

	COUNCIL POLICY	
	Cemeteries Council Policy	
	Policy Number	CP035
	Directorate	Development and Community
	Owner	Executive Manager Open Space and Environment
	Last Approved	23 November 2022
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1. PURPOSE

This Policy provides a framework for the operation of local government cemeteries operated by Fraser Coast Regional Council. The Policy:

- a. assists staff in guiding the community through Burial Rights processes;
- b. provides a framework for the management and operation of Council's cemeteries; and
- c. ensures a safe and respectful environment.
- d.

2. SCOPE

This Policy applies to the following local government cemeteries:

- Deborah Cemetery, Deborah Road, Netherby *
- Howard Cemetery, Tremlin Drive, Howard *
- Maryborough Monumental Cemetery, Walker Street, Maryborough *
- Maryborough Garden of Rest Lawn Cemetery, Walker Street, Maryborough *
- Munna Creek Cemetery, Bauple-Woolooga Road, Munna Creek *
- Nikenbah (Aalborg) Cemetery, Aalborg Road, Nikenbah
- Nikenbah Natural Cemetery, Chapel Road, Nikenbah
- Polson Cemetery, Corser Street, Point Vernon *
- Tiaro Cemetery, Bruce Highway, Tiaro. *

* These cemeteries are located on land for which Council is the trustee, and accordingly are subject to the provisions of the *Land Act 1994*.

This Policy does not apply to privately operated cemeteries.

3. HEAD OF POWER

Land Act 1994

Local Government Act 2009

Local Law No. 1 (Administration) 2011

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

4. DEFINITIONS

To assist in the interpretation of this Policy the following definitions apply:

“applicant” means the person making an application to undertake an activity within a Council cemetery.

“approval” includes a consent, permission, licence, permit or authorisation.

“ashes” means the processed remains recovered from the cremation of human remains.

“authorised person” see the *Local Government Act 2009*, schedule 4.

“burial” means the act of burying human remains.

“Burial Place” means a gravesite, vault, crypt, memorial site, natural burial grave, or other place for the interment or commemoration of the deceased.

“Burial Rights(s)” refer 5.5 in this Policy.

“Burial Rights Holder”, for a reserved/private grave or site within a Council cemetery, means the holder of the Burial Rights as per Council’s register.

“cemetery” means a place where the dead are buried/interred.

“columbarium” means a structure with niches, established for the interment of ashes and/or memorialisation.

“date of grant” means the date that Council granted Burial Rights to a Burial Rights Holder, as per Council’s register

“dispose”, for human remains, means –

- a. to bury in a grave, or
- b. if the remains have been exhumed – to rebury in a grave, or
- c. to place in a mausoleum or vault, or
- d. to cremate, or
- e. if the remains have been cremated – to place the cremated remains in a niche.

“disturbance of human remains” as defined in the Fraser Coast Local Law.

“exercise”, of Burial Rights, means:

- a. human remains or ashes are interred at a Burial Place, or
- b. a memorial is created at the Burial Place (regardless of whether any human remains or ashes have been interred).

“exhumation” means the act of removing human remains from a Burial Place, and includes recovering ashes from a Burial Place.

“grave/plot” means any burial place formed in the ground by excavation or above the ground in a vault structure.

“human remains” means the body or part of the body of a deceased person. Human remains that have not been cremated (that is, they are not ashes), can be buried, or placed in mausoleums, crypts or vaults.

“interment” includes:

- a. the burial of human remains or ashes
- b. the placement of human remains into a crypt, mausoleum or vault
- c. the placement of ashes into a crypt, niche, mausoleum or vault.

“mausoleum” means an above ground structure for interment of human remains or ashes and may contain a combination of crypts, niches or columbaria.

“memorial” includes:

- a. a monument or headstone
- b. a plaque or commemorative plate
- c. monumental, ornamental or other structure/s erected on a Burial Place
- d. anything else (including flowers or tokens) erected or placed to mark the Burial Place where human remains have been buried, placed or scattered, or to commemorate a deceased person.

“monument” means a marker made principally of stone which extends above the surface of the earth, in upright form, and which names the occupant(s) of a place of interment.

“monumental mason” means a person possessing the skills to carry out monumental masonry work.

“natural burial” means in ground burial facilitating the burial of a body in a manner that has minimal environmental impact and does not inhibit decomposition.

