



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

CEMETERIES

Originated Date:	Adopted 20 January 2014 – Min. No. 13/14 (as Policy 71)
Amended Date/s:	Revised 17 July 2017 – Min. No. 236/17
Applicable Legislation:	<i>Local Government Act 1993</i>
Objective	To control and manage cemeteries in the Northern Midlands municipal area, which are managed by the Northern Midlands Council.
Administration:	Corporate Services
Review Cycle/Date:	Next review 2021

1. PURPOSE

This policy applies to all cemeteries managed by the Northern Midlands Council.

The policy makes provision for the day to day running of the business of the cemetery. It deals with funerals, registration, graves, monuments, plaques, vases, handling of floral tributes and behaviour in cemetery grounds. It is in the public interest that there is a standard documented approach to dealing with funerals, graves, etc. which is open to public scrutiny.

Further, it is in the public interest that cemeteries remain a peaceful place in which families and friends can pay their respects.

Issues in the policy relating to appropriate qualifications of tradespersons are included so as to ensure a standard of workmanship that is in the interests of public safety.

2. DEFINITIONS

In this policy, unless a different intention appears:

<i>Authorised Officer:</i>	includes the General Manager, the Works Manager, an employee of the Council who is employed in association with the work of a cemetery and a member of the Tasmania Police;
<i>Cemetery:</i>	means the area set aside for burials, memorials, landscaping, roads, paths, together with all buildings and structures;
<i>Council:</i>	means the Northern Midlands Council;
<i>Council Medical Officer of Health:</i>	means the person appointed by Council holding the position of Council Medical Officer of Health;
<i>Funeral:</i>	means the procession and service for burial or cremation;
<i>Grave site:</i>	means any burial place formed in the ground in the cemetery by excavation;
<i>Plaque:</i>	means a metal casting, etching, or engraving, approved by the Manager and placed as a memorial to the deceased;
<i>Private Site:</i>	means a grave site for which an exclusive right of burial has been granted and upon which a monument or plaque can be erected;
<i>Manager:</i>	means the person holding the position of General Manager of the Northern



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Midlands Council or any person lawfully working under that person or at their direction;

- Monument:** includes any concrete, granite, marble, stone or metal structure or plaque erected or placed on a grave site in memory or in honour of a deceased person;
- Standard Plaque:** means a bronze plaque ordered through and supplied by Council;
- Standard Plinth:** means a plinth ordered through and supplied by Council;
- Vault:** means a burial chamber constructed of brick work, stone work or other masonry material.

3. FUNERALS

3.1 MANAGERIAL APPROVAL

A funeral must not be held at a cemetery under the control of the Council without the approval of the Manager.

3.2 REGISTER OF BURIALS (INCLUDING PLACEMENT OF ASHES)

The Council is to maintain:

- 3.2.1 a register for burials and placement of ashes, and
- 3.2.2 a plan of each cemetery.

3.3 DETAILS IN REGISTER OF BURIALS

The General Manager is to ensure that details are entered in the register in respect of each burial as well as placement of ashes, in the cemetery in accordance with the particulars furnished in each Order for Burial together with:

- 3.3.1 the number, location and depth of the grave (as well as the site of the placement of the ashes); and
- 3.3.2 a record of the number of persons, if any, who have previously been buried, or ashes deposited, at the site.

3.4 DAYS ON WHICH FUNERALS CAN BE HELD

A person must not conduct a funeral at a cemetery on a Saturday afternoon, Sunday or public holiday without prior approval of the General Manager unless, the Council Medical Officer of Health certifies that it is necessary for it to be conducted for reasons of public health.

Penalty: a fine not exceeding 5 penalty units.

3.5 TIMES FOR FUNERALS

- 3.5.1 A funeral may be conducted at a cemetery between 9.00 am and 3.00 pm on weekdays. All other times to be approved by the Manager.
- 3.5.2 All times other than during the period in clause 3.5.1 (above), to be approved by the Manager.

3.6 REQUEST FOR BURIAL

- 3.6.1 A request for a burial from the funeral director or other person conducting the service, must be lodged with the Manager, in the case of a burial, not less than seven (7) working hours before the burial.
- 3.6.2 Otherwise than with the approval of the Manager, any person lodging an order for burial as provided in clause 3.6.1 (above) must, at the time of lodging the order, give to the Manager on a form approved by the Council, full written details of:
 - 3.6.2.1 name, sex, age and date of death of the deceased;
 - 3.6.2.2 the last known home address of the deceased;
 - 3.6.2.3 whether the deceased was suffering from an infectious disease at the time of death; and



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3.6.2.4 such other matters as the Council may legally require.

