



Walgett Shire Council

Cemetery Policy

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INTRODUCTION

Walgett Shire Council has developed this policy document to suit the burial requirements and needs of the general community. It covers all cemeteries in the Walgett Local Government area. The regulations in regard to burial requirements are outlined in this document, in both the monumental and lawn sections. All denominations are covered. General information in regard to reservation of graves, interment of cremated remains, exhumations and erecting of memorials is also provided.

SCOPE

This policy applies to all Council operated and maintained cemeteries.

DEFINITIONS

Applicant

Ashes

RELEVANT LEGISLATION AND GUIDELINES

This policy document has been drafted with due consideration to the following:

- Local Government Act, 1993
- Public Health Act, 2010
- Public Health Regulation 2012
- Cemeteries and Crematoria Act, 2013
- Crown Land Management Act, 2016
- Fair Trading Act, 1983

GENERAL INFORMATION FOR WALGETT SHIRE PUBLIC CEMETERIES

Cemeteries operated by Walgett Shire Council open for new interments are located in the following towns

- Walgett
- Lightning Ridge
- Collarenebri
- Burren Junction
- Carinda
- Cumborah

All cemeteries have monumental section dedicated to several common religions. Walgett and Lightning Ridge offer interments into memorials walls. Walgett is the only cemetery that offers interments into lawn sections dedicated to several common religions.

Note: Council cemeteries have areas that are set apart for the use of various religions but such setting apart does not entitle the authorities or members of any religious group to control in any

manner the making of interments in any division so set apart, or to exclude any body from being buried therein.

Animal burials are prohibited in Council Cemeteries.

COUNCIL RESPONSIBILITIES

As defined in the various acts and regulations governing public cemeteries Council provides the following:

- Authority to permit reservations, burials, erection of monuments and excavations
- Registration of interment rights, burials and monuments
- Upkeep of cemetery grounds
- Excavation and plaque installation* services
- Vehicle access
- Signage

* For lawn and memorial wall sections only

GENERAL CEMETERY RULES

A person must not do any of the following within a cemetery:

- a) Damage, deface, interfere with or alter burial sites;
- b) Damage, deface, interfere with or alter monuments;
- c) Bury, inter or exhume any human remains, whether cremated or not;
- d) No dogs are permitted in the Cemetery unless on a leash;
- e) Drive a vehicle at a speed of more than twenty (20) kilometres per hour;
- f) Camp or reside on any cemetery land;
- g) Possess or consume an alcoholic or intoxicating beverage or substance;
- h) Urinate or defecate;
- i) Bring or leave any rubbish, refuse, scrap metal, rock, soil, sand or any other such substances;

HOURS OF OPERATION

All cemeteries are open to the public between sunrise and sunset. Cemetery services are available on business weekdays between 8:15am and 4:30pm. Outside these working hours can attract out-of-hours, weekend and public holiday fees. Council does not provide burial services on the following days

- Australia Day
- Christmas Day
- Boxing Day
- New Year's Day
- Good Friday through to Easter Monday
- ANZAC day

Christmas – New Year Period

Council's office is closed during the Christmas – New Year period.

VEHICLE ACCESS

All vehicles are restricted to the provided roads in the cemeteries. Council vehicles and plant, undertaker vehicles and plant and vehicles for the disabled are exempt.

FLOWERS AND ORNAMENTS

Flowers can be placed near or on graves/memorials, further restrictions apply to lawn section plots. Fresh or limited artificial flowers are welcome tributes. These should be housed in the approved containers provided. Visitors are encouraged to remove such items when they become unsightly, weathered or wither.

Floral tributes, both fresh and artificial, or other items that encroach on neighbouring memorials or graves will be removed without notice. Glass vases, jars or other non-approved receptacles, ornaments, flags, photo frames, candles, toys, solar lights, windmills and wind chimes etc. are not permitted and will be removed.