“natural burial area” means an area within a cemetery set aside for natural burials.

“niche” means a space in a mausoleum or columbarium, garden or rock used or intended for the interment of ashes, or commemorating the deceased.

“plaque” means an inscribed plate.

“private grave/site” means a grave or site on which Burial Rights have been granted.

“public grave/site” means a grave or site on which Burial Rights have not been granted.

“reserved grave/site” means Burial Rights granted prior to need.

“re-open” means to open a burial after the first interment.

“shroud” means a length of cloth or an enveloping garment in which a dead person is wrapped for burial.

“register” means Council’s formal repository of data containing all the required details of a burial, cremation, memorial site, interment rights or Burial Rights.

“vault” means an "in-ground" or “above-ground” burial chamber constructed of steel-reinforced concrete, gravel, and other waterproof materials.

5. POLICY STATEMENT

5.1. Management of Council cemeteries

Council is committed to:

- a. providing interment and memorialisation services to the community
- b. servicing the deceased and their families with dignity and respect
- c. preserving the history of Council's cemeteries and maintaining records for genealogy research
- d. maintaining Council's cemetery grounds to meet community needs and expectations; and
- e. planning for the future cemetery needs of the Fraser Coast.

5.2. Administration of Council cemeteries

Burial rights do not commence until payment has been received and Council has issued a valid Certificate of Burial Rights.

Council maintains records and plans (electronic, printed or hand-written) about each interment and reservation (except where historically this information was not retained).

Instances where historic administration practices conflict with this policy will be dealt with on a case-by-case basis.

5.3. Opening hours

Council controlled cemeteries are open to the public daily from sunrise to sunset or as Council may determine. Entry to a cemetery outside of these times requires prior written approval from an authorised person.

Interments and exhumations are to commence between 10:00am – 2:30pm Monday to Friday.

Approval is required outside of these times and additional fees will be incurred as per Council's Schedule of Fees and Charges. Council will not approve any services on Sundays and public holidays.

5.4. Burial or disposal of human remains or ashes in a Council cemetery

Prior approval is required from Council before any human remains or ashes are buried or disposed of, or scattered in a Council cemetery.

5.4.1. Application process

An application to bury or dispose of human remains or scatter ashes in a Council cemetery must be completed on the approved form, and be accompanied by the prescribed fee, as per Council's Schedule of Fees and Charges.

5.4.2. Required information

- a. evidence of the identity of the deceased person and the applicant's relationship (if any) with the deceased
- b. date of burial or interment
- c. cemetery of burial or interment
- d. provision of an allocated plot/niche

- e. name and contact details of the professional undertaker or other person performing the ceremony
- f. a written statement as to how the proposed burial of human remains, interment or erection of a memorial is to be undertaken.

5.4.3. Conditions on approvals to bury or dispose of human remains or ashes

Council may stipulate the following conditions:

- a. minimum depth of graves for adults and children
- b. minimum length and width of graves for adults and children
- c. minimum depth between the top of a coffin and the surface of the ground
- d. minimum clearance between the sides of a coffin and the sides of a grave
- e. maximum number of bodies which may be buried in a single grave
- f. the name and contact details of the undertaker or other person performing the interment
- g. the cemetery of the interment
- h. the allocated plot for the interment
- i. the day on which the interment must be performed
- j. the hours between which the interment must be performed
- k. the time and place of service
- l. the arrival time at cemetery
- m. the dimensions of the coffin or casket
- n. the specifications of the proposed memorial.

5.5. Granting Burial Rights

Council may grant Burial Rights to a Burial Place, upon receipt of a completed application form, and payment of the prescribed fee. If approved, Council will issue the Burial Rights Holder with a Certificate of Burial Rights.

Burial Rights may be granted to:

- one person, or
- two or more persons as joint holders.

Burial Rights provide that the remains of the dead will be left undisturbed forever, unless earlier disturbance or removal is requested or authorised by the Burial Rights Holder or is otherwise required by law.

The Burial Rights Holder cannot sell the Burial Rights and holds no ownership of the Burial Place.

Burial Rights revert to Council upon the death of the Burial Rights Holder(s), except for (a), (d) and (e) below.