4. REGISTRATION

4.1 DETAILS GIVEN ORALLY

An applicant for a burial may notify the Manager that a burial is required and, with the approval of the Manager, provide the written details prescribed in Clause 3.6.2 (above) at a later date.

5. GRAVES

5.1 DIGGING OF GRAVES

5.1.1 The Council will dig all ordinary graves.

5.1.2 Any arrangements for the digging of graves other than as provided in clause 5.1.1 will require approval of the Manager.

5.2 LOCATION OF GRAVE SITE

The Manager shall determine the location of any grave site.

5.3 MINIMUM GRAVE DEPTHS

5.3.1 A burial will not be permitted unless the minimum cover of earth over the coffin is 1 metre 220 mm from the lowest part of the ground surrounding the grave, except as provided by clause 5.3.3 (below) or at least 2 metres in the case of a grave intended for a double burial.

5.3.2 The burial of a child under the age of ten years will be permitted only when the grave is excavated to a minimum depth of 1 metre 220 mm from the lowest part of the ground surrounding the grave.

5.3.3 If, when the grave is excavated, the minimum cover cannot be provided, as an alternative concrete may, on payment of the fee prescribed by the Council, be used on the formula of 50 mm of concrete being the equivalent of 310 mm of earth.

5.4 PLACEMENT OF ASHES

5.4.1 The cremated remains of a person may be placed in a niche wall following the approval given by an authorised officer.

5.4.2 Removal of ashes shall be made only by a Council employee.

5.4.3 All plaques shall be placed or removed by a Council employee.

5.5 RE-OPENING A GRAVE

5.5.1 An ordinary grave may be re-opened and used for a second burial at any time after the first burial:

5.5.1.1 if the grave is contained in ground that has been excavated in accordance with clause 5.3.1 (above) for a double burial, and

5.5.1.2 provided that, upon re-opening a layer of earth, not less than 0.3 metres in thickness is left undisturbed above the previously buried coffin.

5.5.2 If upon re-opening a grave soil is found to be offensive, the soil shall be replaced immediately and that grave shall not be re-used.

5.5.3 Unless a warrant has been obtained, no person shall upon the re-opening of a grave remove any human remains.

5.5.4 A second burial shall not be permitted in any grave, unless there is room for at least 1-2 metres in depth of earth from the top of the coffin to the level of the lowest part of the surface of the ground occupied by the grave.



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6. MONUMENTS

6.1 ERECTION OF MONUMENTS

- 6.1.1 A person shall not construct or erect any structure in a cemetery except with the written approval of an authorised officer.
- 6.1.2 An application for the approval under clause 6.1.1 (above) shall be accompanied by a sketch or plan of the structure to be constructed or erected showing measurements and particulars of the materials proposed to be used.
- 6.1.3 In areas set aside as a “niche wall” or “rose garden”, only the standard plinth and standard plaque provided by Council shall be permitted (plaque size – 133mm x 143mm).

6.2 TEMPORARY MEMORIAL

The Council may enter into an agreement with any person to provide, erect and maintain a wooden cross as a temporary memorial for a period not exceeding two (2) years from the date of any burial.

6.3 REPAIR OF MONUMENTS, VAULTS, GRAVES OR FENCES

- 6.3.1 An owner of any monument, vault, grave, or fence must keep the same in good repair and proper condition at their own expense.
- Penalty: a fine not exceeding 3 penalty units.**
- 6.3.2 If the owner fails to keep any monument, vault, grave, or fence in proper repair, or if the terms and conditions upon which permission to erect or construct it or the provisions of this policy have not been complied with, the Council may take down and remove that monument or other erection or do any other work it considers necessary.

6.4 HEADSTONES IN LIMITED MONUMENTAL LAWN CEMETERY

- 6.4.1 The maximum allowable dimensions for a headstone in a limited monumental lawn cemetery are 900mm wide, 400mm high and 150mm deep – no structures are to encroach on to the area that is maintained by Council.
- 6.4.2 Receptacles for floral tributes must be provided within the dimensions in clause 6.4.1 (above).

6.5 JOINT MONUMENTS

- 6.5.1 A joint monument is permissible for side by side graves if it meets the allowable height and depth dimensions specified in clause 6.4.1 (above).
- 6.5.2 The width of a joint monument must not exceed that of individual monuments for the same number of graves.

