

MANAGEMENT OF LOCAL GOVERNMENT CEMETERIES AND UNDERTAKING REGULATED ACTIVITIES REGARDING HUMAN REMAINS PROCEDURE

1. Scope

The Management of Local Government Cemeteries and Undertaking Regulated Activities Regarding Human Remains Procedure (this 'Procedure') applies to all local government cemeteries and to the undertaking of regulated activities regarding human remains within the Livingstone Shire.

2. Purpose

The purpose of this Procedure is to:

- 1) Provide a Council endorsed framework to enable staff to manage local government cemeteries within the Livingstone Shire in a way which is supported by Council and the community;
- 2) Disseminate Council's expectations to employees to ensure they are providing a community service of the highest standard to both the deceased and the bereaved;
- 3) Ensure that all local government cemeteries within the Livingstone Shire are managed in a consistent manner that is acceptable to Council, the community and the bereaved;
- 4) Ensure that the disposal of human remains is undertaken in a respectful, timely and dignified manner; and
- 5) Provide criteria for the assessment of applications for undertaking regulated activities regarding human remains and to ensure that applications are treated in a consistent manner.

3. Related Documents

Primary

Management of Local Government Cemeteries and Undertaking Regulated Activities Regarding Human Remains Policy

Legislative reference

Defence Force Regulations 1952 (Cth) s 31

Land Act 1994

Local Law No. 1 (Administration) 2011

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Queensland Heritage Act 1992

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Subordinate Local Law No. 1.13 (Undertaking Regulated Activities Regarding Human Remains) 2011

Related documents

Australian Standard - AS 3972-2010 : General purpose and blended cements

Australian Standard - AS 2870-2011 : Residential slabs and footings
 Australian Standard - AS 3600-2009 : Concrete structures
 Cemeteries - Application for a Permit – Bringing and Disposing of Human Remains
 Cemeteries - Application for a Permit – Memorials
 Cemeteries - Application for a Permit – Reserve a Burial Site
 Cemeteries - Application for Restrictions or Closure of a Burial Site
 Cemeteries - Application to Retain or Relinquish a Burial Right
 Department of Environment & Heritage Protection General Exemption Certificate
 Queensland Heritage Places
 Department of National Parks, Sport & Racing Operational Policy – Request for burials and scattering of cremation ashes
 Department of Natural Resources & Mines - Burials on lands administered under the *Land Act 1994* (PUX/901/653 – SLM/2013/402)
 Record Management Directive
 Workplace Health and Safety Queensland Guide for the Funeral Industry

4. Definitions

To assist in interpretation, the following definitions shall apply:

Adornment	Includes vases and other receptacles for holding flowers and plants, plants, flowers, containers, toys, photo frames, candles, ornaments, wind chimes and any other trinket used to adorn a burial site.
Burial right	All of the following: a) An entitlement to be buried or inurned in a burial site; b) Authority to grant consent for the inurnment of cremated remains or the reopening of a grave for a further burial; c) Authority to give consent for others to be buried or inurned in a burial site; d) Request Council to impose restrictions on the future use of a burial site or close a burial site to future burials or inurnments; and e) An entitlement, which is shared with the next of kin of the deceased, to apply for and be granted permission to erect or install a memorial.
Burial right holder	A person nominated on the Cemeteries - Application for a Permit – Bringing and Disposing of Human Remains or a person who is deemed to be the burial right holder pursuant to Item 5.7 of the Policy.
Burial site	Any place in a local government cemetery set aside as a final resting place for the deceased including crypt, grave, mausoleum, niche or vault.
Columbarium	A structure with recesses in the walls (niches) designed for the inurnment of cremated remains.
Council	Livingstone Shire Council.
Cremated remains	Human remains that have undergone the cremation process and been reduced to small pieces of ash and bone and are contained within a receptacle.

Human remains	Has the same meaning as human remains in LL1 and includes cremated remains
Inurn	The act of placing cremated remains in a burial site. Inurnment has an associated meaning.
Ledger	A slab covering a grave or part thereof.
Letter of intention	Must state the reasons why human remains are to be disturbed and provide details of what the applicant intends to do with the remains (for example whether the remains are to be cremated or where they are to be re-buried).
Local government cemetery	Has the same meaning as local government cemetery in LL1.
LL1	<i>Local Law No. 1 (Administration) 2011.</i>
Lot	A separate, distinct parcel of land created on the registration of a plan of subdivision.
Memorial	Has the same meaning as memorial in SLL4.
Next of kin	A person's closest relative by blood or marriage.
Plinth	The cement beam which separates graves in the lawn cemetery.
Policy	Management of Local Government Cemeteries and Undertaking Regulated Activities Regarding Human Remains Policy.
QPWS	Queensland Parks & Wildlife Service.
Remembrance plaque	A plaque to be erected at a columbarium which is not accompanied by cremated remains.
Remembrance wall	A columbarium wall that has no niche recesses.
SLAM	State Land Asset Management Section of the Department of Natural Resources & Mines.
SLL4	<i>Subordinate Local No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.</i>
the sexton	Has the same meaning as sexton in SLL4.
War grave	Any burial site that falls under the purview of the Office of Australian war graves.

5. Procedure

5.1 Responsibilities of the Sexton

The responsibilities of the sexton include but are not limited to:

- 1) Allocation of burial sites;
- 2) Approval of applications for and making preparations for burial / inurnment of human remains and cremated remains in burial sites;
- 3) Ensuring the closure / sealing of burial sites is undertaken;
- 4) Recovering cremated remains;
- 5) The deeming of a burial right or burial right holder in accordance with Item 5.7 of the Policy;

- 6) Deeming burial sites relinquished to Council in accordance with Item 5.3 subsection 6) b) of this Procedure or Item 5.7 subsection 8) b) of the Policy or Item 5.8 subsection 2) of the Policy and offering a refund pursuant to 5.9 subsection 2) a) of the Policy;
- 7) Determining whether adornments are to be removed from a local government cemetery in accordance with Item 5.6 subsection 4) and disposing of in an appropriate manner;
- 8) Ascertaining whether (due to safety reasons or encroachment from other burials or memorials), a prepaid or reserved burial site is suitable for use and if not, offering an alternative burial site or refund in accordance with Item 5.8 subsection 1) of the Policy;
- 9) Deciding whether a funeral may be conducted due to weather conditions, ground conditions or any other factors that may disturb or prevent the conduct of a funeral in a safe manner;
- 10) Approving requests to secure a burial site for future use in accordance with Item 5.3 subsection 6) a);
- 11) Ensuring compliance with relevant legislation and the standards identified in Item 5.8;
- 12) Assessing and responding to applications for restricted activities and undertaking regulated activities regarding human remains;
- 13) Maintaining register/s in accordance with Item 5.2 of the Policy and Item 5.2 of this Procedure;
- 14) Ensuring any activities undertaken at the Joskeleigh Cemetery (The Sandhills South Sea Islander Historical Cemetery) which is listed as a Queensland Heritage Place, comply with the General Exemption Certificate Queensland Heritage Places from the Department of Environment & Heritage Protection; and
- 15) Where possible, facilitating specific cultural, traditional and religious requirements and associated ceremonial practices of the deceased and bereaved.

