

**APPLIES TO STRATEGIC POLICIES ONLY**

This an official copy of the **Mount Isa and Camooweal Cemeteries Strategic Policy**, made in accordance with the provisions of *Local Government Act 2009*, *Local Government Regulation 2012*, *Births, Deaths and Marriages Registration Act 2003* and current Council Policies.

Strategic policies are adopted by Mount Isa City Council due to its desire to influence the direction of an issue or assist in the delegated decision making of Mount Isa City Council officers. Strategic policies should follow the jurisdiction provided to Council through its Corporate Plan; the **Mount Isa and Camooweal Cemeteries Strategic Policy** is approved by the Mount Isa City Council for the operations and procedures of Council.

David Keenan
Chief Executive Officer

DOCUMENT VERSION CONTROL

Governance/Policies/Internal Policy Doc ID#

VERSION	DATE	RESOLUTION NO.	AUTHORISING OFFICER	DETAILS
V1	2610.2022	OM37/ 10/22	Director Infrastructure Services	Responsible Officer – Coordinator Facilities, Cemeteries and Disaster Management New Strategic Policy REVIEW DUE 10.2024

DISTRIBUTION AND DISSEMINATION

Internal email to all employees	X	Section meetings / Toolbox talks	X
Employee noticeboards	X	Internal training to be provided	X
Registered in magiQ	X	Uploaded to Council website	X

1. PURPOSE

The Mount Isa and Camooweal Cemeteries policy has been developed to provide a consistent approach to the operation of cemeteries owned, held in trust, or otherwise controlled by Mount Isa City Council ("Council").

2. OBJECTIVES

- 2.1** To honour Mount Isa's history and those who have made the city the diverse and liveable city it is today.
- 2.2** To provide appropriate standards for the services provided at Council operated cemeteries, which enable the effective delivery of services to meet community needs.
- 2.3** To provide a consistent approach to the operation of cemeteries owned, held in trust, or otherwise controlled by Council.
- 2.4** To correctively capture the required information for record and archiving purposes.
- 2.5** To ensure that the upkeep and maintenance of cemeteries is conducted in an efficient and cost-effective manner.

3. COMMENCEMENT

This policy will commence on and from the date on which Council resolves to adopt the policy or a later date nominated by Council, by resolution. Subject to section 17, this policy replaces all other policies or arrangements governing cemetery policies and operations (whether written or not).

4. APPLICATION

This policy applies to employees, agents and contractors (including temporary contractors) of Council (collectively referred to as "employees") who enter a cemetery which is owned, held in trust, or otherwise controlled by Council.

5. GENERAL

- 5.1** The policies within this document apply to all cemeteries that are owned, held in trust, or otherwise controlled by Council.
- 5.2** Council controlled cemeteries include Mount Isa Memorial (Conventional), Sunset Lawn and Camooweal Cemeteries. Note: The War Graves sections are maintained by the Commonwealth War Graves Commission.
- 5.3** Fees and charges payable for services provided at each cemetery are as set out in Council's budget (statement of income and expenditure) and are revised annually.
- 5.4** Council applies fees and charges at an appropriate level to enable the provision of cemetery services at a fair price to the community. Cemetery fees and charges are set to cover the immediate costs of operating the cemetery and to contribute to the ongoing maintenance of the cemetery.
- 5.5** For each new service, a Council approved cemeteries application form must be:

- (a) duly completed and signed; and
- (b) submitted to Council's Cemetery Administration Officer.

6. STANDARD CONDITIONS

6.1 Council's cemetery opening hours are:

- (a) Mount Isa Memorial and Sunset Lawn cemeteries 7am to 6pm;
- (b) Camooweal cemetery 7am to 6pm,

and admission to a cemetery other than within the hours the cemetery is open, as specified in this section 6.1, is not permitted.

6.2 An animal is not permitted within the Mount Isa or Camooweal cemetery without the prior written approval of the Chief Executive Officer of Council.

6.3 A burial at a cemetery must take place between 8am and 3pm on a weekday, excluding public holidays. However, Council, in its discretion, may agree to a burial taking place after hours, or on a public holiday, subject to the payment of fees and charges which will be determined on a case by case basis.