The Burial Rights Holder has:

- a. an entitlement to be interred, undisturbed in perpetuity, in a Burial Place
- b. authority to grant written consent for other persons to be interred in a Burial Place, up to the maximum number of interments that may take place at the Burial Place
- c. authority to request Council's permission to install or repair a memorial on a reserved Burial Place
- d. the obligation to maintain any memorial(s) erected on a reserved Burial Place
- e. the obligation to advise Council of any change to their contact details

- f. the right to object to or endorse an application to exhume remains from a reserved Burial Place
- g. the right to request Council impose restrictions on the future use of a reserved Burial Place or close a reserved Burial Place to future interments
- h. the right to transfer the Burial Rights
- i. the right to surrender the Burial Rights to Council.

5.5.1. Entitlement to be interred, undisturbed in perpetuity, in a reserved Burial Place

The Burial Rights Holder shall have the right to be interred undisturbed in perpetuity, in a reserved Burial Place.

5.5.2. Authority to grant written consent for other persons to be interred in a reserved Burial Place

The Burial Rights Holder shall have the right to provide written consent for interments in the Burial Place, up to the maximum number of interments available for that Burial Place.

Council will honour the Burial Rights holder's wishes in regards to who may be buried in the plot.

5.5.3. Authority to request Council's permission to install or repair a memorial on a reserved Burial Place

The Burial Rights Holder shall have authority to request permission from Council to install or repair a memorial on a reserved Burial Place, subject to compliance with the relevant laws and this Policy.

5.5.4. Obligation to maintain any memorial(s) erected on a reserved Burial Place

The Burial Rights Holder, their family and descendants, rather than Council, have responsibility for maintaining any memorial established at the place of interment.

Where a memorial is not maintained in a safe and proper condition and the holder(s) cannot be contacted, Council may repair, remove or dispose of the memorial and seek to recover the associated costs and expenses from the Burial Rights Holder.

5.5.5. Obligation to advise Council of any change to their contact details

Burial Rights Holders must advise Council in writing if their contact details change.

5.5.6. Right to object to or endorse an application to exhume remains from the Burial Place

Council will consult with the Burial Rights Holder in relation to any requests or directions to exhume remains or ashes from a Burial Place. Refer section 5.11 Exhumation for further information.

5.5.7. Right to request Council to impose restrictions on the future use of a reserved Burial Place or close a reserved Burial Place to future interments

A Burial Rights Holder may ask Council to close a Burial Place to further interments, or nominate persons or a class of persons whose bodies or ashes may or may not be interred in a Burial Place, after the Burial Rights Holder has passed away.

To close or place restrictions on the future use of a Burial Place, the Burial Rights Holder should complete and submit an approved form, and pay any prescribed fee as per Council's Schedule of Fees and Charges.

5.5.8. Transfer of Burial Rights

Burial Rights may be transferred by the mutual agreement of the Burial Rights Holder and another person. Both parties must give agreement in writing to Council and complete an approved application form and pay the prescribed fee.

For transfer of Burial Rights held by more than one person, all holders of the Burial Rights must agree to the transfer.

5.5.9. Return of Burial Rights to Council upon death of the Burial Rights Holder

On the death of the Burial Rights Holder(s), the Burial Rights revert to Council.

5.5.10. Claim of Burial Rights that have returned to Council upon the death of the Burial Rights Holder(s)

Unless the Burial Rights Holder has restricted persons from doing so, upon the death of the Burial Rights Holder(s), where there remains space available in a Burial Place, a person may apply to Council to claim the Burial Rights by submitting the approved form and paying any prescribed fee as per Council's Schedule of Fees and Charges.

Where Burial Rights have returned to Council because of 5.5.9, Council may, subject to receipt of a completed application form and payment of the prescribed fee, grant the Burial Rights to another person(s) having regard to:

- a. any restrictions the Burial Rights Holder had placed on the grave, in accordance with 5.5.7 above, and
- b. Council having no reason to believe that the Burial Rights Holder would have objected to the Burial Rights being granted to the applicant
- c. Council being satisfied that there is no dispute as to the rightful claimant to the Burial Rights.

For applications to claim Burial Rights, Council will generally give precedence to applicants in the following order:

- a. the spouse of the deceased person
- b. the children of the deceased person
- c. the grandchildren of the deceased person
- d. the great-grandchildren of the deceased person
- e. the parents of the deceased person
- f. the siblings of the deceased person
- g. the nephews or nieces of the deceased person
- h. the grandparents of the deceased person
- i. the aunts or uncles of the deceased person
- j. the first cousins of the deceased person
- k. a person, other than a person mentioned in paragraphs (a) to (j), who had a personal or kinship relationship with the deceased person.