5.2 Register of Burials, Inurnments, Disturbance of Human Remains, Reservations and Prepaid Burials

A register/s of burials, inurnments, disturbance of human remains, reservations and prepaid burials are to record the following information where applicable:

- 1) Burials and inurnments
 - a) Burial site;
 - b) Date of birth of deceased;
 - c) Date of death of deceased;
 - d) Date of burial or inurnment;
 - e) Burial right holder (name, address and contact details);
 - f) Name of deceased;
 - g) Next of kin of the deceased (name, address and contact details); and
 - h) Funeral director.
- 2) Reservations and prepaid burials
 - a) Burial site;
 - b) Person authorised to be buried or inurned;
 - c) Burial right holder (name, address and contact details); and

- d) Next of kin of the burial right holder (name, address and contact details).
- 3) Disturbance of human remains
 - a) Burial site;
 - b) Date of birth of deceased;
 - c) Date of death of deceased;
 - d) Date of exhumation of human remains or recovery of cremated remains;
 - e) Burial right holder (name, address and contact details);
 - f) Name of deceased;
 - g) Next of kin of the deceased (name, address and contact details); and
 - h) Funeral director.
- 4) Scattering of cremated remains
 - a) Approximate location of scattering;
 - b) Date of birth of deceased;
 - c) Date of death of deceased;
 - d) Date of scattering;
 - e) Name of deceased; and
 - f) Next of kin of the deceased (name, address and contact details).
- 5) Remembrance plaques
 - a) Location of remembrance wall;
 - b) Date of birth of deceased;
 - c) Date of death of deceased;
 - d) Date of installation;
 - e) Name of deceased; and
 - f) Applicant (name, address and contact details).

5.3 Restricted Activities in Local Government Cemeteries

- 1) Carrying out a burial outside the hours during which burials may be performed as fixed by Council
 - a) For operational reasons, burials are to commence between the hours of 9am and 2pm on Monday to Friday (excluding public holidays). Mourners are required to depart the cemetery by 3pm to allow adequate time for burial sites to be backfilled.
 - b) Despite subsection 1) a), if the Chief Executive Officer authorises a burial to occur outside the hours of 9am and 4pm or on a Saturday, additional charges will apply in accordance with the Fees and Charges Register.
 - c) A burial within a vault or mausoleum must be held in the morning and mourners are required to depart the cemetery by 1pm to allow adequate time for proper sealing of the vault or mausoleum.
- 2) Bringing and disposing of human remains
 - a) Is permitted only with the written authorisation of the Chief Executive Officer and if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.
 - b) Applications:
 - i) For burial are to be lodged at least two business days prior to the proposed burial; and

- ii) For inurnment of cremated remains are to be lodged at least two business days prior to the proposed inurnment and must be accompanied by a plaque.
 - c) Cremated remains are to be delivered to the sexton at Council's Cordingley Street Depot.
 - d) At the sexton's discretion, cremated remains may be stored by Council for a maximum of three months after which the sexton may proceed with inurnment.
- 3) Digging or preparing a grave
- a) If a grave is to be dug or prepared at the Joskeleigh Cemetery (The Sandhills South Sea Islander Historical Cemetery), the activity must comply with the General Exemption Certificate Queensland Heritage Places; and
 - b) Is permitted only if the grave is dug or prepared by a person employed by Council; or
 - c) With the written authorisation of the sexton.
- 4) After a burial – reopening a grave for a further burial
- a) Is permitted only with the written authorisation of the sexton.
 - b) Applications are to be lodged at least two business days prior to the second burial.
 - c) Written authorisation can only be granted to the burial right holder for a second burial.
 - d) If the grave to be reopened is a war grave, the burial right holder is required to:
 - i) Notify the Office of Australian War Graves; and
 - ii) Provide a signed and witnessed statutory declaration stating that the Office of Australian War Graves has been notified and do not object to the further burial.
 - e) The sexton may only grant written authorisation if the second burial occurs within six days of the first burial or after one year of the first burial and a minimum of 800mm earth cover can be achieved (refer to Appendix 1 Diagram A); or
 - i) A minimum earth cover between 300mm – 800mm can be achieved; and
 - ii) The burial right holder pays Council to install a concrete cover in the grave as shown in Appendix 1 Diagram B.
 - f) Despite subsection e), the sexton may grant written authorisation for a further burial after six days of the first burial and before one year has elapsed if:
 - i) The sexton reasonably considers that the reopening of the grave is not likely to create a danger to public health;
 - ii) A minimum of 300mm earth cover can be achieved; and
 - iii) The burial right holder pays Council to install a concrete cover in the grave as shown in Appendix 1 Diagram B.
 - g) Because of the age and unknown construction standards of many memorials, if it is necessary to remove a memorial to facilitate a second burial and it is damaged, Council will not be responsible for replacement, repair or compensation.

