

## CEMETERY POLICY

**Intent** To establish the overarching position and principles for cemetery management in accordance with the Cemetery Strategy.

**Scope** This policy applies to all Council operating cemeteries including (but not limited to):

- Cairns (Martyn Street) Cemetery
- Forest View Cemetery
- Gordonvale Cemetery
- Babinda Cemetery
- Nelson Road (Babinda) Cemetery

This policy applies to all Council non-operating cemeteries including (but not limited to):

- Pioneer Cemetery
- Old Smithfield Cemetery

This policy does not cover:

- Private land
- Scattering of ashes on Council land
- Acknowledgements, Memorials and Monuments outside of Council cemeteries.

Council's operation of cemeteries is governed by *Local Law No. 1 (Administration) and Local Law No. 7 (Human Remains and Cemeteries.)*

## PRINCIPLES

Management of Cairns Regional Council's cemeteries will be in accordance with the following key principles:

1. Cemeteries will be welcoming spaces for the community, Council staff, and contractors.
2. Council operations will occur in a safe, secure and efficient manner.
3. Council will endeavour to provide inclusive cemetery provision and burial practices.
4. Planning and use of cemetery land will strive to maximise the capacity of the sites.
5. Cemeteries will provide a range of burial and ash placement options across all sites.
6. Council will endeavour to conduct its cemeteries operations in a cost effective manner.
7. Adverse impacts on the surrounding environment, businesses and residents will be appropriately managed.
8. Cemeteries will provide a place to farewell loved ones, reflect and relax, and connect to the environment surrounding them.
9. Cemeteries will provide a place that demonstrates and commemorates the history of the communities they represent.

## DEFINITIONS

<b>Adornment</b>	means a floral tribute, ornament or other mementoes
<b>Ash Right</b>	The permit issued by Council, allocating the right to use a particular position in a cemetery for the placement of cremated remains (ashes)
<b>Ash Placement (Inurnment)</b>	Placement of an urn of cremated human remains, held within an approved receptacle for ashes, into an ashes niche, columbarium, mausoleum or buried within a grave site

<b>Burial (Interment)</b>	Placement of human remains into a grave, vault or mausoleum or placing them within an approved above ground structure
<b>Burial Right</b>	the permit issued by Council, allocating the right to use a particular position in a cemetery for burial or placement of human remains
<b>Cemetery</b>	means the use of premises for the burial of human bodies or ash placement after death
<b>Strategy</b>	refers to the <i>Cairns Regional Council Cemetery Strategy 2023-2033</i>
<b>Council approved receptacle</b>	a vase or container which is not breakable, ceramic, made of glass or brittle plastic, that is not able to hold water
<b>Embalm</b>	refers to the preparation of human bodies using full arterial processes
<b>Embalming Certificate</b>	issued by a person accredited as a Member of the Australian Institute of Embalmers
<b>Funeral Director</b>	Means a person (other than the operator of a mortuary transport service) who, in the conduct of the person's business engages, for the purpose of burial, cremation or transport, in the collection, transport, storage, preparation or embalming of bodies or engages in the conduct of exhumations and includes a person who plans and coordinates arrangements and carries out a funeral in relation to a deceased person
<b>Grave</b>	A site within a Cemetery which is used for one or more burial of ash placement of human remains
<b>Guideline</b>	Refers to Cemetery Operations Best Practice Management Guidelines
<b>Hermetically Sealed Liner</b>	Refers to the liner which creates a fully airtight seal (hermetic seal) preventing the passage of gases or liquids
<b>Mausoleum</b>	means an external free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people
<b>Memorial</b>	means anything erected or placed within a cemetery to mark a grave or commemorate a deceased person and includes but is not limited to: <ul style="list-style-type: none"> <li>• a monument</li> <li>• headstone</li> <li>• grave plaque</li> <li>• lawn plaque</li> <li>• inscription plate</li> <li>• gravestone</li> <li>• cenotaph</li> <li>• tombstone; or</li> <li>• a Council approved structure or physical object</li> </ul>
<b>Monumental Mason</b>	A person trained in the construction and renovation of monuments in cemeteries
<b>Policy</b>	Refer to <i>Cemetery Policy</i> (this policy)
<b>Specification</b>	Refers to Cemetery specification to plaque, headstone and vault sizing
<b>Temporary memorial</b>	means an acceptable item placed at the head of a grave for a limited time.
<b>Vault</b>	means the lining of a grave or graves by means of bricks and mortar or concrete liners cemented together so that the floor, walls, and ceiling of the grave are completely covered and sealed and is constructed either above or below ground level