6.4 All cemetery enquiries should be forwarded to Council's Cemetery Administration Officer.

6.5 If a burial is to take place, at least two working days' notice must be given to allow enough time for grave digging to be completed. If a burial is required on shorter notice, for example, because of religious beliefs, Council will make every effort to enable the burial to occur on shorter notice.

6.6 Council can accommodate a maximum of 2 coffin interments per day.

6.7 Cemetery plot allotment sizes are:

- (a) Lawn Section 2.4m x 1.2m;
- (b) Infant Lawn Section 1m x 0.9m;
- (c) Conventional Section 2.7m x 1.5m;
- (d) Over-standard size graves will be charged proportionately to the standard size.

6.8 Grave depths prepared for burials are:

- (a) Single interment - full depth 1.8m;
- (b) Second interment 1.2m;
- (c) Infant 1-1.2m;
- (d) Ashes 0.6m.

6.9 The number of interments permitted in a plot shall be governed by the following:

- (a) Two coffins (first must be at full depth) and up to three ashes are permitted in lawn and conventional plots;
- (b) One infant coffin (with the exception of twins interred within the same coffin) permitted in an infant plot;

- (c) Council will fill the grave at the completion of grave side service. Families are not permitted to backfill graves;
 - (d) Testing may be conducted by the Sexton to determine the feasibility of a double interment and a determination about a double interment will be at the discretion of Council;
 - (e) Due to the historic nature of the cemetery, there have been instances arise 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;
 - (f) Second Interments (not ashes) will not be approved before two years has lapsed from the date of the first interment;
 - (g) Preparation of plots – Council's cemetery staff (or those contracted to Council) will prepare grave sites. The preparation includes:
 - (i) Digging and back filling;
 - (ii) Funeral Director will supply lowering devices;
 - (iii) On request by a Funeral Director or family, cemetery staff will set up chairs and marquees, for graveside services.
- 6.10** Early or late arrival at an interment, up to a maximum of 30 minutes, before or after the scheduled time for the interment indicated on the Application for Interment Form is permitted, but only with advance notice to Council's Cemetery Administration Officer or the Sexton.
- 6.11** A vehicle is not permitted to be driven on any grassed area at a cemetery, with the exception of a funeral director/hearse, with the prior written approval of the Chief Executive Officer of Council.
- 6.12** At a funeral, the Funeral Director must always remain on site, and present, for the duration of the funeral.
- 6.13** At a funeral, the Funeral Director must supervise and assist families throughout the duration of the funeral service.
- 6.14** The Funeral Director is responsible for the site of a funeral, but responsibility concludes when the last of the family members attending the funeral and the Funeral Director's employees leave the site.
- 6.15** Any participation by Council staff in the actual interment process, including, for example, Council staff carrying the casket from the funeral vehicle, must be by prior arrangement with the Council.
- 6.16** The scattering of ashes at a cemetery which is owned, held in trust, or otherwise controlled by Council, is subject to the following:
- (a) Ashes must only be scattered with the prior written approval of Council;
 - (b) Details of the deceased must be provided to Council in writing;
 - (c) Scattering of ashes must only take place during the hours approved by Council;

- (d) Ashes must not be scattered so as to contaminate any water source or affect any person or grave site in close proximity;
- (e) Council does not guarantee that any scattered ashes will be protected from any land management or maintenance activities undertaken by or on behalf of Council, or natural causes;
- (f) Council has no control over the scattering of cremated remains on land which is not owned, held in trust, or otherwise controlled by Council;
- (g) Each ash scattering activity must be undertaken in compliance with applicable Work Health and Safety requirements, including the requirements of the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and AS4204-2019 Headstones and cemetery monuments;
- (h) Council must receive formal notification via the Application for Interment Form or Exhumation Request Application Form (from the family or Funeral Director) prior to any work being undertaken within the cemetery.

7. RESERVING A PLOT

- 7.1** A person (the "Burial Right Holder") who pays Council's current fee may reserve a new plot at a cemetery and acquires the right ("right of burial" or "burial right") to be buried in the plot or, alternatively, the right to authorise the burial of another person in the plot in accordance with section 6.
- 7.2** If a person has paid the current fee for a right of burial, the person may surrender, in writing, the right of burial. Upon surrender of the right of burial, Council will pay the Burial Right Holder, or the estate of the Burial Right Holder, an amount not less than 80% of the fee paid by the person for the reservation of the plot by the Burial Right Holder.

