may be performed by special arrangement with Council and additional fees may apply.
- h. Only one interment will be scheduled at any one time within a cemetery. This requirement may be waived at Council's discretion.
- i. Council will act in good faith when it relies on information provided by Applicants and does not accept any responsibility for allowing an interment that might be the subject of a later dispute between family members.

Interment of Human Remains (Burials & Placement of Ashes)

- a. Interment activities must comply with Council's Local Laws and with the *Land Act 1994*.
- b. Appropriate materials are to be used to securely contain human remains for interment.
- c. All graves (including burial of ashes in a grave) within Mareeba Shire Council cemeteries must be dug by employees or contractors of Council, unless with prior approval of Council
- d. If an existing memorial impedes digging of a grave (for a subsequent interment) Council will without notice but at the cost of the Right Holder, arrange for the memorial to be removed by a supplier of its choice.
- e. The upper surface of a coffin once interred must be no less than one metre (1000mm) from the natural surface of the soil. Council will level a grave site where the ground has subsided.

- f. The opening and sealing of an above or below ground vault, mausoleum wall niche or vault within a free standing mausoleum must be conducted by an appropriately experienced and qualified stonemason who holds a current Public Liability Insurance Policy.
- g. Council does not arrange funeral services.

Disturbance of Human Remains

- a. A person must not disturb or interfere with human remains that have been interred unless approval has been granted by Council under the authorising Local Law. An *Application for Exhumation of Human Remains or Cremated Remains* must be submitted for approval.

Interment on Private Land

- a. A person must not inter human remains (excluding ashes) outside a Council cemetery unless approval has been granted by Council under the authorising Local Law. An *Application for a Private Land Interment* must be submitted for approval.

MEMORIALS

Construction, Installation & Maintenance of Memorials

- a. The construction, installation and maintenance of permanent memorials and associated costs are the responsibility of the Right Holder or the family and descendants of the deceased.
- b. A person must not construct, install, alter or maintain a permanent memorial unless approval has been granted by Council.
- c. Council may approve the construction or maintenance of a permanent memorial upon receipt of an application or order form from the Right Holder, Next of Kin of the Deceased, Personal Representative of the Deceased or a person with a proper interest and payment of the designated fee.
- d. Council will act in good faith when it relies on information provided by Applicants and does not accept any responsibility for allowing the construction, installation and maintenance of a memorial that might be the subject of a later dispute between family members.

- e. An existing Interment Right (Reservation) Certificate must be confirmed.
- f. Memorials may only be constructed, installed, altered or maintained in accordance with Council's Memorial Specifications Guideline and applicable Australian Standards (AS 4204:2019 Headstones and Cemetery Monuments and AS 4425:2020 Above-Ground Burial Structures.)
- g. Council reserves the right to determine the allowable dimensions and styles of permanent memorials that may be constructed within Council operated cemeteries. Memorial specifications may vary between different cemeteries and between different sections within a cemetery.
- h. Council may at its discretion refuse any design or inscription for a memorial.
- i. Memorials may not encroach onto adjoining graves or pathways.
- j. Council, at its discretion, may maintain or remove memorials if necessary for public health and safety and may remove unauthorised memorials. Council may seek to recover expenses associated with the removal or alteration of an unauthorised memorial from the person who constructed the memorial.

Memorials Plaques, Niche Plaques and Vases

- a. Council provides construction, installation and restoration services for memorial plaques for lawn graves (plaque on beam) and Angels Rest and niche plaques and vases for the Columbarium Wall. Memorial plaques and niche plaques for these sections may only be supplied by Council and can be provided on payment of the designated fee.
- b. A *Bronze Memorial Plaque Order Form* must be submitted for plaques to be constructed and fitted to mark a grave in the lawn cemetery (lawn plaque on beam) and for Angels Rest.
- c. A *Niche Plaque Order Form* must be submitted for plaques to be constructed and fitted over a niche in the Columbarium Wall. A Niche Plaque may also be ordered for installation on Lawn (Grave) Plaque on Beam and Lawn (Grave) Headstone on Beam to identify the subsequent interment of ashes.