Council will, at its discretion, remove withered or weathered floral arrangements and keep the grounds neat and tidy should any tributes deemed unsuitable or unsightly. Ornaments re-located by cemetery staff may be retrieved from the administration office building. The cemetery reserves the right to dispose of items two weeks after being removed. These items are not to be placed back on the grave or memorial.

BURIAL PLOT RESERVATION

The Reservation of a burial plot exclusively entitles the holder to purchase an Interment Right over the identified burial site at a later date following receipt of the appropriate Reserve Application Form and applicable fee. This does not give the holder any right to inter/construct/modify the cemetery grounds.

If it is found that a Reserved site has inadvertently been used due to Council's error the original holder of the right will be offered a replacement site, as close to the original site as possible, at no additional cost. The original Reservation must be returned to Council and a new Reservation will be issued.

Transferring or Relinquishing a Reservation - the Reservation may be transferred to another person or back to Council. Council will record any transfer upon satisfactory completion of a Transfer/Relinquish of Reservation application form. Council will not refund the initial fee paid to the customer. The application form for transfer must be signed by transferors and transferees. Where the holder of the Reservation is deceased the written consent of the rightful successor of the owner must be produced. No administration fee is charged. The original Reservation is extinguished and a new Reservation is issued to the new holder.

Proof of ownership of a right of burial may be required if:

- A person is claiming ownership of a Reservation Right; and
- A person requests right of burial information.

Reservation information is kept strictly confidential and not given out to any person who does not have the legal right to obtain the information. The registers can be used as verification that a Reservation has been granted in respect of any burial.

Council will revoke reservations and refund fees to next of kin when the deceased person is interred at an alternative location.

Reservations cannot be on-sold to another person and each reservation must be approved by Council. Applications for multiple sites must demonstrate sufficient reason to hold the multiple sites. Multiple sites will be allocated at the discretion of Council to allow access for all residents.

INTERMENT RIGHTS (Formally Right of Burial)

An Interment Right gives the nominated holders the right to inter the remains of a deceased person/s who meets the criteria as specified on the Interment Right certificate following the receipt of the appropriate Interment Right form and applicable fee. The Interment Right and Order for Interment certificates must be issued by Council prior to any interments taking place.

Interment rights are only issued on the initial interment into a burial site, any subsequent interments only require an Order for Interment certificate.

No more than two coffin interments may be buried in the same plot. A coffin interment will not be performed after interment of Ashes. The same burial plot cannot be reopened for a period of 6 months due to health and safety reasons.

Specific Cultural/religious requirements are to be specified on the application form. Council will endeavour to grant these requirements based upon Council's Workplace Health and Safety Policy and availability of suitable skilled staff and equipment.

The Interment Right also entitles the holders to construct memorials over the plot site as permitted in that section of interment.

Council only offers perpetual Interment Rights.

Where burials occurred before July 2019 the Right of Burial will be considered to be the Interment Right with any entitlements being transferred to the nominated next of kin or following the rules of intestacy.

ORDER FOR INTERMENT (Formally Burial Permit)

The Order for Interment is the approval for the remains of the deceased to be interred into Council's cemetery. An Order for Interment form must be completed and the appropriate fee paid prior to any burial taking place. Should the application forms be submitted post interment Council reserves the right to charge late fees on top of the applicable fees.

BURIALS AND ASH INTERMENTS

Two working days' notice must be given to allow sufficient time for grave digging to be completed. Friday and Weekend burials require three working days' notice. Burials with less than 48 hours will be considered in exceptional circumstances. Internments requiring attendance of Council staff shall take place within the following hours:

- Weekdays – Between the hours of 8.30am and 4pm.
- Weekends and Public Holidays– Between the hours of 9am and 3pm.
(Additional fees are payable).
- Outside normal working hours – Will only be permitted by arrangement.
(Additional fees are payable).

Council's Application for Interment Right form (if not previously obtained) and Order for Interment form must be completed prior to any burial taking place.

