

# CEMETERY MANAGEMENT POLICY

## SCOPE

This Policy applies to all cemeteries under the control and management of Banana Shire Council.

This Policy applies to all Council staff, elected Council and any members of the public who are subject to a provision of this Policy.

## LEGISLATION

*Banana Shire Council Local Laws*  
*Births, Deaths and Marriages Registration Act 2003*  
*Births, Deaths and Marriages Registration Regulation 2015*  
*Coroners Act 2003*  
*Land Act 1994*  
*Land Regulation 2009*  
*Local Government Act 2009*

## OBJECTIVE

To establish clear protocols for the exercise of the Council's management and administration of cemeteries within the Shire.

The Policy provides an administrative framework to assist Council in making decisions in its management functions and ensures that the administration, operation and maintenance process is conducted in a timely and efficient manner.

## DEFINITIONS

Authorised Person	A person authorised by the delegated authority to exercise the powers of an authorised person under this policy and Council's Local Laws.
Burial	The interment of non-cremated human remains.
Burial Right	The exclusive right of entitlement to a burial place granted by Council to a person or persons.
Burial Site/Plot	Is a place for the disposition or memorialisation of the remains of a deceased person, whether cremated or not.
Cemetery or Cemeteries	Designated area containing one or more burial places and/or areas for cremated remains.
Council	Banana Shire Council.

Columbarium	A structure having recesses in the walls to receive cremated remains.
Cremation	To reduce a body to ashes by fire.
Exhumation	The act of removing human remains from the ground after it has been buried.
Headstone	Masonry structure placed at the head of a grave site.
Inurnment	The practice of placing cremated remains in an urn or other suitable container and placing it in a niche, crypt or vault in a place used or intended to be used, and dedicated, for cemetery purposes.
Monument	Any structure, headstone masonry, metal work, casting or item placed over, in or around a burial right or grave site.
Niche	Inurnment site or place in a wall where a container containing ashes of a deceased person may be placed.
Plaque	Memorial sign that is attached to a plinth, headstone, or niche wall.
Plinth	A flat stone structure placed on a grave for which a plaque or monument is attached.
Pre-need burial right	A burial right granted prior to need.
Register	Council's formal repository of data containing all the required details of Council's Cemetery services.
Reservation	Pre-need burial right.

## POLICY

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The policy provides clarity as to guidelines for cemetery operations for Banana Shire Council in the capacity of cemetery owners and operators.

Council is committed to:

- the provision of interment and memorialisation services to the community;
- servicing the deceased and their families with dignity and respect;
- preserving the history of the Shire's cemeteries and maintaining records for genealogy research;
- maintaining cemetery grounds to meet community needs and expectations; and
- planning for the future burial needs of the Shire's communities.

## ADMINISTRATION

Council provides cemetery services on application being made and accepted during all normal workdays, weekends and public holidays except for Australia Day, Christmas Day, Boxing Day, New Year's Day, Easter Friday through to Easter Monday inclusive and Anzac Day.

Applications received will be reviewed and acceptance of the application will be notified in writing. Verbal approval will be provided where written approval is not practical. Reason(s) for non-acceptance will be notified in writing to the applicant as soon as practical.

An Application for Burial in Grave or Interment in Niche must be received at least two business days prior to the requested service.

Payment for service is to be made two business days prior to service commencement unless otherwise agreed by Council.

## **WORK UNDERTAKEN WITHIN CEMETERIES**

Council does not permit any person to undertake any activity within a Council Controlled Cemetery unless the activity has been approved by council.

### **Register of Burial Places**

A register of burials will be kept by Council in respect of all burial places under Council's control.

A register of reservation plots/sites (which will include the number of the plot, name and address, and the date when the plot was reserved) will be kept by Council in respect of each reservation.

Each register, which may be kept in written, printed or electronic form, will include the name of deceased, date of birth, date of interment, age, deceased's next of kin name and address, name of Funeral Director and location of interment site of every person whose remains are interred in cemeteries under Council's control.

The register may not include interments in historical and monumental cemeteries due to loss of records from previous operating entities.

Each register entry will contain the name and address of the owner of the burial right with the exception of the historical records where the information may not have been obtained.

### **Exhumation**

Council does not carry out exhumations.

All arrangements for exhumations are to be made with a registered Funeral Director.

Such Funeral Director must have obtained prior confirmation from Queensland State Health Department approving the exhumation or relocation of the remains to be relocated.

Permission for exhumation by a Funeral Director will only be granted to the Burial Rights Holder on application to Council.