8. 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 plot. Payment entitles the Burial Right Holder to exercise only a burial right, including, but limited to, the following:

- 8.1** An entitlement to be buried or interred in the plot ("burial site").
- 8.2** 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.
- 8.3** Authority to consent to other persons being buried or interred in the burial site.
- 8.4** 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 memorial plaque at the burial site.
- 8.5** 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 9.
- 8.6** A Burial Right Holder for a burial site is the person who 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 are 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 Supply of Grave).

- 8.7** The Sexton is unable to transfer a burial right held by the Department of Justice and Attorney-General.
- 8.8** 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 records do not clearly identify a Burial Right Holder who is entitled to exercise a burial right in respect of a particular burial site, the Sexton may deem a person to be the Burial Right Holder, but only if the person provides:
- (a) Evidence, such as receipts or correspondence, which satisfies the Sexton that the person is the Burial Right Holder for the burial site; and/or
 - (b) A statutory declaration which includes:
 - (i) Details of the burial site in question;
 - (ii) 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 their reasons for making this claim;
 - (iii) If the burial site is occupied — a statement as to the relationship between the person and the deceased.

However, 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.

- 8.9** This section 8.9, and sections 8.10 to 8.14, apply if a person is a Burial Right Holder for a vacant burial site and the person dies and:
- (a) the burial site was intended for the person's burial or interment; and
 - (b) the person is not buried or interred in the burial site; and
 - (c) prior to their death, the person did not provide written instructions authorising the use of the burial site by another party; and
 - (d) Council's records identify the next of kin of the person.
- 8.10** The Sexton/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 Supply of Grave).
- 8.11** If the next of kin wishes to retain the burial right, the Sexton may deem the next of kin to be the Burial Right Holder.
- 8.12** 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 7.2.

- 8.13** The Sexton may, by written memorandum, deem the burial right to be surrendered to Council if reasonable attempts to contact the next of kin are unsuccessful.
- 8.14** The next of kin may apply to Council for a payment in accordance with section 7.2 for a period of up to five years after the burial right is deemed to be surrendered, by written memorandum.
- 8.15** 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.
- 8.16** 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,
- * the Sexton may, by written memorandum, deem the next of kin of the second buried or interred to be the Burial Right Holder.
- 8.17** A 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 on a Council approved application form.
- 8.18** If the Sexton has approved:
- (a) the closure of a burial site; or
 - (b) the imposition of restrictions on the use of a burial site for a future burial and/or interment,
- nothing in this section 8, authorises the re-opening of the burial site or an action which contradicts a restriction imposed on the use of the burial site.

9. RESERVE PLOT TRANSFER

- 9.1** A burial site is a “reserved plot” if, for the burial site, Council has granted a burial right to a Burial Right Holder under section 7.1 for the burial site. A reserved plot may be transferred to a person where Council eligibility requirements for the transfer of the reserved plot have been met, including the following:
- (a) the reserved plot is unoccupied; and
 - (b) the person has delivered to Council a completed, and signed, written application for the transfer of the reserved plot and paid the fees and charges prescribed by Council in respect of the transfer of the reserved plot; and
 - (c) if the Burial Right Holder is not deceased — the person has delivered to Council the original, or a copy, of the right of burial form for the reserved plot and a written authority from the current Burial Right Holder for the reserved plot consenting to the transfer of the reserved plot; and

- (d) if the Burial Right Holder for the burial site is deceased — the person has delivered to the Council:
 - (i) a certified copy of the deceased Burial Right Holder's last known Will and Testament and a certified written authority provided from each beneficiary of the Burial Right Holder consenting the transfer of the reserved plot; or
 - (ii) a written authority from the personal legal representative of the Burial Right Holder providing evidence of authority to transfer the reserved plot.

10. APPLICATION FOR INTERMENT – PLOT or NICHE

10.1 Council offers two burial options within its cemeteries:

- (a) Interment into a grave site/plot; or
- (b) Interment into a niche in the columbarium wall.