- h) To reduce the possibility of damage to ledgers due to subsidence, they are not be replaced prior to 12 months after a second burial; and
 - i) If the sexton has approved an Application for Restrictions or Closure of a Burial Site, nothing in this section authorises the re-opening of the burial site or an action which contradicts the restrictions.
- 5) Erecting or installing a memorial to a deceased person
- a) Is permitted only with the written authorisation of the Chief Executive Officer.
 - b) The Chief Executive Officer may only grant written approval to the burial right holder or next of kin of the deceased person to erect or install a memorial subject to conditions about how the work is to be carried out.
 - c) Despite subsection b), if the memorial is for:
 - i) A war grave ~ written approval can only be granted to the Office of Australian War Graves; and
 - ii) A grave where the burial right holder is the Department of Justice and Attorney-General, written approval can only be granted to that Department.
 - d) If the memorial is to be erected or installed at the Joskeleigh Cemetery (The Sandhills South Sea Islander Historical Cemetery), the applicant must comply with the General Exemption Certificate Queensland Heritage Places.
 - e) If approval is sought to install a ledger, the written authorisation must state that work cannot commence prior to 12 months after the burial to avoid damage due to subsidence.
 - f) To minimise any negative effects on a funeral, the written approval may specify when the work is to be conducted.
 - g) Prior to the erection or installation of a memorial, the sexton must identify and mark the burial site.
 - h) If the memorial is a headstone or structure:
 - i) The application must be accompanied by a full design showing footings and elevations;
 - ii) It must be designed and constructed according to sound engineering principles to provide a stable monument that is durable, serviceable and which provides satisfactory performance for the life of the monument;
 - iii) The work must be done by an appropriately qualified professional and must be carried out in accordance with the requirements of the design as contained in the drawings or specifications, or both approved by Council;
 - iv) A copy of a current certificate of public liability insurance in the amount of \$10,000,000 for the qualified professional undertaking the work must be provided; and
 - v) The work is to be conducted in accordance with Appendix 3.
 - i) Plaques for a columbarium or a plinth must be installed by Council staff with the exception of granite plaques which are to be installed by an approved contractor.
 - j) To preserve niche space, a remembrance plaque can only be installed on a remembrance wall.
 - k) The inurnment of the second cremated remains in a double niche will require removal and reinstallation of a plaque. Council will not be responsible for

replacement, repair or compensation in the event the plaque is damaged.

- l) If the sexton has approved an Application for Restrictions or Closure of a Burial Site, nothing in this section authorises an action which contradicts the restrictions.

6) Reserving a niche or site

Council has an obligation to efficiently and effectively use its resources for the long term benefit of the community. Proactive planning and management strategies with a clear focus on the provision of both essential services and social infrastructure is required to ensure the long term sustainability of cemetery land. One method to address these issues relates to reservation of burial sites. This section is aimed at ensuring future availability of burial sites.

- a) Subject to the sexton being of the opinion that there are sufficient burial sites available, the sexton may issue a Certificate of Reservation for a Burial Site for one burial site only, subject to the applicant:
 - i) Lodging a completed Cemeteries - Application for a Permit – Reserve a Burial Site;
 - ii) Paying the inurnment/burial site fee and inurnment/burial fee in accordance with the Fees & Charges Register;
 - iii) Agreeing to relinquish the burial site if it remains vacant for a period of 25 years after the date of the Certificate; and
 - iv) Agreeing to keep Council informed of up to date contact information;
- b) If the sexton is of the opinion that a burial site which was reserved in accordance with this section has remained vacant for a period of 26 years or more, the sexton may deem the burial site relinquished to Council and grant its use to a party other than the original burial right holder.
- c) Before deeming a burial site relinquished to Council, the sexton must make reasonable attempts to contact the burial right holder to ascertain the likelihood of the burial site being utilised.
- d) If a burial right holder wishes to relinquish the vacant burial site, they must lodge a Cemeteries - Application to Retain or Relinquish a Burial Right. Council will approve the request and offer a refund in accordance with Item 5.9 subsection 2) a) of the Policy.
- e) If the sexton deems a vacant burial site relinquished to Council, the burial right holder will be offered a refund in accordance with Item 5.9 subsection 2) a). If the burial right holder cannot be located, they may apply to Council for release of the refund up to a period of ten years after the burial site was deemed to be relinquished.

7) Carrying out maintenance or repair work on a memorial to a deceased person

- a) The sexton may grant written approval to a member of the family of the deceased person or another person who has a proper interest in the maintenance of the memorial.
- b) Despite subsection a), if maintenance or repair work is to be carried out on the memorial of a war grave, written approval can only be granted to the Office of Australian War Graves.
- c) An application to carry out maintenance or repair work on a memorial must be accompanied by a signed and witnessed statutory declaration which states the nature of the applicants relationship with the deceased or details why the applicant has a proper interest in the maintenance of the memorial.

- d) If maintenance or repair work is to be carried out at the Joskeleigh Cemetery (The Sandhills South Sea Islander Historical Cemetery), the applicant must comply with the General Exemption Certificate Queensland Heritage Places.
- e) The written approval may be subject to conditions about how the work is to be carried out.
- f) To minimise any negative effects on a funeral, the written approval may specify when the maintenance or repair work is to be conducted.
- g) Despite subsection a), some memorials may be deemed to be a safety risk. In these instances approval will not be granted.
- h) Prior to maintenance work being undertaken, the sexton must identify and mark the burial site.
- i) The cemeteries identified as reserves in Item 5.1 of the Policy are subject to the provisions under s 80 of the *Land Act 1994* which authorises Council to '*repair or remove structures, monuments or tombstones if the repair or removal is necessary for public health and safety*'. This provision is subject to the *Queensland Heritage Act 1992*.
- j) Standards for construction of headstones and monuments – Refer to Appendix 3.

5.4 Undertaking Regulated Activities Regarding Human Remains

- 1) Disturbance of human remains buried outside a cemetery
 - a) All applications:
 - i) Are to be lodged at least 15 days prior to the proposed disturbance;
 - ii) Must include or be accompanied by:
 - A letter of intention;
 - Details of where the human remains are located;
 - A signed and witnessed statutory declaration stating that the applicant is:
 - The landowner; or
 - The next of kin of the deceased and that they have consent from the owner of the land on which the human remains are buried.
 - A certified copy of each approval required including authority under the *Coroners Act 2003* (if applicable);
 - Details of how and when the disturbance is to be undertaken;
 - Evidence of:
 - The identity of the deceased;
 - The wishes of the deceased (if possible); and
 - The wishes of the relatives of the deceased.
 - A signed and witnessed statutory declaration from a funeral director or other appropriately qualified professional stating that they have been appointed to undertake the disturbance and transportation of the human remains on behalf of the applicant (not required for cremated remains);
 - A current copy of the funeral directors (or other qualified professional):

- Confined space training qualifications to work in and around trenches and confined spaces; and
- Public liability and indemnity insurance in the amount of \$10,000,000.