Interment must be conducted by an approved undertaker instructed by the next of kin or executor of the estate of the deceased. The transportation, storage of bodies, and burial are to be in accordance with the relevant acts and regulations in force at that time.

Digging of graves shall only be undertaken by Council staff or contractors approved by Council. Council is not responsible for reimbursement of any costs or charges made by other parties. Burial depth for single interments is a minimum of 1.5 metres and for double interments is 2.1 metres.

To facilitate the digging of a new grave or reopening of an existing grave in the monumental section of Councils cemeteries, it may be necessary to remove an existing monument to gain access to the site. Council staff will notify the family (of the owner/s of the monument to be moved) if their contact details are known. The removal of existing monuments also includes in the surrounding area that limits access to the gravesite by Council staff and machinery.

All bodies for interment must be encased in a coffin with the lid securely sealed. Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as the attendees have vacated.

Burial fees are reviewed annually by Council and are charged as adopted in Council's Annual Management Plan.

Allotment Sizes

Burial allotment sizes are as follows:

- Lawn section 1.2m x 2.4m
- Monumental Section 900mm x 2.4m

Re-Opening of Graves (Multiple Interments)

Council will allow the reopening of graves at all cemeteries subject to the following conditions:

- Comply with the provisions of the Public Health (Disposal of Bodies) Regulation 2002.
- The first interment was dug to double depth.
- Monumental Sections Only - When the removal of monument slabs and headstones are required, Council staff will take all reasonable care not to cause any damage, however if a monument slab or headstone is inadvertently damaged during this process Council will not be held responsible for any repairs.
- When a grave is opened for a second burial, the excavation shall be made so as to leave a layer of undisturbed earth not less than 300mm in thickness above the lid of any coffin already in the grave. The upper surface of the second coffin is to be at least 900mm below the natural ground surface level.

Shallow Burials

Where the upper surface of a coffin is less than 900mm below the natural surface level of the soil further approval and conditions apply.

The body of the deceased person must be contained in a coffin or casket. The distance from the top of the lid of a grave liner to the natural ground surface is reduced from the mandatory 900mm to not less than 400mm, and should be as deep as possible.

Applications for a shallow burial must be made to the Area Health Service Public Health Unit on the appropriate application form. The applicant should provide information requested in the application form and plan and methodology of the interment.

MEMORIAL WALL INTERMENTS

Purchase of Interment Rights for niches in the Memorial Walls must be made prior to ashes being interred. Reservations can be made for Memorial Wall niches.

In some cases Council staff may need to transfer the ashes into a suitable container that will fit into the niche. This may result in some ashes not being able to be interred. Any remaining ashes not collected by family members within six (6) months of interment will be scattered in the memorial garden.

An approved plaque must be provided to Council before interment and can be purchased either through Council or third party. Standard plaque size is 180mm x 180mm in the Walgett Cemetery Memorial Wall and 140mm x 100mm in the Lightning Ridge Memorial Wall. Other sized plaques are permissible where they do not encroach on neighbouring niches and cover the opening entirely. Plaques may cover multiple niches where the plaque directly relates to the ashes interred in the covered niches and correct fees paid.

Non-compliant plaques that do not comply with Council specifications or have been installed without approval may be removed by Council staff and the ashes scattered in the memorial garden. A thirty (30) day period of grace will be given to allow for the removal of the illegal plaque or the lodgement of a plaque application form and applicable fees paid.

Existing arrangements with the local funeral directors for the disposal of unwanted ashes will remain in place. Interment of ashes in headstones, niches or graves must be carried out by Council staff.

SCATTERING OF ASHES

Council allows the scattering of ashes in Council operated cemeteries. Ashes may be scattered anywhere except the Lawn sections and on burial plots without the approval of the Interment Right holders. The form for Scattering of Ashes is to be completed and submitted to Council, there is no fee for the scattering ashes.

HEADSTONES AND MEMORIALS

Before an Australian service emblem can be placed on a memorial plaque permission must be obtained from the Office of Australian War Graves prior to ordering any plaque.