## **PROVISIONS**

### **1. CEMETERY BEST PRACTICE MANAGEMENT GUIDELINES**

Council cemeteries will be operated in accordance with the Cemetery Best Practice Management Guidelines (BPMG), as developed in accordance with this policy and amended from time to time.

The BPMG aims to guide Council Management and Staff in the approach taken on the day-to-day operation and management of cemeteries entrusted to the care of Council. It is also a reference point for Funeral Directors, Monumental Masons and other funeral industry workers, as well as members of the public seeking specific guidance in relation to operational decision making on cemetery matters.

### **2. CEMETERY OPENING HOURS**

Council cemeteries are open to members of the public 7 days a week, 365 days a year from dawn to dusk (6:00am – 6:00pm).

### **3. CEMETERY OPERATING HOURS**

Normal cemetery office operating hours are between 7am and 3.30pm Monday to Friday and exclude weekends and public holidays.

Council requires a minimum of two (2) working days notification and a complete burial application, to process and for grave digging to be completed.

Burials and Ash Placement can occur Monday to Friday, and Saturday subject to application and prior arrangement with Council. Burials and Ash Placement are not permitted on Sundays or Public Holidays.

Burials and Ash Placements conducted outside of normal operating hours will be at Council's discretion and subject to conditions. Additional fees will be applicable.

New Burials and Ash Placements will only be permitted at Council's operating cemeteries.

### **4. FEES**

Council will publish a schedule of fees for Cemetery Services and may change the schedule of fees from time to time. The schedule of fees will be reviewed on an annual basis.

### **5. BURIAL OPTIONS**

Council will provide a range of burial and placement options to accommodate community needs. Council cemeteries will be operated on a non-denominational basis.

### **6. SPECIFIC BURIAL CONDITIONS**

The placement of a body into a mausoleum or above ground vault requires that the body is embalmed and enclosed in a coffin with a hermetically sealed liner. Council requires an Embalming Certificate to be provided prior to burial.

### **7. BURIAL OR ASH RIGHT**

An issued Ash or Burial Right (Right) entitles the holder to utilise that site for that approved purpose. It does not convey ownership of the land.

If the Right has not been exercised within twenty-five years of its granting and if the Right holder cannot be contacted or if the Right holder is deceased, Council may revoke a Right and the site will revert to Council and no compensation will be payable.

If the Right has not been paid, or has been partly paid, Council may revoke a Right, if the Right holder cannot be contacted, or if the Right holder is deceased. If the Right holder is contacted and does not pay within the nominated timeframe then the site will revert to Council.

At the adoption of this Policy,

- All new Ash or Burial Rights must be held in the name of an individual;
- No Right will be issued without full payment;

- Ash or Burial Rights will only be issued in an individual's name and will not be issued to non-individuals (i.e Societies, organisations and the like) or in Family names (i.e Smith family); and
- An individual may only have one Ash or Burial Right issued in their name.

## **8. SERVICES**

Council will exercise discretion in approving multiple Burials and/or Ash Placement at the same cemetery on a single day. Decisions to approve multiple Burials and/or Ash Placements on a single day will be made with consideration to the impact on other services being conducted and cemetery operations in general.

To accommodate multiple Burials and/or Ash Placement on a single day, Council will apply time limits to funeral bookings.

## **9. TEMPORARY MEMORIALS**

Council reserves the right to determine where the installation of a temporary memorial may be permitted. Temporary memorials may be installed, where permitted, to serve as a temporary grave marker with prior Council approval for not more than 12 months, following a burial or until a more permanent approved memorial has been installed, whichever comes first.

All temporary memorials must be installed in accordance with Council's guidelines including but not limited to size, number, and anchor.