(not applicable to cremated remains)

- The written agreement of the owner of the land on which the remains are buried as detailed below:
 - Freehold land ~ consent from the landowner;
 - Land under the control of QPWS ~ consent from QPWS; or
 - Land administered under the *Land Act 1994* (other than recognised burial places) ~ consent from SLAM.

Written agreement must also be provided from anyone else with a registered interest in the land.

- b) Staff assessing applications must obtain a title search to determine land tenure and who has control over the land;
 - c) Approval can only be granted to the owner of the land on which the human remains are buried or the next of kin of the deceased if they have the written agreement of the landowner or anyone else with a registered interest in the land on which the remains are buried;
 - d) Approval may only be granted if the disturbance occurs within six days of the burial or after one year of the burial (not applicable to cremated remains); and
 - e) If an application is approved, the disturbance and transportation of the human remains must be undertaken by a qualified professional such as a funeral director, who has:
 - i) Confined space training qualifications to work in and around trenches and confined spaces; and
 - ii) Public liability and indemnity insurance in the amount of \$10,000,000.
- (not applicable to cremated remains)

2) Burial or disposal of human remains (excluding cremated remains) outside a cemetery

- a) It is acknowledged that a particular burial place on land outside a local government cemetery or recognised cemetery may hold special value to the deceased or their family; however Council is of the view that the existence of burial places on unrecognised burial grounds may interfere with further dealings with that land and should be avoided wherever possible.
- b) Assessment of an application requires careful consideration by Council and a desire to meet the wishes of the bereaved should not outweigh the need to comply with Councils local laws, planning instruments, policies and this procedure.
- c) An application can only be considered if it does not result in the burial or disposal of two or more human remains on a lot (if there will be two or more human remains on a lot, refer to Item 5.4 subsection 2) of the Policy).
- d) It is recommended that applications be lodged with Council in advance of the death of the person to be buried or disposed of.
- e) Applications are to be lodged a minimum of 15 days prior to the proposed burial or disposal and must include or be accompanied by:
 - i) A certified copy of each approval required including authority under the *Coroners Act 2003* (if applicable);

- ii) A signed and witnessed statutory declaration stating that the applicant is the next of kin of the deceased or the person proposed to be buried or disposed of;
- iii) Details of:
 - The location at which the human remains are to be buried or disposed of; and
 - The nature of the ceremony (if any) to be conducted at the time of the burial or disposal.
 - How and when the remains are to be buried or disposed of;
- iv) Evidence of the:
 - Identity of the deceased; and
 - The wishes of the deceased and the relatives of the deceased.
- v) The written agreement to the burial or disposal from the owner of the land on which the burial or disposal is to take place as detailed below:
 - Freehold land ~ consent from the landowner;
 - Land under the control of QPWS ~ consent from QPWS; or
 - Land administered under the *Land Act 1994* (other than recognised burial places) ~ consent from SLAM.

Written agreement must also be provided from anyone else with a registered interest in the land.

- f) Applicants are required to demonstrate:
 - i) Why burial in a local government cemetery is not appropriate;
 - ii) That the person to be buried or disposed of had a significant association to the land that was:
 - Historical
(direct and continuous association of at least three generations to the land and has resided on the land for at least 30 years); or
 - Traditional or cultural
(a significant traditional or cultural association to the land and the land is a demonstrated traditional burial place).
 - iii) That the proposed burial place will:
 - Not result in contamination of drinking water or a domestic supply;
 - Be located 100 metres or more from any property boundary;
 - Not be visible from any property boundary; and
 - Be located 50 metres or more from any creek, watercourse or dry gully, preferably on high ground not affected by flooding.
 - iv) That the land on which the burial or disposal is proposed to take place has a minimum area of 10 hectares and is either zoned rural or in a rural area; and
 - v) If the burial or disposal is to take place on freehold land, the applicant must also demonstrate that the person to be buried or disposed of is an immediate relative of the current registered landowner and the land has been owned by the family of the person to be buried or disposed of for at least 30 years.
- g) Staff assessing such applications are to obtain a title search to determine land tenure and who has control over the land.
- h) Approval may only be granted to:

- i) The next of kin of the deceased; or
 - ii) The person who is proposed to be buried or disposed of) if they have written consent from the owner of the land on which the burial or disposal is to take place and the written agreement of anyone else with a registered interest in the land.
- i) If an application is approved:
 - i) The applicant will be required to provide Council with GPS coordinates of the burial place and in the case of freehold land, to also install a marker and fence off the burial place; and
 - ii) The sexton must organise for the inclusion of a condition against the property in Councils land record regarding the burial or disposal.
 - j) For further information regarding land under the control of QPWS - Refer to the Department of National Parks, Sport & Racing Operational Policy – Request for burials and scattering of cremation ashes (QPW/2015/1361).
 - k) For further information regarding land administered under the *Land Act 1994* (other than recognised burial places) - Refer to the Department of Natural Resources & Mines Policy – Burials on lands administered under the *Land Act 1994* (PUX/901/653 – SLM/2013/402).
- 3) Disturbance of human remains in a local government cemetery

This subsection does not apply to an order from the State Coroner (refer to Item 5.5).

- a) Applications are to be lodged at least 15 working days prior to the proposed disturbance and must include or be accompanied by:
 - i) A letter of intention;
 - ii) Details of the burial site at which the human remains are located;
 - iii) Details of how and when the disturbance is to be undertaken;
 - iv) A signed and witnessed statutory declaration stating that the applicant is the next of kin of the deceased or the burial right holder;
 - v) If the next of kin is not the burial right holder ~ a signed and witnessed statutory declaration from the burial right holder that they consent to the disturbance;
 - vi) If the burial site is a war grave ~ a certified copy of written consent to the disturbance from the Office of Australian War Graves;
 - vii) If the burial right holder is the Department of Justice and Attorney-General ~ a certified copy of written consent to the disturbance from that Department;
 - viii) Evidence of:
 - i) the identity of the deceased;
 - ii) the wishes of the deceased (if possible); and
 - iii) the wishes of the relatives of the deceased.
 - ix) A certified copy of each approval required including authority under the *Coroners Act 2003* (if applicable);
 - x) A signed and witnessed statutory declaration from a funeral director or other appropriately qualified professional stating that they have been appointed to undertake the disturbance and transportation of the human remains on behalf of the applicant (not applicable to cremated remains); and
 - xi) A current copy of the funeral directors (or other qualified professional):