For categories (b) to (j) the order of priority shall be the eldest first.

Council may request reasonable evidence from the applicant to satisfy Council that no person with a 'higher priority' claim to the Burial Rights is likely to object to the applicant claiming the Burial Rights.

Where, prior to deciding an application to claim Burial Rights, Council is made aware that there is a dispute as to the rightful claimant to those rights, Council may require reasonable evidence to satisfy itself that the dispute has been resolved, before making a decision on the application.

Council will act in good faith in deciding claims to Burial Rights and will not enter into, or become party to, any disputes as to the rightful claimant to Burial Rights.

5.5.11. Exercising Burial Rights

Burial Rights will be considered to have been exercised if:

- a. human remains or ashes are interred at the Burial Place, or
- b. a memorial is created at the Burial Place (regardless of whether any human remains or ashes have been interred).

5.5.12. Surrendering Burial Rights

5.5.12.1. Surrendering unexercised Burial Rights by the sole holder of the rights

The sole holder of Burial Rights may surrender unexercised Burial Rights to Council. Upon surrender, Council will refund an amount as specified in Council's Schedule of Fees and Charges.

Once Burial Rights are surrendered, the person surrendering the Burial Rights has no further rights or obligations in relation to those Burial Rights.

5.5.12.2. Surrendering exercised Burial Rights by the sole holder of the rights

The sole holder of exercised Burial Rights may surrender the Burial Rights to Council.

If human remains or ashes are no longer interred at the Burial Place, Council will refund an amount as specified in Council's Schedule of Fees and Charges.

Circumstances where this may occur include:

- a. Where Burial Rights are purchased for future use and in order to exercise the rights, a memorial is established even though no human remains or ashes are interred. The Burial Rights Holder may later decide to remove the memorial and surrender the exercised Burial Rights.
- b. Where human remains or ashes are interred and then subsequently exhumed and disposed of elsewhere, and the Burial Rights Holder has no further need of the Burial Rights.

If human remains or ashes are interred at the Burial Place at the time that the Burial Rights are surrendered, the Burial Rights Holder will not be entitled to a refund.

Once Burial Rights are surrendered, the person surrendering the Burial Rights has no further rights or obligations in relation to those Burial Rights.

5.5.12.3. Surrendering exercised Burial Rights by a joint holder of the rights

A person who holds Burial Rights jointly with another/others may surrender their Burial Rights by notifying Council in writing.

On surrender of their Burial Rights, no refund is payable by Council to the person surrendering the rights, and the person has no further rights or obligations in relation to those Burial Rights.

The surrender of Burial Rights by one joint holder does not affect the rights of any other joint holders of the same rights.

5.5.13. Revoking Burial Rights

Council may revoke Burial Rights if those rights have not been exercised 99 years after the Date of Grant, or if Council becomes aware that the Burial Rights Holder (and all of the nominated person(s) who may be buried in the plot) has/have been interred elsewhere.

Before revoking Burial Rights, Council must take reasonable steps to contact the Burial Rights Holder.

Where a former Burial Rights Holder contacts Council within two years after the cancellation of their Burial Rights, Council may, at its discretion:

- a. refund the amount as specified in Council's Schedule of Fees and Charges as the surrender amount for a grave or niche reserved prior to 1 January 2002, or
- b. provide equivalent replacement Burial Rights at no charge.

5.6. Opening / re-opening of grave

Only Council staff or contractors are permitted to dig a grave. Burial rights do not commence until payment has been received and an authorised person has given permission for the burial.

Open (prepared) graves must be covered with an appropriate structure to prevent persons from falling in if they are left unattended, unless an appropriate alternative barrier is in place.

The same grave shall not be reused for a further burial before one year has lapsed except as allowed under Land Regulation 2009.

Multiple burials shall be allowed only on the condition that a minimum coverage of 300mm of fill will be maintained between each interment.

Council shall take every care when re-opening a grave for a second or subsequent burial but will not accept responsibility for any accidental or unintentional damage caused to memorials, Burial Places or lawns during such opening.

