



YOUNG SHIRE COUNCIL

CEMETERY MANAGEMENT POLICY

No. 93

DATE ADOPTED: 18/09/13

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1 INTRODUCTION/BACKGROUND

Under the *Local Government Act 1993*, the *Public Health (Disposal of Bodies) Regulation 2012*, and the *Local Government: Control of Cemeteries Amendment Act 1966*, cemetery authorities (Councils), are required to set up policies and procedures in regards to the control, management and operation of Council's cemeteries.

Cemeteries have cultural, historical, social, and religious values to the community. Young Shire Council manages and maintains its cemeteries guided by sound conservation and non discriminatory principles so that significances for all members of the community are retained.

2 PURPOSE/OBJECTIVES

This policy was developed to provide principles that underpin Young Shire Council's management of cemeteries, in order to comply with legislative requirements and to offer a beautified and considerate memorial service to all members of the community and its visitors.

Young Shire Council Cemetery Policy is intended to:

- Provide effective, efficient and appropriate operation of Young's cemeteries.
- Provide an expedient service for the interment of deceased residents.
- Manage cemeteries according to what is required by legislation and relevant standards.

3 STATEMENT

Young Shire Council as a Cemetery Authority is bound to operate under the provisions of *The Local Government Control of Cemeteries Amendment Act (Act No. 52, 1966)*, *Public Health Regulation 2012*, *Public Health Act 2010*, and *Public Health (Disposal of Bodies) Regulation 2002 and Public Health (Disposal of Bodies) Regulation 2011 (Public Consultation Draft)*.

4 POLICY

4.1 General

- The present policy applies to all cemeteries under the care, control and management of Young Shire Council.
- Council does not permit any person to undertake any activity within a cemetery unless the activity has been approved by Council.
- Graves shall be prepared (dug) by Council's cemetery staff and shall be in accordance with the Public Health Act 1991 and the Public Health (Disposal of Bodies) Regulations 2012, Work, Health and Safety regulations.
- All activities, which take place within any cemetery grounds, shall comply with relevant Workcover and Work, Health & Safety requirements.
- Cemetery areas are subject to maintenance and construction programs. If required, Council shall inform the public prior to the execution of any major maintenance or construction or cemetery clean up programs.
- Any items that are considered to be a hazard or disruptive to the public will be removed by Council's staff.
- Council will maintain a register of all burials (including cremated remains) in accordance with the Public Health Act.

4.2 Burial Application

- Burials are not to take place unless Council has received a Burial Application in respect of a burial place in a cemetery. An application for a Burial must be submitted on the form approved by Council and accompanied by the appropriate fee. This form must be signed by the Executor of the Will.
Applications must be received by Council not less than two full working days prior to the proposed burial time;
- Notification of oversize graves are to be received at least one full working day prior to burial.
- Two or more people may be named as joint holders of a Burial permit.

4.3 Burial Permit

- Burials are not to take place unless Council has issued a Burial Permit.
Burial shall be conducted in accordance with the regulations of the Public Health Act 2010, the Public Health (Disposal of Bodies) Regulation 2002 and Public Health (Disposal of Bodies) Regulation 2011 and all other relevant legislation.
- Burials shall take place during the hours approved by Council. Burials outside these times may be arranged however will incur additional charges.

4.4 Lawn Cemetery Burials

- All graves in the Young Lawn Cemetery are to be dug to double depth (2250mm).
- Plots in the Young Lawn Cemetery can not be reserved.
- New interments (other than a second interment), must take the next available plot in the sequence.
- Sequencing shall be changed if there are WH&S issues with grave stability or ground water inundation and weather conditions.

4.5 Monuments

- All monumental works carried out in Young Shire cemeteries are subject to prior approval by Council to any person it considers adequately qualified to carry out the work. This will include all documentation as required by Council.
- All monuments and monumental work must comply with *AS 4204-1994 Headstones and Cemetery Monuments*.
- Council will only grant a monumental permit with the consent of the grantee of the burial licence or as deemed appropriate by Council.
- Ownership including upkeep maintenance and repair of monuments or other structures in the General Cemetery is deemed to be with the person or persons arranging the monument or structure.
- Cleaning and painting of monuments by next-of-kin (or a person as required and indicated by next of kin) where employment is not involved does not require a work permit.
- Any structure that after being assessed is considered to be a hazard and represents a risk for staff and cemetery visitors will be removed by Council.