- Confined space training qualifications to work in and around trenches and confined spaces; and
 - Public liability and indemnity insurance in the amount of \$10,000,000.
- (not applicable to cremated remains).
- b) Approval can only be granted:
- i) To the next of kin of the deceased or the burial right holder; and
 - ii) If the disturbance occurs within six days of the burial or after one year of the burial (not applicable to cremated remains).
- c) If an application is approved to disturb human remains that are not cremated remains:
- i) Council staff will excavate the burial site to within approximately 400mm of the human remains, install shoring and a temporary grave cover and after the disturbance, backfill the burial site; and
 - ii) The disturbance must be undertaken by a qualified professional such as a funeral director, who has:
 - Confined space training qualifications to work in and around trenches and confined spaces; and
 - Public liability and indemnity insurance in the amount of \$10,000,000.
- d) If an application is approved to disturb cremated remains, Council staff will recover the remains and deliver possession to the applicant.
- e) To reduce the likelihood of the public being exposed, the disturbance should occur as early in the morning as possible.
- f) If the disturbance is of human remains that are not cremated remains and the burial site is vacant after the disturbance, the burial right is extinguished and reverts to Council. The applicant will not be entitled to a refund or an alternative burial site.
- g) If the disturbance is of cremated remains and the burial site is vacant after the disturbance and the burial right holder wishes to relinquish the burial site, they must lodge a Cemeteries - Application to Retain or Relinquish a Burial Right. Council will approve the request and offer a refund of the burial site fee in accordance with Item 5.9 subsection 2) a) of the Policy.
- h) If the disturbance results in the burial site being either extinguished or relinquished, the applicant is required to remove any memorials within 60 days of the disturbance after which Council can undertake removal and disposal in any way deemed appropriate by the sexton. Council will not be responsible for replacement, repair or compensation for damaged or destroyed memorials.
- i) If the sexton has approved an Application for Restrictions or Closure of a Burial Site, nothing in this section authorises an action which contradicts the restrictions.

5.5 Order from State Coroner to Exhume Human Remains or Recover Cremated Remains

- 1) To reduce the likelihood of the public being exposed, the exhumation or recovery should occur as early in the morning as possible.
- 2) The sexton must identify and if appropriate, mark the burial site and direct the

State Coroners representative to the location of the burial site.

- 3) Recovery of cremated remains is to be undertaken by the State Coroners representative.
- 4) If an exhumation of a body is to occur within six days of the burial or after one year of the burial and the burial site has no memorial, Council staff will:
 - a) Excavate the burial site to within approximately 400mm of the body;
 - b) Install shoring and a temporary grave cover;
 - c) Backfill; and
 - d) Excavate and backfill the burial site upon return of the body.
- 5) If an exhumation of a body is to occur after six days of the burial and before one year has passed or the burial site has a memorial, the activities of Council staff are limited to identifying and marking the burial site and directing the State Coroners representative to the location of the burial site. The State Coroners representative must appoint an appropriately qualified contractor to excavate and backfill the burial site and implement safety measures for example shoring.
- 6) If there is a memorial which needs to be relocated to facilitate an exhumation or recovery, the State Coroners representative will be responsible for the relocation. Council will not be responsible for replacement, repair or compensation in the event the memorial is damaged.
- 7) The exhumation must be undertaken by a qualified professional such as a funeral director, who has:
 - a) Confined space training qualifications to work in and around trenches and confined spaces; and
 - b) Public liability and indemnity insurance in the amount of \$10,000,000.

NOTE: For consistency with State legislation, in Item 5.5 - exhume/exhumation has been used in place of disturb/disturbance.

5.6 Adornment of Burial Sites

- 1) Due to interference with maintenance activities and potential safety issues, a person must not, in a local government cemetery within the Livingstone Shire:
 - a) Place any adornment on grassed areas;
 - b) Plant any tree, plant, shrub or other vegetation; or
 - c) Place any adornment that can hold water and breed mosquitos.
- 2) Despite subsection 1, fresh flowers can be placed on the grassed area of burial sites if they are not wrapped or in a container and have rubber bands.
- 3) Minimal adornments may be placed on a plinth or memorial provided they do not:
 - a) Intrude into the plinth area or cause angst to the bereaved of neighbouring burial sites;
 - b) Interfere with maintenance activities; or
 - c) Cause a safety risk.
- 4) Any adornment that causes a safety issue, interferes with maintenance, is unsightly, unsuitable, withered, deteriorated, damaged or placed on the ground surrounding a columbarium will be removed and disposed of in any manner the sexton deems appropriate.
- 5) Council will not be responsible for replacement, repair or compensation in the event an adornment is damaged or disposed of by the sexton.

5.7 Number of Burials or Inurnments

- 1) At the sexton's discretion, approval may be granted for a maximum of two coffins and fourteen cremated remains receptacles to be placed in a grave.
- 2) Despite subsection 1), if geotechnical issues prevent a grave being dug to a standard depth of 2.2m, only one coffin is permitted.
- 3) In assessing whether to approve an application to inurn ashes in a grave, the sexton must give consideration to limitations associated with space and relocation of the ledger (if applicable).
- 4) Cremated remains may only be inurned in a grave if a minimum earth cover of 300mm can be achieved.
- 5) Depending on their location in a grave, cremated remains may require recovery before a burial can occur.
- 6) The size of and number of burials permitted in a mausoleum are at the discretion of the sexton.
- 7) A maximum of two cremated remains receptacles can be inurned in a burial site in the Ashes Garden.
- 8) If the sexton has approved an Application for Restrictions or Closure of a Burial Site, nothing in this section authorises the re-opening of the burial site or an action which contradicts the restrictions.

5.8 Standards

Council adopts the following standards in relation to Local Government Cemeteries. All measurements are in millimeters.

- 1) Graves (refer to Appendix 2)

Length	2500
Width	800
Depth	2200

If geotechnical issues prevent a grave being dug to a standard depth of 2.2m, only one burial will be approved. Before allocating any non-standard depth grave for a burial, Council staff will seek consent from the burial right holder for the use of such a grave. The purchase price for a non-standard depth grave will be 60% of the usual purchase price. The burial right holder will be required to acknowledge in writing that no further burials will be authorised in the grave.