6.6 STRUCTURES NOT PERMITTED

- 6.6.1 A person must not construct or erect in the cemetery any catacomb or wooden structure, other than a wooden cross erected under clause 6.2 (above).
- Penalty: a fine not exceeding 10 penalty units.**
- 6.6.2 Council may remove any structure that does not comply with this Policy.

6.7 FENCES

A fence erected must be of metal construction and must not exceed 760 mm in height.

Penalty: a fine not exceeding 4 penalty units.



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7. CONSTRUCTION

7.1 CONSTRUCTION

A person must not erect a monument in a cemetery unless that person is, in the opinion of the Manager, either a qualified monumental mason or a person who is sufficiently experienced in carrying on such work.

Penalty: a fine not exceeding 5 penalty units.

7.2 TIMES OF CONSTRUCTION

A person must not carry on any monumental mason's work at the cemetery on a public holiday or otherwise than between 8.00am and 4.30pm on weekdays.

Penalty: a fine not exceeding 4 penalty units.

7.3 STANDARD OF CONSTRUCTION

Any structure to be erected in the cemetery will not be authorised by the Manager unless the proposed structure conforms to any relevant Australian Standards.

7.4 GRAVE NUMBERS

The grave site number, in accordance with the Council plan of the cemetery, must be marked on the base of every monument so as to be clearly visible from the foot of the grave.

7.5 CONSTRUCTION EQUIPMENT

A person erecting a monument, headstone, wall, railing or memorial of any description must not place any plant, equipment, or surplus materials on any adjoining grave or ground, unless authorised by the Manager.

Penalty: a fine not exceeding 2 penalty units.

7.6 CONSTRUCTION DEBRIS

A person responsible for construction work on a grave site must remove all stones, refuse, and rubbish remaining after construction work is completed and must leave the area clean and tidy.

Penalty: a fine not exceeding 2 penalty units.

8. PLAQUES, VASES AND FLORAL TRIBUTES

8.1 STANDARD PLAQUES AND VASES

All plaques and vases must meet the requisite standard as determined by Council.

8.2 AFFIXING OF PLAQUES

All plaques must be affixed or removed by an employee of Council or an officer authorised by Council.

8.3 NUMBER OF VASES

A person can only place, in a lawn cemetery, vases on either side of the headstone located on the concrete plinth (maximum 2).

Penalty: a fine not exceeding 1 penalty unit.

8.4 FLORAL TRIBUTES

Floral tributes placed on a grave may be displayed for a maximum of seven (7) days from the time of the funeral, after which they may be removed and disposed of by an authorised officer.



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9. BEHAVIOUR IN CEMETERIES

9.1 PLANTING OF TREES, SHRUBS OR PLANTS PROHIBITED

A person must not plant a tree, shrub or plant in any ground in a cemetery without the consent of the Manager.

Penalty: a fine not exceeding 2 penalty units.

9.2 ANIMALS

9.2.1 Except as provided by clause 9.2.2 (below), a person must not possess, or have under their control, an animal in a cemetery.

Penalty: a fine not exceeding 5 penalty units.

9.2.2 This clause does not apply to guide dogs for the blind.

9.3 DISORDERLY CONDUCT

A person must not:

- (i) be intoxicated; or
 - (ii) use indecent and/or offensive language; or
 - (iii) act in a disorderly way
- in a cemetery.

Penalty: a fine not exceeding 5 penalty units.

9.4 COMMITTING A NUISANCE

A person must not obstruct, hinder or annoy any member of the public in a cemetery.

Penalty: a fine not exceeding 5 penalty units.

9.5 DAMAGE TO OBJECTS PLACED ON GRAVE SITES

A person, other than an authorised officer, must not remove, damage or interfere with any flowers, plants or other objects placed on or in any grave site.

Penalty: a fine not exceeding 5 penalty units

9.6 DAMAGE TO GRAVES, MONUMENTS ETC.

A person must not write on, cut, mark, paint on or disfigure any grave, monument, building, fence, niche wall, rose garden placement, tree or any other thing in a cemetery.

Penalty: a fine not exceeding 5 penalty units

9.7 DISTRIBUTION OF ADVERTISING MATERIAL

A person must not in a cemetery distribute or arrange to be distributed or affix to any Council property any advertisement, book, card, notice, pamphlet, print, paper or placard.

Penalty: a fine not exceeding 5 penalty units.