10.2 An Application for Interment form must be completed, signed and delivered to Council's Cemetery Administration Officer at least 2 working days before the intended funeral date to allow sufficient time for the grave/niche to be prepared.

10.3 Where the Application for Interment is for a new plot, the Applicant for the interment will become the Burial Right Holder and must comply with the terms of this policy, as amended from time to time.

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

- (a) the Applicant is the Burial Right Holder; and
- (b) the Burial Right Holder is the person being interred; and
- (c) the Burial Right Holder has consented to the interment where indicated on the Application for Interment form.

10.5 Where an Application for Interment relates to a deceased Burial Right Holder, the Applicant has the authority to arrange, and is responsible for arranging, a suitable memorial plaque. A future interment into the plot shall not be permitted until such time as the right of burial for the plot has been transferred to the rightful beneficiary, in accordance with the Reserve Plot Transfer requirements specified in section 9 of this policy.

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

11. TRADITIONAL BURIALS

11.1 Council, in conjunction with a Funeral Director, may accommodate family requests in regards to a traditional burial on a case by case basis.

12. COLUMBARIUM NICHES

Columbarium Niches are available at Mount Isa Cemetery. A niche in the columbarium wall can hold one (1) container of ashes.

Niche sizes may vary slightly, but approximate sizes are as follows:

- (a) Small – width 250mm X height 90mm X length 400mm;
- (b) Large – width 250mm X height 180mm X length 400mm;
- (c) All plaques are required to be within the size of 250mm x 180mm and are required to be installed by a monumental mason or Council's Sexton.

13. LAWN CEMETERY SECTION

- 13.1** Council is responsible for the maintenance of the lawn area. All shrubs, plants, etc, within a cemetery are planted and cared for by Council.
- 13.2** No tree, shrub or other plant is permitted to be planted within a cemetery, including at a grave site, other than by Council.
- 13.3** Fresh and plastic flowers:
 - (a) are permitted to be retained within a metal/pvc vase only; and
 - (b) must be securely placed in the allocated space between the concrete edges or on the concrete beam, if a concrete beam is provided. All flowers will be removed, as they deteriorate, at the discretion of Council. Council takes no responsibility for any item left at a grave site.
- 13.4** Any structure or item left at a grave site, other than fresh and plastic flowers, in accordance with section 13.3, shall be removed at the discretion of Council and placed in the Sexton's shed located near the office for a maximum of 2 weeks after removal, at which time they will be disposed of by Council.
- 13.5** A plot must not be enclosed with a railing, or kerbing, or surrounded by rocks, bricks or other materials.
- 13.6** No glass, rocks, shells, non-approved vases or ornaments are to be left at a grave site.
- 13.7** No archway, statue or other structure is permitted to be installed at a grave site.
- 13.8** Council will not provide any additional material for the purpose of back filling a grave site. Council staff will remove any additional overburden from the grave and the grave will be top dressed. No unapproved structure is to be left at any grave site.
- 13.9** Any item identified as a hazard, that may endanger the wellbeing of the public or cemetery staff shall be removed at the discretion of Council. Council reserves the right to remove, from any burial site, any headstone, granite, marble, concrete and steel, and any flower container, in the event that the condition of the item renders it dangerous to cemetery staff or visitors, and the cost of so doing may be recovered, at the discretion of Council, from the Burial Right Holder for the burial site.
- 13.10** Memorial plaques only (permanent fixtures) may be installed within the allocated space at a burial site by Council upon receipt of the plaque from the Burial Right Holder. A memorial plaque must:
 - (a) comply with the specifications outlined in section 15 of this policy; and
 - (b) only be installed by Council.