The lowering machine can accommodate coffins with a maximum weight of 360kg and a minimum weight of 50kg.

- 2) Receptacles for cremated remains to be placed in a niche or the Ashes Garden

Council has a columbarium located at Emu Park Cemetery which has single and double niches and a columbarium located at Yeppoon Cemetery with single niches. The approximate niche measurements are:

	Single	Double
Height	90	175
Width	120	120
Depth	240	240

A receptacle to be inurned in a niche or the Ashes Garden must comply with the following which are maximum measurements:

	Single
Height	80
Width	110
Depth	220

3) Memorials

a) Plaques

	Plaque for lawn cemetery		Plaque for Ashes Garden [^]	Plaque for remembrance wall
	single	multiple		
Length	380	1100*	380	170
Height	220	220*	220	140
Thickness	5		5	5
Material	Marble Bronze Stainless steel		Marble Bronze Stainless steel	Bronze Stainless steel

*This is a maximum measurement. The plaques/memorials can be smaller.

[^] The size of the monument that the plaque is attached to must not exceed 400mm x 400mm x 400mm and must be approved by the sexton.

	Plaque for columbariums				
	single niche	Yeppoon		Emu Park	
		landscape	double niche	double niche	double niche
	landscape		portrait	landscape	portrait
Length	170		420	170	420
Height	140	140	320	140	230
Thickness	5				
Material	Bronze Stainless steel				

If the design of the plaque includes a large border increase the above dimensions by 20mm.

- b) Monumental options

Refer to Appendix 3.

6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced or other circumstances.

7. Repeals/Amendments

This Procedure repeals the former Livingstone Shire Council Procedure titled 'Management of Local Government Cemeteries and Undertaking Regulated Activities Regarding Human Remains Procedure (v1)'.

Version	Date	Action
1	27/09/2016	Approved
2	10/11/2016	Amended Procedure Approved
2.1	04/12/2018	Administrative Amendments – reflect organisational restructure

DAN TOON
EXECUTIVE DIRECTOR INFRASTRUCTURE

APPENDIX 1

DIAGRAM A

Second burial occurs within six days of the 1st burial or after 365 days of the 1st burial

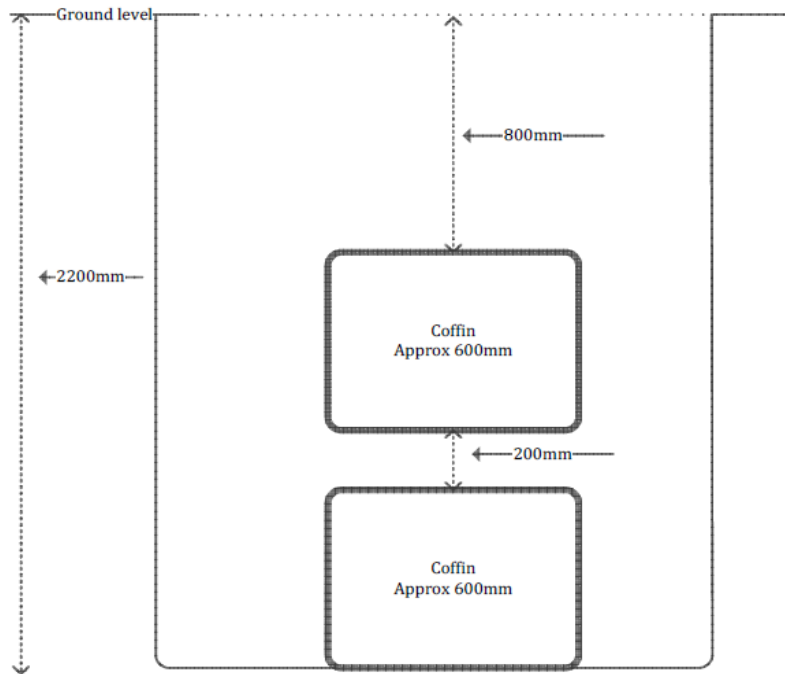
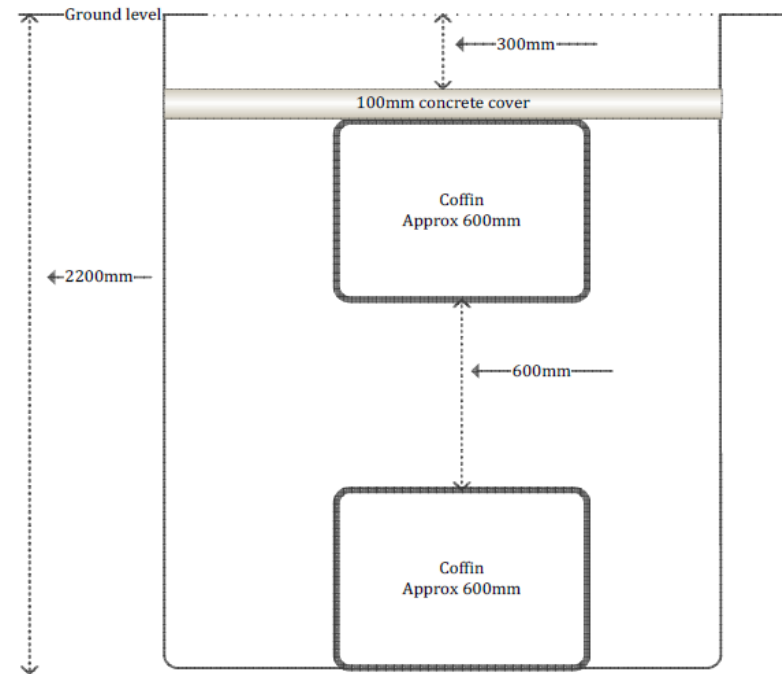