Where it is necessary to re-open a grave by breaking up and removing a concrete cover/memorial, Council shall not be responsible for re-instatement of the memorial following burial.

Breaking up or removing a concrete/granite/marble etc cover on a memorial, to allow reopening of a grave for second or third interment shall be subject to the following:

- Liaison with the authorised person at the time of booking the interment; and
- Completed by a person qualified to undertake such work, e.g. concrete cutters, stonemason; and
- Be organised by the person arranging the funeral, the funeral director, Burial Rights holder or family member; and
- Be completed in adequate time to allow excavation of the grave.

Council may apply quantities of water or employ other methods to graves following interment to assist with subsidence and compaction of soil so that the grave can be restored to previous levels as soon as possible.

5.7. Natural burials

Council's natural burial areas allow for the burying of a human body or ashes in the earth, in a manner that allows for natural decomposition with minimal impact on the surrounding ecosystem.

Maintenance of natural burial areas will be limited to the removal of overgrowth, with the intent that the burial ground looks and feels, as much as possible, like a natural landscape.

Council will remove any materials or items from the natural burial area which, in Council's view, detract from the natural landscape of the burial ground.

For natural burials, the maximum number of human remains per gravesite is one. Council may allow at its discretion the interment of ashes in a gravesite that already has human remains interred in it.

Natural burial gravesites will be dug by Council, using mechanical means.

5.7.1. Materials used in a natural burial

The body must be prepared without chemical preservatives (that is, it must not be embalmed), and must be contained within a 100% biodegradable coffin, or shroud.

Coffins, caskets and fittings must be made of cardboard, wicker, seagrass, bamboo, sustainably grown, and untreated timber, or other materials that facilitate rapid biodegradability.

Shrouds must be made of natural fibres such as wool, silk, bamboo, hemp, linen or cotton.

Ashes must be contained in a 100% biodegradable container.

Local native flowers may be placed on the gravesite only on the day of interment and will be removed by Council after a period of two weeks.

Excluding personal items that may be contained on the body, the following are not permitted within natural burial areas:

- memorials (refer to Definitions) – except flowers – see above
- artificial wreaths or tributes

- any materials that are not biodegradable, including plastic, metal, glass, ceramic, toxic glues, MDF or varnished timber, polyester, nylon/polyamide, acrylic, acetate, elastane
- oil based paints (for example, on coffins).

The alteration or improvement including planting or removal of, damage to or interfering with vegetation in a Council cemetery is not permitted in accordance with Council's Local Laws.

5.7.2. Number of interments in a natural Burial Place

For natural burials, the maximum number of human remains per Burial Place is one. Council may allow at its discretion the interment of ashes in a natural Burial Place that already has human remains interred in it.

Council will endeavour to accommodate requests for adjacent burials, subject to site suitability.

5.7.3. Memorials on natural Burial Places

Council will provide a common memorial at the entrance to the natural burial area.

A standard sized plaque, to be affixed to the common memorial, will be included in the cost of the burial and will be engraved with the following details of the deceased:

- name of the deceased
- date of birth
- date of death
- one line of tribute text (space permitting).

No memorials may be placed on a natural Burial Place.

5.8. Scattering of ashes

The scattering of ashes may take place in areas designated by Council, only with prior written approval and payment of the prescribed fee as per Council's Schedule of Fees and Charges.

5.9. Memorials on graves

Council may give consent to the installation of a memorial after the appropriate application form is completed and full payment is received.

All monuments, memorials, foundations, vaults, desktops, headstones, gravestones, kerbings, railings or other structure, must be constructed in accordance with Australian Standards Association AS4204-2019 "Headstones and Cemetery Monuments" and AS4425-1996 "Above Ground Burial Structures", and must be completed by a Council approved contractor.

Inscriptions and memorials that could cause offence are not permitted. In the event of a dispute over an inscription, Council reserves the rights to accept or reject any application.

5.9.1. Specifications for memorials

Prior to installing or building any memorial in a Council cemetery, a Burial Rights Holder (or other authorised person) must complete an application on the approved form, and pay the prescribed fee as per Council's Schedule of Fees and Charges.

A Notice of Intent form must also be submitted at least 48 hours prior to commencement of any work within a cemetery.

Memorial sizes and styles vary depending on the location, as per the specifications in Council's Cemeteries Operational Procedure.