9.8 CONDUCTING A TRADE OR BUSINESS

A person must not carry on any trade or business within a cemetery unless authorised by the Council.

Penalty: a fine not exceeding 5 penalty units.



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9.9 DAMAGE TO COUNCIL PROPERTY

A person must not remove or damage or interfere with Council property in a cemetery.

Penalty: a fine not exceeding 5 penalty units.

9.10 DRIVING OF VEHICLES

9.10.1 A person, other than an authorised officer, must not drive a vehicle in a cemetery except:

- (i) on roads, paths or tracks provided for vehicles; and
- (ii) at a safe speed not in excess of 10 kilometres an hour; and
- (iii) when observing and complying with any directional signs and the directions of an authorised officer.

Penalty: a fine not exceeding 5 penalty units.

9.10.2 This clause does not apply to vehicles owned or operated by an emergency service.

9.11 USE OF BICYCLES ETC.

A person must not ride, drive or use any small wheeled vehicle including bicycle, tricycle, skateboard, in-line skates, scooter or roller skates or other vehicle in a cemetery except on roads, paths or tracks provided for this type of traffic.

Penalty: a fine not exceeding 5 penalty units.

10. ENFORCEMENT

10.1 REMOVAL FROM AREA

10.1.1 An authorised officer may remove any person from a cemetery if the person commits an offence against this policy or is reasonably believed by the authorised officer to be offending against this policy.

10.1.2 A police officer may assist an authorised officer to remove the person if an authorised officer who is an employee of the Council reasonably believes that the person is offending against this policy.

10.1.3 A police officer may arrest a person whom an authorised officer reasonably believes is offending against this policy.

10.2 THE EXECUTION OF WORK

10.2.1 The Manager may require that work be executed or a thing be done by a person who has committed an offence under this policy within the periods and in the manner directed by the Manager or by an authorised officer.

10.2.2 The Manager or an authorised officer may direct that the work be done only by a person with the appropriate qualifications.

10.2.3 Council may carry out the work at the person's cost if the person directed to do work under this clause defaults.

10.2.4 A payment made under this clause is to be in addition to a penalty imposed under this policy.

10.3 INFRINGEMENT NOTICES

10.3.1 An authorised officer may:

- 10.3.1.1 issue an infringement notice to a person that the authorised officer has reason to believe is guilty of a specified offence;
- 10.3.1.2 issue one infringement notice in respect of more than one specified offence;
- 10.3.1.3 impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.

10.3.2 Infringement notices may be issued in respect of the offences specified in the Schedule to this Policy and



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the penalty specified being payable under an infringement notice issued in respect of that offence.

- 10.3.3 The value of a penalty unit is as determined by the Tasmanian Department of Justice and applies to an infringement notice issued under this Policy and in accordance with Council's fees and charges.

10.4 MONIES PAYABLE TO COUNCIL AND RECOVERABLE AS A DEBT

All monies payable to the Council or General Manager in respect of an infringement notice are a debt due to the council and recoverable at law.



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SCHEDULE 1: CEMETERIES POLICY – INFRINGEMENT NOTICE OFFENCES

CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY (Penalty Units)
6.3	<i>Failure to keep monument in good repair</i>	3
6.6	<i>Construct any catacomb or wooden structure</i>	10
6.7	<i>Erect fence contrary to Council policy</i>	4
7.1	<i>Erect monument if unqualified</i>	5
7.2	<i>Carry out monumental mason's work outside permitted times</i>	4
7.5	<i>Place construction equipment etc. on adjoining grave or ground without authority</i>	2
7.6	<i>Failure to leave area in a clean and tidy condition following construction work at grave site</i>	2
8.3	<i>Place vases contrary to Council policy</i>	1
9.1	<i>Plant trees, shrubs or plants without authority</i>	2
9.2	<i>Have animal, other than guide dog, at cemetery</i>	5
9.3	<i>Be intoxicated or behave contrary to Council policy</i>	5
9.4	<i>Commit nuisance by obstructing, hindering or annoying member of public</i>	5
9.5	<i>Remove, damage or interfere with objects placed on grave site</i>	5
9.6	<i>Mark or disfigure grave or other thing</i>	5
9.7	<i>Distribute advertising material</i>	5
9.8	<i>Carry on trade or business without authority</i>	5
9.9	<i>Remove or damage Council property</i>	5
9.10	<i>Drive vehicle contrary to Council policy</i>	5
9.11	<i>Ride bicycle, use skates, skateboard etc other than on designated roads, paths or tracks</i>	5