Headstone, Slab, Vault & Mausoleum Wall

- a. Council provides construction and installation services for concrete pillars for the Angels Rest Section and this is included in the interment purchase cost.
- b. On request, Council may construct and install concrete pillars for the full grave slab and lawn (grave) headstone on beam section on payment of the designated fee.
- c. All other memorials may only be constructed, installed or maintained by a suitably experienced and qualified stone mason, who holds a current Public Liability Policy, has made the necessary applications and obtained relevant work permits.
- d. An *Application to Construct or Maintain a Memorial* must be submitted. Work may not commence until the designated fee is paid and approval is granted by Council.

Mausoleum (House) Free Standing

- a. Council does not provide construction, installation or maintenance services for free standing mausoleums.
- b. Mausoleum free standing structures may only be constructed, installed or maintained by a suitably experienced and qualified tradesperson, who holds a current Public Liability Policy, has made the necessary applications and obtained relevant work permits, and is acting with the authority of the Interment Right Holder.
- c. Mausoleum free standing structures fall within the definition of a building under the relevant Australian Standard and as such must comply with the Standard's requirements. A building application must be lodged with Council and approval costs will apply.
- d. Approvals to construct a free standing mausoleum will include a condition that the structure must be completed within twelve months of works commencing.
- e. Mausoleum free standing structures must also be built in accordance with Mareeba Shire Council mandatory building specifications that support structural soundness and durability and reduce

future maintenance. These specifications are set out in Council's *Memorial Specifications Guideline*.

ADORNMENT OF GRAVES & MEMORIALS

- a. Council reserves the right to determine acceptable adornment of graves and memorials with tributes and other non-permanent items.
- b. Adornments should not encroach onto adjoining allotments or pathways.
- c. Flowers and tributes placed on a grave at the time of interment are permitted to remain on that grave for fourteen days, after which Council officers may remove them.
- d. The preferred adornment for graves and other memorials is natural or artificial flowers. The use of non-breakable containers and the removal of plastic wrapping, rubber bands and tie wire is encouraged. Where possible flowers should be placed in vases that are permanently installed on memorials or against the headstone or at the head of a grave.
- e. Deteriorated floral arrangements and other adornments may be removed at Council's discretion in order to maintain cemetery grounds in a neat and tidy standard.
- f. The placement of flowers, plants, rocks, pots or other non-permanent items to mark the outline of a lawn grave is discouraged. The placement of flags, photo frames, candles, toys, wind chimes and other non-permanent ornaments is discouraged.
- g. Adornments that are considered a safety hazard or creating difficulties in efficiently maintaining cemetery grounds or deemed unsuitable or unsightly may be removed at Council's discretion.
- h. Planting of any vegetation is prohibited, unless with prior approval of Council

RECORD KEEPING

Records will be maintained at Council's offices and managed in accordance with *Births, Deaths and Marriages Registration Act 2003* (Qld), *Public Records Act 2002* (Qld) and standard record keeping practices. Records may be amended to remove or correct inaccuracies.

Burial records can be made available for inspection by members of the public on request.

PRIVACY STATEMENT

Council may collect personal information in order to process a reservation, interment or memorial request. Personal information will not be given to any other person or agency unless permission has been granted or we are required to do so by law. Personal information will be handled in accordance with the provisions contained within the *Information Privacy Act 2009* (Qld).

DEFINITIONS

Allotment means a site within the cemetery capable of interment of human remains (body or cremated remains.)

Applicant means a person applying for goods and or services offered by Council.

Council means Mareeba Shire Council.

Interment means the placement of human remains (body or ashes) in a grave, vault, mausoleum or niche.

Interment Right means the exclusive right to inter human remains in a specific cemetery allotment. The interment right does not convey any property rights in the allotment or the land on which the allotment is located.

Memorial means a monument, plaque, headstone, vault or mausoleum or other permanent structure that is placed on an allotment to identify a deceased person.

Next of Kin means a person's closest living relative.

Personal Representative means the executor of a will or administrator of a deceased estate.

ASSOCIATED FORMS & DOCUMENTS

- *Application to Inter Human Remains*
- *Interment Right (Reservation) Application*
- *Application to Surrender an Interment Right*
- *Application to Transfer an Interment Right*
- *Application to Construct or Maintain a Memorial*
- *Bronze Memorial Plaque Order Form*
- *Niche Plaque Order Form*
- *Application for Exhumation of Human Remains or Cremated Remains*
- *Application for a Private Land Interment*
- *Memorial Specifications Guideline*