5.9.2. Refurbishment of memorials

A Notice of Intent form must be submitted at least 48 hours prior to commencement of any refurbishment work with a cemetery.

If a refurbishment includes structural changes e.g. work that involves construction, a diagram and details should be submitted with the Notice of Intent.

Non-structural refurbishments e.g. adding a second inscription or adhering an additional memorial plaque onto an existing memorial, does not require diagrams and details, only the submission of a Notice of Intent form.

5.9.3. Monumental masons

A person shall not conduct work as a monumental mason within a Council cemetery without the written consent of an authorised person.

Council may suspend or cancel approval of any person by giving notice in writing.

Further requirements are provided in Council's Cemeteries Operational Procedure.

5.10. Specifications for graves, receptacles, vaults and inscriptions

5.10.1. Graves

Council's Cemeteries Operational Procedure may specify additional minimum requirements for graves within Council cemeteries, including:

- a. Length
- b. Breadth
- c. Depth
- d. Clearance between the side of a coffin in the grave and the sides of the grave
- e. The distance between the top of a coffin in the grave and the surface of the ground.

In deciding the depth of a grave, at (e) above, Council will have regard to the number of bodies that may be able to be buried in the grave.

Larger graves are subject to an additional fee, as per Council's fees and charges schedule.

5.10.2. Receptacles for human remains, and ashes, to be placed in a niche or vault

Council's Cemeteries Operational Procedure may specify additional minimum requirements for receptacles for human remains, and ashes, to be placed in a niche or vault within Council cemeteries, including:

- a. Length

- b. Breadth
- c. Depth
- d. The materials of which it is made.

5.10.3. Vaults

Council's Cemeteries Operational Procedure may specify additional minimum requirements for the design and construction of a vault in a Council cemetery, including:

- a. Length
- b. Breadth
- c. Depth
- d. The materials of which it is made.

5.10.4. Inscriptions

Council's Cemeteries Operational Procedure may specify additional requirements in relation to inscriptions on a memorial or plaque in a Council cemetery, including:

- a. Content
- b. Placement
- c. Size
- d. Style.

5.11. Exhumation

Exhumations are subject to Schedule 20 of *Subordinate Local Law No. 1 (Administration) 2019* and will take place only during the hours of operation detailed in this Policy.

Exhumations shall occur only after Council has given approval, following receipt of a completed application form and payment of the prescribed fee.

Only Council is permitted to reopen a Burial Place. Council will also restore the Burial Place after exhumation. Restoration of any memorial on the site is the responsibility of the Burial Rights Holder.

Funeral directors are responsible for removal of exhumed remains.

5.12. Fees and charges

Fees and charges are set by Council, and are published in the Schedule of Fees and Charges available on Council's website.

Fees are payable at the time specified in the Schedule.

5.12.1. Veterans of the Australian armed forces

The Office of Australian War Graves and the Australian Government Department of Veterans' Affairs are responsible for all enquiries relating to reimbursement of funeral costs etc, erecting of an approved war grave memorial and any other matters pertaining to former members of the Australian armed forces.

Fees for veterans are as prescribed in Council's Schedule of Fees and Charges.

5.13. Records

Council will keep cemetery records and issue Burial Rights certificates in accordance with the requirements outlined below.

5.13.1. Burial Rights Certificates

Council must issue a Burial Rights Certificate to the holder of Burial Rights each time Burial Rights are granted, renewed, transferred or claimed. The certificate must set out the following:

- a. A unique certificate identifier (eDOCS number)
- b. the name(s), date(s) of birth, and address(es) of the Burial Rights Holder(s)
- c. the Burial Place to which the rights relates
- d. whose remains may be interred in the Burial Place (other than the Burial Rights Holder(s))
- e. restrictions on future use of the Burial Place (if any).

5.13.2. Registers

Council shall keep registers for:

- a. Burial rights
- b. Memorials and plaques
- c. Interments and re-interments including the scattering of ashes
- d. Disturbances of human remains including the recovery of ashes.

The registers are to be maintained in accordance with Council's Recordkeeping Policy.

