

Policy Title:	BURIAL RIGHTS - FRASER COAST REGIONAL COUNCIL CEMETERIES
Policy Subject:	Cemeteries
Policy No:	2901289v6 – CP035
Directorate:	Development & Community
Department:	Open Space and Environment
Section:	Cemeteries
Responsible Officer:	Executive Manager Open Space and Environment
Authorised by:	Director Development & Community
Adopted Date:	25/03/2015
Review Date:	27/05/2023
Amended Date:	27/05/2020
Risk: Assessment	Low

1. OBJECTIVE

The *Fraser Coast Regional Council Local and Subordinate Local Laws* provide for the control and prohibition of certain activities within Council administered cemeteries. However they do not address the accountabilities of Council in relation to burial rights for graves or niches that have been either purchased for burial or, when not purchased (known as a 'public grave'), where the right of burial is retained by Council.

The purpose of this policy is to define who the burial rights are granted to and who holds the right to nominate persons whose bodies or ashes may be interred in a Council administered grave or niche and the right to install monuments or plaques on a grave.

2. POLICY

2.1 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 for a reserve and/or burial in a grave or interment in a niche and who has signed said form.

Where a person has been interred in a grave where the burial right has not been purchased (known as a 'public grave') Council will act as the 'Burial Rights Holder'.

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

2.3 There may be more than one Burial Rights Holder per plot or niche if applied for at the time and included on the approved form.

2.4 The Burial Rights Holder has the right during their lifetime to nominate persons whose bodies or ashes may, subject to such local laws, be buried in the grave or interred in the niche and subject

to local laws, the body or ashes of the Burial Rights Holder upon their death, be buried in the grave.

- 2.5** The Burial Rights Holder has the right during their lifetime, subject to local laws and Council procedures, to arrange for the installation of a monument or plaque on the grave.
- 2.6** Permission for all interments and installation of monuments or plaques, 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 installation of a monument or plaque for the Burial Rights Holder.
- 2.7** On the death of the Burial Rights Holder, where the Burial Rights Holder is or is not interred in the plot or niche for which the Burial Rights Holder holds the rights, the Burial Right for that plot or niche will transfer to the executor, heirs or beneficiaries of the estate of the deceased upon provision of a statutory declaration or the signing of an approved form and where Council has no reason to believe that the Burial Rights Holder would have objected to such transfer.
- 2.8** Where the Burial Rights Holder cannot be clearly determined Council, in its absolute discretion, may transfer the burial rights to a spouse, child, partner, relative or direct descendant of the deceased provided Council has no reason to believe that the deceased would have objected to such transfer.
- 2.9** Where a right of burial has not been purchased on the first interment (known as a 'public grave') the grave must be purchased before any subsequent interment may take place, however, in the case of an interment of ashes or installation of a monument or plaque this does not apply. The Burial Rights Holder for that grave will then be the person whose name and details appear on the approved form at the time of application for a purchase and burial in that grave and who has signed said form.

Reporting Standards

Details of initial Burial Right Holder and amendments kept in the Cemeteries User Defined Register. Relevant correspondence saved into DOCS.

HEAD OF POWER:

Local Government Act (Qld) 2009
Local Government Regulation (Qld) 2012

RELATED LEGISLATION:

Land Act (Qld) 1994
Land Act Regulation (Qld) 2009

RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS, ETC):

Local Law No 1 (Administration) 2011
Subordinate Local Law No 1 (Administration) 2011
Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011
Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011

ATTACHMENT TO POLICY:

Nil

DEFINITIONS:

Burial Right – the right to nominate persons whose bodies or ashes may be interred in a Council administered grave or niche and the right to install monuments or plaques on a grave

Burial Rights Holder - the person who has been issued with burial rights, whose name and details appear on the approved form at the time of application for a reserve and/or burial in a grave or interment in a niche and who has signed said form

Interment – The placement of a coffin or ashes into a grave or niche for the purpose of burial

Monument – Any structure, plaque, headstone, masonry, metal work or casting placed over, in or around the interment site

HISTORY:

Council Policy adopted at Ordinary Meeting #4 25/03/2015

Administrative amendments entered 28/04/2016

Governance Committee Review September 2016 - No Changes

Administrative changes made at yearly review 08/05/2017

Risk assessment and new review date added 18/07/2018

Change of directorate title 19/07/2018

Amendments adopted at Ordinary Meeting 27/05/2020