Monumental Sections

Base of monuments must be no larger than 1m x 2.4m, must not encroach upon neighbouring grave sites, and non-offensive in design. All monumental work in Council Cemeteries is to be carried out by licensed monumental masons who have the relevant qualifications and carry Public Liability Insurance cover. All works must be approved by Council and have written permission from the Interment Right holder by providing a completed application form and any appropriate fees paid.

Illegal headstones and headstones that do not comply with Council specifications will be removed by Council staff if they remain in situ after a notification to rectify has been issued to the owner of the headstone. A thirty (30) day period of grace will be given to allow for the removal of the illegal headstone or the lodgement of a headstone application form. This also applies to other illegal

structures, including plaques laid directly onto the concrete beam. Cemetery crosses less than 1m high staked directly into the ground do not require permission but must still comply with the stated restrictions.

The erection of vaults and other forms of above ground interments are not permitted in cemeteries in the Walgett Shire local government area.

Council accepts no responsibility for the maintenance or repair of monuments irrespective of the cause of the need for maintenance or repair.

Lawn Sections

The lawn section is restricted to cemetery crosses less than 1m high staked directly in to the ground and 600mm x 600mm concrete plinths with attached plaques measuring 380mm x 215mm. The installation of a plaque in the lawn section must be made by completing the Application to Install Plaque and appropriate fee paid. Plaques can be purchased and installed through Council or a third party.

Flowers are limited to approved receptacles that are placed on top of the concrete plinth or at the base of a cross. Ornaments non-compliant monuments in the lawn section may be removed at Councils discretion where they limit Council from performing maintenance activities in the lawn section. The Interment Right holder/family will be requested in writing to remove the items within 30 days. If removed by Council they will be available for retrieval for 2 weeks at the local office/depot, not to be re-installed on the grave site.

Beam Sections

The concrete beams are the base for any future monument to be installed on. These monuments are to be in the form of an angled plinth with plaque or headstone. The beam section is restricted to cemetery plaques less than 500mm high and fixed directly to one side of the concrete plinth.

The installation of a plaque in the beam section must be made by completing the Application to Install Plaque and appropriate fee paid. Plaques can be purchased and installed through Council or a third party.



EXHUMATIONS

Exhumations without approval are prohibited. The Coroner has the right to order an exhumation at any time or the Director-General may approve an exhumation, both with minimal notice.

Exhumations must be carried out in accordance with the “Guidelines for Approval and Approval Procedures for Exhumations” produced by NSW Health and with any cultural or religious practices as specified by the interment right holder.

Where an elective exhumation (approved by the Director-General) has been completed, the Right of Burial of the deceased and their heirs and successors is deemed to have been forfeited. All elective exhumations must include full restoration of the site including the removal of any monumental works erected.

After receiving approval by the Director General, an Application for Exhumation (Attachment 6) must be completed and the appropriate fee paid prior to any exhumation taking place. All exhumations must be carried out by a recognized Undertaker/Funeral Director.

Removal of Ashes

All applications to have cremated remains removed from any cemetery for any reason, must be made in writing and be signed by family members of the deceased or the Executors of the Estate. Removal of ashes must be carried out by Council staff. An administration fee will be payable for this service. Additional fees may also be payable if the entrance of the niche is damaged during the removal of the memorial plaque.

Records

A register of burials will be kept by Council in respect to all burial places under Council’s control (where records are available).

A register of reservation plots/sites is kept by Council. Only reservations listed in this register will be honoured. Reservation arrangements made with a third party may not be honoured as Council's register supersedes all other arrangements.

Registers may be kept in electronic and written forms by Council. Council maintains a burials database available through the Walgett Shire website.

Access to complete burial records must be made to Council. Records older than 30 years are considered public information however access to records less than 30 years are subject to legislated privacy restrictions.

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 site with the exception of the historical records where this information may not have been obtained.