DIAGRAM B

Second burial occurs between day seven and before day 364 of the 1st burial

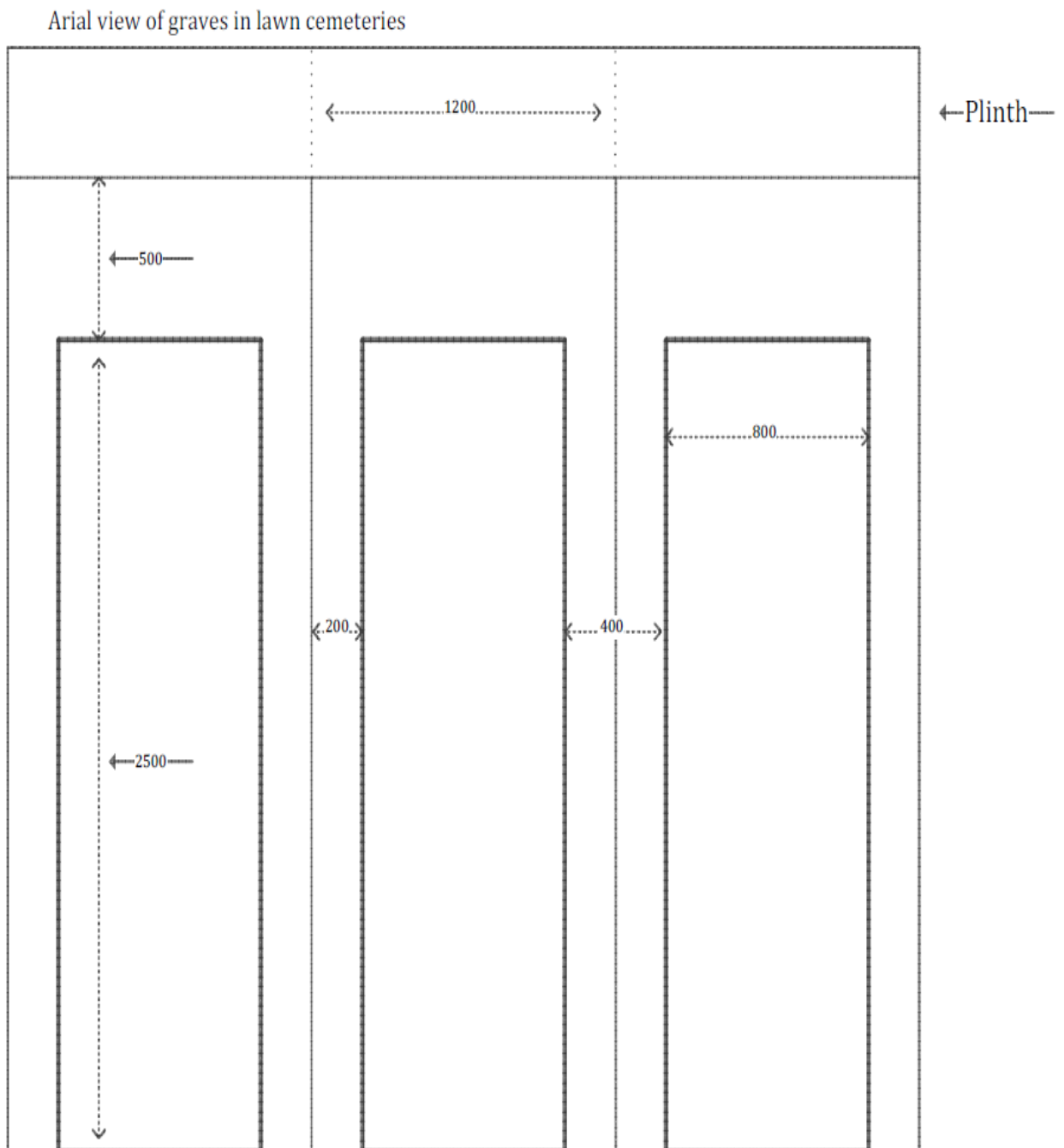


Graves are to be excavated to the depth shown above where conditions permit. However the presence of rock or excessive underground water may prevent compliance in some cases.

Historic practices mean that not all graves have been excavated to the above depths. A shallow grave will only be encountered at the time of re-opening for a further burial and therefore time in which to resolve the problem will be limited. A desire to meet the needs of the bereaved should not outweigh the need to comply with minimum cover requirements of Diagram B and under no circumstances should a burial be carried out where full compliance cannot be achieved.

No human remains shall be buried in such a manner that any part of the coffin is less than 400mm below the level of any ground adjoining the grave.

APPENDIX 2



Measurements in mm

APPENDIX 3

Standards for construction of headstones and monuments.

1. Definitions

The following definitions apply to Appendix 3 only:

Base	A support structure for a monument.
Dowel	A pin used to align and prevent movement between adjacent elements of a monumental structure.
Footing	A part of a structure in direct contact with and transmitting load to the supporting foundation.
Foundation	The soil, subsoil or rock, whether built up or natural, upon which a structure is supported.
Granite	Is a rock typically composed of quartz and feldspars and minerals.
Headstone	An inscribed stone or monument usually set at the head of a burial site.
Natural stone	A naturally occurring, consolidated aggregation of one or more minerals constituting the crust of the earth.
Pillar	A vertical structure, slender in proportion to height and used as a support ornament.
Sandstone	A sedimentary rock composed of mineral and rock fragments. The grains are bonded by various materials including silica, clay, carbonates and iron oxides.

1. All structural materials must exhibit high atmospheric-corrosion-resistant properties and have a minimum predicted service life of 50 years.

NOTES:

- Most natural stone and some non-ferrous metals are suitable;
- For maintenance purposes, consideration should be given to foot traffic on monuments; and
- Thermal stresses are generally the most severe stresses imposed on monuments. Allowance should be made when fixing stone elements for the likely differential movements between the stone and the substrate.

2. Cement must comply with AS 3972-2010 : General purpose and blended cements.

3. The stone selected must be sound, durable and of proven suitability.

NOTES:

- Care should be taken to ensure the stone is free from defects likely to affect durability and structural integrity; and
- Limestone and cast stone made with limestone should not be used in conjunction with sandstone if water can drain from the former onto the latter.

4. The assessment of the predicted service life of any particular type of natural stone shall be undertaken by reference to at least one of the following:

- a) Past performance in monumental applications or on buildings;
- b) Mineralogical and physical characteristics of the material; or

- c) Accelerated weathering testing and comparison with materials of known performance.
5. Footings must be designed in accordance with sound engineering principles and in accordance with AS2870-2011 : Residential slabs and footings and AS3600-2009 : Concrete structures where appropriate, having regard to the size and load imposed by the monument. Local soil conditions, foundation movement and any special performance requirements must be considered.
6. In the absence of any Council building requirements and where satisfactory engineering computations are not submitted, the footing shall be constructed in accordance with the minimum footing requirements in the table below.