### **Burial Rights**

Burial rights may not be sold.

A burial right on a vacant or reserved plot may be surrendered to Council.

Council will refund 80% of the original application cost paid for relinquishing a reserved plot.

## **Burial Rights Holder**

A 'Burial Rights Holder' is the person who has been issued with the burial rights, whose name and details appear upon the approved form at the time of application from the Funeral Director to conduct a service.

There can only be one Burial Rights Holder per plot.

The purchaser of the plot is the person who signs the initial cemetery application form.

The Burial Rights Holder has the right to be buried in that grave and the right to authorize the burial of others in the grave (up to the permitted number as determined by Council under this Policy).

Permission for all interments and modifications, 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 modifications for the Burial Rights Holder.

On the death of the Burial Rights Holder, where the Burial Rights Holder is not interred in the plot for which the Burial Rights Holder holds the rights the Burial Rights for that plot will revert to Council.

Council, in its' absolute discretion, will transfer the burial rights to a spouse, child, partner, relative or direct descendant of the Burial Rights Holder (as nominated on the application form) provided Council has no reason to believe that the Burial Rights Holder would have objected to such transfer.

The Burial Rights Holder must comply with all rules and regulations which apply to the operation of Councils' Cemeteries.

**Note:** Council acts in good faith when it relies on advice provided by the Burial Rights Holder and does not accept any responsibility for allowing a service that might be subject of a later dispute between family members.

## **Reservations of Plots**

Reservations of plots are to be made in accordance with the current application process and are limited to specific cemeteries outlined in Council's Corporate Website for Cemeteries.

## **Interments – Burial Plots**

No burial will, under any circumstances, be permitted in a Council Controlled Cemetery until an application has been received and approved by Council in writing.

No more than two coffin interments shall be buried in the same burial plot/site. A coffin interment will not be performed after interment of ashes.

The same burial plot/site shall not be reused for a further burial before one year has lapsed except as allowed under the *Land Regulation 2009*.

Coffins shall be interred at the depth (as a minimum) of 2.1 meters for a single or double Interment.

Every burial plot/site within a Council Controlled Cemetery will be dug by Employees or Contractors of Council excluding burial plot exhumations.

All burial plots/sites are allocated by Council.

Specific Cultural/Religious requirements are to be advised in writing at time of application. Council will endeavour to grant the requirements of each request based upon Council's Work Health and Safety Policy, Cemetery interment type and availability of suitably skilled staff and equipment.

Animal burials are prohibited in Council Cemeteries.

### **Scattering of Ashes**

Scattering of ashes is not permitted on open grassed areas, including lawn sections, within Council's Cemeteries.

### **Plaques, Monuments and Inscriptions**

Memorial plaques are the responsibility of the Burial Rights Holder and may be organized through a Funeral Director or a private supplier in accordance with requirements outlined in Council's Cemetery Fact sheet.

A person shall not, in any Council Controlled Cemetery, construct or install any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, railing or other structure, and/or make any inscription or carry out any adornment, unless:

- a) Written approval for same is obtained from the Burial Rights Holder; and
- b) Such works are in accordance with the standards required within that Cemetery; and
- c) Approved in writing by Council.

Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a grave. The responsibility for the costs of repairs and maintenance to plaques, monumental and historical graves and headstones, lie with the Burial Rights Holder.

Funeral Directors and Monumentalists are to ensure the person ordering the plaque/monument is the Burial Rights Holder or has obtained written permission from the Burial Rights Holder.

Council must be notified by way of lodgement of an application with Council two working days prior to any maintenance repair work being sought to be carried out.

Monuments, gravestones, kerbing, railing, and other structures are not permitted with Lawn Sections of Council Controlled Cemeteries.

### **Vases, Flowers, Memorabilia and Ornaments on Graves**

Vases, flowers, memorabilia and ornaments on burial plots/sites must comply with Council's Cemetery Fact sheet for each Council Controlled Cemetery.

Vases and/or flower urns are not to exceed a height of 250mm (10"), with a maximum of two vases per headstone.

Fresh, dried or limited artificial flowers are welcome tributes. These are to be placed **ON THE BEAM ONLY (in lawn cemeteries)** and must not encroach on another memorial/grave/plot.

For safety reasons the following is **NOT ALLOWED IN ANY CEMETERY**: glass vases or other breakable objects/ornaments, objects with sharp edges/spikes or hooks.

Council Cemetery staff may, without notice, remove and dispose of any object, wreath or natural flowers that does not comply with Council's Cemetery Fact sheet.