4.6 Ash Internments

- Ashes can be interned in the Young Lawn Rose garden or columbarium, Village cemetery, General Cemetery and under consent of Council in the Lawn Cemetery as a second burial only. Consent from Council is required for all ashes interments.
- The interment of Ashes can only be carried out by Young Shire Council staff. However the ashes casket can be placed in the allotted space and back filled by a family member or friend of the deceased under the supervision of Cemetery staff.
- Council does not give permission for ashes be spread above ground in any of the cemeteries under Council management.

4.7 Cemetery Plaques

- Where plaques are missing after a period of three months, the cemeteries administrative officer shall write to the family reminding them that the plaque has already been paid for, requesting a wording, and indicating that if a reply is not received within one month that Council will affix a plaque with standard wording.
- A plaque order form shall only be signed by the Executor of the will or persons authorised by the Executor.
- No offensive wording shall be placed on any plaque. Council has the right to word or reword a plaque order form.
- Any additional wording, to be added to the standard spaces given by Council, can be placed; if it can be accommodated on the plaque. An additional cost will be paid for by the family or estate.
- The securing of a single item which requires the use of adhesive only such as new plaques, military insignia and photographs do not require a work permit.

4.8 Exhumation

- An exhumation may only take place when an order by a Coroner or a Court permitting is issued or an applicant has obtained an order, prior to commencing exhumation.
- Other requirements:
- Approval for exhumation by NSW Department of Health in accordance with the provision of Public Health (Disposal of Bodies) Regulation, 2012;
- Approval from Council with the full payment of all associated fees being payable by the applicant.

4.9 Grave Site Ornaments

- Floral tributes should be placed in the integral vase containers located on the cemetery (Lawn Cemetery) plaque beams.
- Items placed other than floral tributes may be collected by Council.
- Council will remove all loose objects from the grave sites and remove dangerous or inappropriate fixed objects, with the objects being disposed of, if not collected by the owners.
- Council does not accept any responsibility for items left at Cemeteries.

4.10 Grave Site Re-openings

Monumental Sections

- If damage inadvertently occurs during removing monument slabs and headstones Council and its staff will not be held liable nor responsible for any damages and repairs.
- Testing of grave sites for the purpose of reopening shall be at full cost to applicant including accidental damage to slabs and/or monuments.

Lawn Section

- Burial allotments within the lawn cemeteries are allowed to be re-opened at a later date.

4.11 Special Burial Requirements

YSC is aware of the diverse range of faiths within our community and strives to develop a deep understanding of burials for specific cultural, religious and spiritual beliefs. The following outlines the basic requirements for burials other than those outlined in this policy.

- Application must be made to YSC to give consideration to burials that do not meet the requirements of this policy however are able to meet obligations specified under by current legislation.
- Council recommendations, observations and authorisations for burials requests will be made in accordance with the By laws mentioned above, the Public Health Act 1991 and the Public Health (Disposal of Bodies) Regulations 2011, Work, Health and Safety regulations as well as other guidelines if needed.

- If permission is granted the grantee must meet all requirements under all relevant legislation including but not limited to the Public Health Act and the Work, Health and Safety Act.
- Council shall be indemnified absolutely, by the grantee, in the event of any action suit or claim brought by any other person for damages or loss to extent that such damage or loss may be suffered as a result of customs exercised by persons attending the burial.

5 FEES AND CHARGES

- All payments are set out in Council's Annual Fees and Charges.
- Additional items not covered in the Fees and Charges will be charged at cost plus any overheads incurred by Council.

6 RESPONSIBILITY

Council's Department of Utility Services is responsible for the elaboration and implementation of this policy. This policy shall be reviewed every four years, or as a result of any relevant legislative changes.

7 RELEVANT LEGISLATION

- Anti-Discrimination Act 1977.
- Births, Deaths and Marriages Registration Act 1995.
- Conservation of Cemeteries Act 1974.
- Coroners Act 1980.
- Crown Lands Act 1989.
- Crown Lands (General Reserves) By-law 2006.
- Crown Lands (General Reserves) Amendment (Sustainable Burials) By-law 2011.
- Heritage Act 1977.
- Local Government Act 1993.
- Local Government (Control of Cemeteries) Amendment Act. (Act No. 52, 1966).
- National Trust of Australia, NSW.
- Privacy and Personal Information Protection Act 1998.
- Public Health (Disposal of Bodies) Regulation 2011.
- Public Health (Disposal of Bodies) Regulation 2002.
- Public Health Act 1991.
- Public Health Regulation 2012.
- State Records Act 1998.
- Work Health and Safety Act 2011.
- Work Health and Safety Regulation 2011.

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