The temporary memorial must be maintained in a condition satisfactory to the Council. Council reserves the right to remove any temporary memorial if it does not comply with Council's adopted guidelines, is damaged or has deteriorated beyond repair, poses a risk to public safety, impedes neighbouring plots or digging operations, has been in place greater than 12 months from the date of burial, or with the installation of a permanent memorial.

## **10. MEMORIALS**

Council has adopted specifications for all memorials to be installed at Council cemeteries. All memorials must be approved by Council and installed in accordance with these specifications and Australian Standard AS 4204 Headstones and Cemetery Monuments, AS 4425 Above Ground Burial Structures and the Work Health and Safety Act 2011.

Council's specific requirements can be found within the BPMG.

Council is not responsible for the maintenance of, or repairing damage caused to, memorials through acts of vandalism, ageing or deterioration. Maintenance and the repair of damage is the responsibility of the burial or ash right holder<sup>1</sup>.

## **11. ADORNMENTS**

Adornments must be housed in a Council approved receptacle and any placements presenting a safety hazard will immediately be removed by Council.

Where permitted, a receptacle must be in accordance with Council's guidelines including but not limited to size, number, and anchor. The receptacle must not-encroach on adjoining graves or grassed areas, must be of sufficient weight to remain secure and be non-water holding.

Flowers, (including but not limited to) floral arrangements and floral wreaths (fresh cut) may be placed against a memorial or at the head of the grave. Visitors are requested to remove wrapping and rubber bands from floral arrangements before they are left as a tribute.

Limited artificial flowers are permitted within headstone and monumental sections, columbarium and mausoleums, within approved receptacles.

Council reserves the right to specify the types of adornments that may be placed at cemeteries and will remove and dispose of any adornment that is deemed unsightly, offensive, breakable or that poses a

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<sup>1</sup> With the exception of burial sites of commonwealth forces maintained by the Commonwealth War Graves Commission

risk to public safety (this includes artificial flowers). In this circumstance reasonable effort will be made to contact the person/s responsible for the adornment.

The following items are not permitted at Council cemeteries:

- glass or breakable items, vases or receptacles
- water holding items, vases or receptacles<sup>2</sup>
- anything deemed offensive
- draped or flying flags as adornments<sup>3</sup>
- lights (including solar or battery powered)
- alcohol or alcohol containers (full or empty)
- clothing
- balloons, photo frames, candles or naked flames, windchimes, toys, furniture, statues or other ornaments, or anything with sharp edges, spikes or hooks
- rocks, pebbles, bark chips, shells or the like, unless incorporated within an approved permanent memorial border
- permanent planting of bushes, flowers or trees, or installation of any garden edging or fencing within a cemetery.

No adornments are to be placed on any grassed areas. All adornments must be placed against the headstone or head of the grave and must not encroach onto neighbouring graves, or memorials.

**12. CLEANUP**

Annually or as required, cemetery staff will undertake a clean-up of cemetery grounds and graves. Items that have the potential to become dangerous objects during storms, or that do not conform to the provisions within this policy or the Best Practice Management Guideline will be removed. Public Notices will be placed at the cemetery prior to the clean-up to inform the general public.

**RELATED LEGISLATION, POLICIES AND CONSIDERATIONS**

This policy should be read in conjunction with other Council policies relating to cemeteries, memorials, monuments and ash scattering, including but not limited to:

- Cairns Plan
- Local Laws
- Acknowledgements, Memorials and Monument Policy

If there is an inconsistency in Council policy relating to Council Cemeteries and / or cemetery operations, this Policy shall take precedence.

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**This policy is to remain in force until otherwise determined by Council.**

**Director responsible for Review: Destry Puia, Lifestyle and Community**

**ADOPTED:** 13/09/2023  
**CURRENT ADOPTION:** 13/09/2023  
**DUE FOR REVISION:** 13/09/2027  
**REVOKED/SUPERSEDED:**



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**Mica Martin**  
**CHIEF EXECUTIVE OFFICER**

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<sup>2</sup> Sand is provided throughout the Cemetery within sand bins to fill receptacles.  
<sup>3</sup> Solid flag fixtures as part of a permanent memorial (i.e. a headstone) are permitted.