14. CONVENTIONAL CEMETERY SECTIONS

- 14.1** Council is responsible for the maintenance of aisles between the rows of graves in the Conventional grave sections. Maintenance of the grave and immediate surrounds is the responsibility of the Burial Right Holder and family. All shrubs, plants, etc, within a cemetery are planted and cared for by Council.
- 14.2** No tree, shrub or other plant is permitted to be planted within a cemetery, including a grave site, other than by Council.
- 14.3** Fresh and plastic flowers:
- (a) are permitted to be retained within a metal/pvc vase only; and
 - (b) must be securely placed in the allocated space at the head of the grave site. All flowers will be removed, as they deteriorate, at the discretion of Council. Council takes no responsibility for any item left at a grave site.
- 14.4** Any structure or item left at a grave site, other than fresh and plastic flowers, in accordance with section 14.3, shall be removed at the discretion of Council and placed in the Sexton's shed located near the office for a maximum of 2 weeks after removal, at which time they will be disposed of by Council.
- 14.5** No glass, rocks, shells, non-approved vases or ornaments are to be left at a grave site.
- 14.6** Any item identified as a hazard, that may endanger the wellbeing of the public or cemetery staff shall be removed at the discretion of Council. Council reserves the right to remove, from any burial site, any headstone, granite, marble, concrete and steel, and any flower container, in the event that the condition of the item renders it dangerous to cemetery staff or visitors, and the cost of so doing may be recovered, at the discretion of Council, from the Burial Right Holder for the burial site.
- 14.7** Memorial plaques and headstones only (permanent fixtures) may be installed within the allocated space at a grave site by Council upon receipt of the plaque from the Burial Right Holder. A memorial plaque must:
- (a) comply with the specifications outlined in section 15 of this policy; and
 - (b) only be installed by Council.

15. PLAQUES

- 15.1** The Burial Right Holder must provide their written, and signed, consent for a plaque or headstone (conventional section only) application to be processed. Where the Burial Right Holder is deceased, a permit to install a plaque or headstone may be issued with the approval which is granted under sections 8 and 9 of this policy.
- 15.2** Plaques for installation by Council in the Lawn section must be brass or similar material. Plaques/headstones for the Conventional section may be brass or similar material or marble, granite of other similar material. Standard Size for plaque is 380mm x 230mm. A plaque or headstone must not be installed unless approved in writing by Council.
- 15.3** All memorial plaques, concrete covers and headstones for the Conventional section that are supplied by the Burial Right Holder, or a representative of the Burial Right

Holder, must be constructed by 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.

- 15.4** Any grave, headstone, plaque or marker for a plot in the Conventional section of the cemetery must be maintained by the legal personal representative, or family, of the person whose remains have been buried within the plot.
- 15.5** Council must receive formal notification via the Application for Interment Form or Exhumation Request Application Form (from the family or Funeral Director) prior to any work being undertaken within the cemetery.

16. VARIATIONS

Council reserves the right to vary, replace or terminate this policy from time to time.

17. INCONSISTANCIES

Where there is an inconsistency between this policy and any Act or a local law of Council, the Act or the local law is to apply to the extent of the inconsistency.

18. COMMUNICATION AND DISTRIBUTION

- (a) Council will make available to the public, the Mount Isa and Camooweal Cemeteries Policy on our website at www.mountisa.qld.gov.au.
- (b) Supervisors will ensure this policy is distributed as per the Distribution and Dissemination table on this policy.

19. DEFINITIONS

- (a) Council – means Mount Isa City Council
- (b) Council Staff –includes employees, contractors, volunteers, and all others who perform work on behalf of Council
- (c) Interment – the act or ritual of interring or burying
- (d) Niche - a recessed space in the columbarium wall
- (e) Right of Burial – the right to inter into a burial plot
- (f) Right of Burial Certificate – 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)
- (g) Burial Right Holder – The person who is issued with 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 Burial Right Holder in respect of the installation of a plaque/headstone.

20. ASSOCIATED LEGISLATION, POLICIES AND FORMS

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Births, Deaths and Marriages Registration Act 2003*
- *Births, Deaths and Marriages Registration Regulation 2015*
- *Coroners Act 2003*
- *Information Privacy Act 2009*
- *Land Act 1994*
- *Local Government Act 2009*
- *Public Health Act 2005*
- *Queensland Heritage Act 1992*
- *Legislative Standards Act 1992*
- AS4204-2019 Headstones and Cemetery Monuments
- Work Health and Safety – Guide for the Funeral Industry 2020
- Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2022
- Cemetery Application Forms 1, 2, 3, 4, 5, 6
- Mount Isa City Council Fees and Charges – Register of Commercial Charges and Cost Recovery Fees

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