### **Planting of Trees and Shrubs**

The selection of trees, plants, shrubs and materials used in each Cemetery is at the absolute discretion of Council's Cemetery Department in accordance with Council's *Local Law No: 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

### **CLOSED CEMETERIES**

The following cemeteries are deemed to be historical and are closed for all burials and reservations:

- Old Theodore Cemetery
- Rannes Cemetery
- Banana Cemetery

The following cemeteries are closed to all burials and reservations with the exception of:

- a) Burials in previously reserved plots; or
- b) Burial of one immediate next of kin as from the date of closure of the Cemetery, if a grave site is available adjacent to the existing grave; or
- c) Plots that have provision for double interment; or
- d) Ashes Interments:
  - Biloela Old Cemetery, Gladstone Road Biloela.

### **PROCEDURE**

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Procedures as approved and issued by the Chief Executive Officer and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

### **CERTIFICATION**

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CHIEF EXECUTIVE OFFICER  
BANANA SHIRE COUNCIL

5/5/2022

DATE



## FACT SHEET

## Cemetery Fact Sheet



## Cemetery Fact Sheet

### What is a plot?

A plot is a grave and is sometimes referred to as a site or a position.

### What is a niche?

A niche is used for interment of ashes and can be sited in a columbarium wall or garden area set aside for that purpose.

### Can I reserve or buy a plot or niche?

Yes, you can reserve or pre-purchase both. The purchase fee does not include the cost of burial.

### Do I own the land occupied by the plot?

No the land remains under the administration of Banana Shire Council. You will become the burial rights holder which means you have exclusive right to authorize any burials or ashes placements for that site.

### Can I choose the location of my site?

Yes, subject to availability.

### I would like my partner to be placed in the same site as myself, is that possible?

Yes, the majority of burial plots are prepared for two burials. It is recommended to consider this when choosing a site. The

columbarium wall niches are single interments only, however multiple interments are possible in some garden niches.

### Can I be buried in an old grave?

Yes, in the majority of cases. Each site needs to be investigated as in some cases the land is not suitable for more than one burial. Ashes can also be placed in most grave sites. In all cases, the burial rights holder would need to provide permission.

### Can ashes go into a grave?

Yes, with the permission of the burial rights holder.

### When I pass away, what is required for my family to use my reserved site?

Your family will contact your nominated funeral director who will attend to confirmation of your reserve and burial arrangements.

### What happens to the burial rights when I pass away?

The burial right is considered to be part of the holder's personal estate. The holder's executor or heirs and successors would usually administer the estate under the circumstances. Council will require proof of authority in this case.

## FACT SHEET

## Cemetery Fact Sheet

**Can I sell my reserved burial site?**

You are not able to sell the site, however you can relinquish the plot to Council and Council will provide a refund.

**Can I give my site to someone else?**

A burial right can be transferred or bequeathed. An application for transfer and appropriate fee is required before the records can be amended. The application must be signed by the current burial rights holder and it is advisable that families are made aware of rights and responsibilities pertaining to the future management of their sites.

**Can anyone place a monument or plaque on a grave?**

No, the burial rights holder or a person nominated by the burial rights holder may apply. In instances where the burial rights holder has passed away, the executor or beneficiary of the estate would usually submit the application to Council with the appropriate fee.

Restrictions apply to the type of monument or plaque that can be installed.

**Who looks after placing ashes in a niche?**

The cost is included in the fee for ashes interment in a niche by Council. The installation of the plaque is arranged by the Funeral Director who also can complete the interment of ashes in a niche and fix the plaque.

**Can I plant trees on a grave site?**

No trees, shrubs and other plantings are not permitted.

**Who looks after the plaques and monuments?**

Cemetery grounds are maintained by Council, however monuments and plaques are the responsibility of the burial rights holder or family and descendants. Council will need to be advised prior to any maintenance.

**What sort of things can I leave on my family grave?**

To ensure that these areas remain pristine, honouring the memories of those within, the following policy has been implemented to ensure suitable access and safety to the public and cemetery staff.

- A maximum of 2 standard plastic vases or flower urns can be placed on each individual gravesite.
- All standard vases/urns and their contents will be inspected regularly and old fresh flowers or plastic flowers from each gravesite will be removed.
- Trees, shrubs or other plants are not permitted. If planted they will be immediately removed from the lawn or beam sections within the Cemeteries.
- Glass vases, ceramic containers or other breakable objects/ornaments including objects with sharp edges/spikes or hooks are not permitted within the lawn sections and will be removed.

**How can you contact us?**

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