Minimum Footing Requirements		Weight of Monument					
		3-4 tonnes		2-3 tonnes		Less than 2 tonnes	
Foundation type	Description	D mm	F mm	D mm	F mm	D mm	F mm
Sands, gravels	Medium sand or gravel ¹	150	600	150	100	150	100
	Dense sand or gravel ²	150	300	150	100	150	100
Clays	Firm ³	150	1200	150	600	150	300
	Stiff ⁴	150	400	150	200	No piers required	
	Very stiff to hard ⁵	150	100	No piers required		No piers required	
Rock	Highly ⁶ to moderately ⁷ weathered	150	100	No piers required		No piers required	

¹ Deposits removable by vigorous shoveling and into which a sharp-pointed wooden post 50mm² can with some difficulty be driven with a hammer not exceeding 5kg.

² Deposits requiring picking for removal and offering high resistance to penetration by excavating tools.

³ Soil which may, with moderate effort, be penetrated to a depth of 50mm by the thumb.

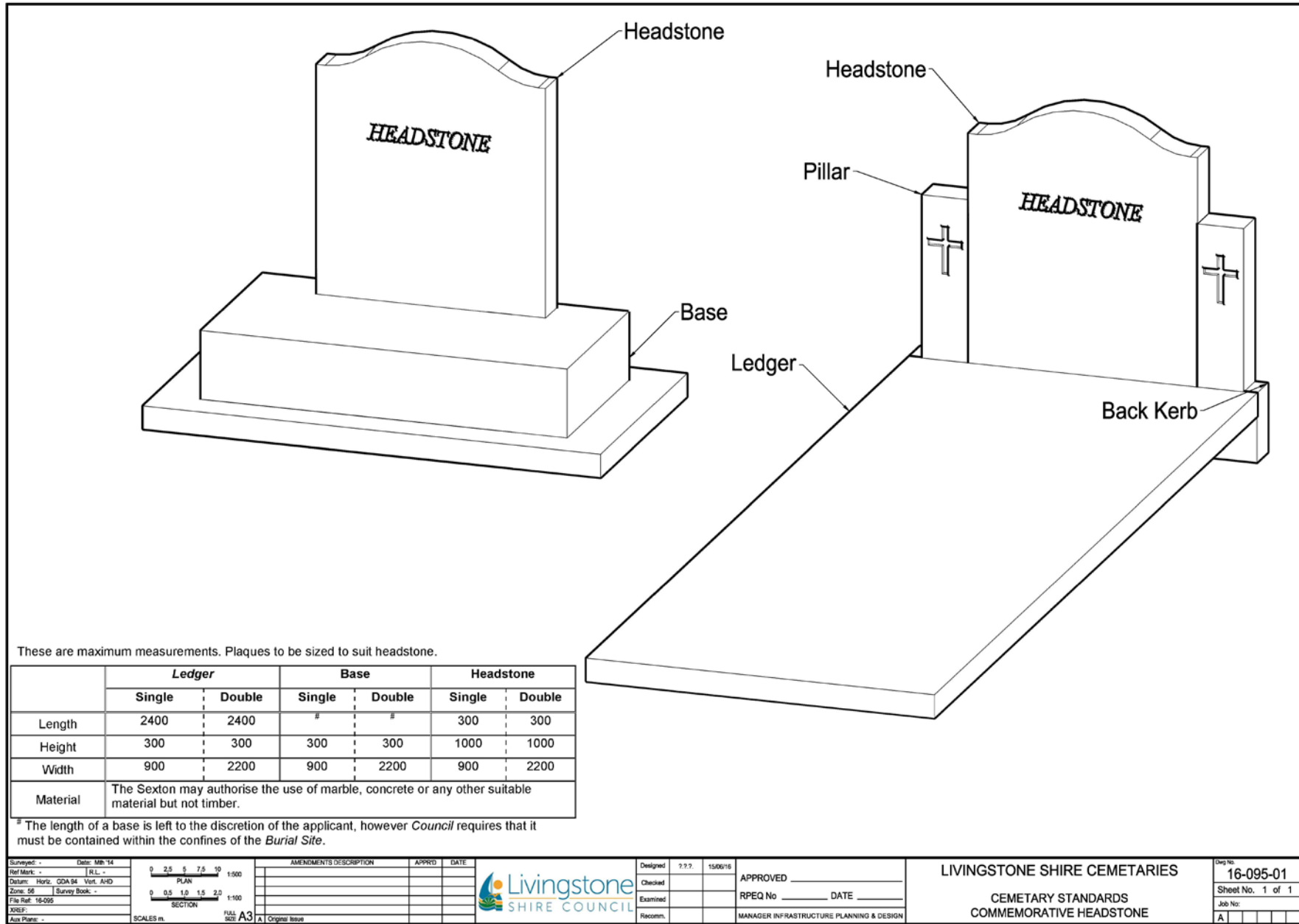
⁴ Soil which may readily be indented by the thumb, but penetrated by the thumb only with great effort.

⁵ Soil which may be readily indented by the thumbnail.

⁶ Rock of predominantly earthy colors (particularly yellows, reds and browns) with numerous clay seams and pieces of which can generally be broken by hand.

⁷ Rock showing some earth color predominantly surrounding the joints with some clay seams and pieces of which can generally be broken by hand.

7. If concrete is mixed on site, it is suggested that specifying the mix by proportions rather than strength, will assist in obtaining an adequate mix. For wet conditions, 'pumping out water immediately before pouring' and the use of sleeves may be appropriate.
8. To inhibit movement of the ledger on top of monuments as a result of expanding and contracting of the granite during temperature changes, small pieces of lead (approx. 20mm²) should be spaced between the ledger and the kerbs prior to the pointing up of the memorial.



Infrastructure/Planning & Design/Design/Projects/16/095 - Cemetery - Headstone_grave cover detail/ACAD Dwg/16-095-headstone.dwg, 15/06/2016 7:22:36 AM, 1:1

Management of Local Government Cemeteries and Undertaking Regulated Activities Regarding Human Remains Procedure

Adopted/Approved: Approved, 10 November 2016
Version: 2.1

Portfolio: Liveability and Wellbeing
Business Unit: Community Wellbeing