5.13.3. Register of Burial Rights – details to be kept

Council will maintain a Register of Burial Rights containing the details of each Burial Rights issued, as follows:

- a. the full name and address of the holder of the Burial Rights
- b. contact details of the holder and any nominated secondary contact
- c. if the Burial Rights identifies the person or persons whose remains or ashes may be interred pursuant to the Burial Rights—the full name/s of the person/s
- d. if the Burial Rights identifies the Burial Place at which remains or ashes may be interred pursuant to the Burial Rights—the location of the interment site
- e. details of any person interred in accordance with the Burial Rights.

5.13.4. Register of Memorials – details to be kept

Council will maintain a Register of Memorials containing the details of each memorial erected or installed in a cemetery, as follows:

- a. the size of the memorial
- b. the type of memorial
- c. the location of the memorial in the cemetery.

5.13.5. Register of Interments and Re-interments – details to be kept

Section 79 of the *Land Act 1994* requires Council as trustee to keep a register of all burials in Council cemeteries, and make the register available for public inspection at all reasonable times.

Council will maintain a Register of Interments and Re-interments containing the details of each interment or reinterment, as follows:

- a. the name of the deceased person
- b. the age of the deceased person at the date of their death
- c. the address of the last place of residence of the deceased person before their death
- d. the name of the Burial Rights holder (if any)
- e. the date on which the interment or re-interment took place
- f. the location of the Burial Place
- g. whether the remains interred or re-interred were bodily remains or cremated remains
- h. in the case of bodily remains –
 - i. whether the remains were interred or re-interred in a coffin, other receptacle or in a shroud only
 - ii. whether the remains were interred or re-interred within a mausoleum or vault
 - iii. the depth at which the remains were interred or re-interred
- i. in the case of cremated remains—whether the remains were interred or re-interred in a receptacle or directly in the earth, or scattered
- j. in the case of remains interred or re-interred in a mausoleum or vault—
 - i. the location of the mausoleum or vault in the cemetery, and
 - ii. if the remains were interred in a mausoleum or vault with more than 1 compartment—the compartment in which the remains were interred; and
 - iii. if the remains were interred in a vault—
 - A. the number allocated to the vault; and
 - B. the depth of cover between the highest part of the vault and the surface of the ground.

5.14. General rules and conditions

5.14.1. Prohibited items

Council may remove any items such as artificial flowers, statues, permanent wreaths or floral sprays, boxes, shells and toys and anything that Council considers detracts from the beauty of the cemetery or is a safety hazard, or is in conflict with this Policy.

No person may plant, place or remove any grass, shrub, tree or any other structure without Council's prior written consent.

5.14.2. Access

Cemeteries must not be used as a thoroughfare.

5.14.3. Conduct

A person in a Council cemetery must comply with a direction given by Council.

5.14.4. Removal of people from Council cemeteries

An authorised person may direct any person engaging in offensive, inappropriate or improper conduct to leave the cemetery.

6. Health and safety and maintenance

Council will take all reasonable care to protect public health and safety within its cemeteries.

Burial Rights Holders, their family and descendants have primary responsibility for the maintenance of memorials.

Subject to the *Queensland Heritage Act 1992*, Council may repair or remove any memorial:

- a. if the repair or removal is necessary for public health or safety
- b. which in Council's opinion is in a state of disrepair
- c. which has been placed on the wrong Burial Place.

7. Disputes

Council acts in good faith when it relies on information and advice provided by an applicant for Burial Rights. If the relevant activity later becomes the subject of a dispute between relatives or family members of a person whose human remains are interred at the Council cemetery, Council does not accept any responsibility for, as the case may be:

- a. allowing an interment
- b. allowing the erection of a memorial
- c. permitting a memorial to be maintained, or
- d. allowing human remains interred within a Council cemetery to be disturbed.

8. ASSOCIATED DOCUMENTS

Application Form – Burial Rights eDOC #4643288

Application Form – Transfer or Claim of Burial Rights eDOC #4643283

Application Form – Request to Place Restrictions on Burial Place eDOC #4649441

Certificate of Burial Rights – Template eDOC #4643429

9. REVIEW

This Policy will be reviewed when related legislation/documents are amended or replaced, other circumstances as determined from time to time by Council or at intervals of no more than three years.

Version Control

Version Number	Key Changes	Approval Authority	Approval Date	Document Number
1	New Policy	Council	25/03/2015	2901289
2	Natural Burials added; new policy template; clarified Burial Rights management process	Council	23/11/2022	2901289v7