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CESSNOCK CITY COUNCIL

CEMETERY POLICY

Supporting the Cessnock City Council Cemetery Strategy

Introduction

Under the Local Government Act 1993, the Public Health (Disposal of Bodies) Regulation 2002 and the Local Government Control of Cemeteries Amendment Act 1966 Council as a cemetery authority is required to establish policies and procedures in regards to the control of the management and operation of Council's cemeteries. The Cessnock City Council policy outlines the overall principles that underpin how Council manages its cemeteries in order to comply with legislative requirements and to provide a dignified and responsive cemetery and memorialisation service to the community. This policy applies to all cemeteries under the care, control and management of Cessnock City Council.

Objective

To provide a dignified and responsive cemetery and memorialisation service to the community.

Principles

1. To provide places for quiet and safe remembrance of the dead
2. To provide sites within cemeteries for the lawful disposal of human remains
3. To consider the diverse religious ethnic and cultural backgrounds of those using, working in or visiting cemeteries when making decisions relating to cemeteries including planning for the future use of cemeteries
4. To provide equitable access to burial sites to all members of the community
5. To provide conditions in cemeteries which have regard to minimising any risk to health or safety of persons working in or entering cemeteries
6. To consider conservation and heritage issues when making decisions relating to cemeteries including planning for the future use of cemeteries

Policy Statement

Cessnock City Council has produced a set of guidelines, agreements and permits to compliment this policy:

1. Procedure manual which guides Council's actions in the planning, development and operation of all of the cemeteries under its care, control and management
 2. Agreement with external stakeholders (funeral directors, grave digger) which states the requirements for working within Councils cemeteries
 3. Permits for specified works, exhumation or monumental work
- Guidelines, agreements and permits are guided by the following key areas:

1. Management

Council does not permit any person to undertake any activity within a cemetery unless:

- a) the activity has been approved by Council:
 - in respect of burial sites, the quiet and respectful commemoration of the deceased or undertaking historical research;
 - the use of roadways and pathways to gain access to burial sites or amenities
- b) the person holds a burial right, exhumation permit, work permit or monumental work permit issued by Council to undertake that activity

2. Records

Council is required to maintain certain records under the Public Health (Disposal of Bodies) Regulation 2002, clause 35A of the Public Health Regulation 1991, State Records Act 1998, and Local Government Act, 1993. Council shall maintain a register of all burials, exhumation and burial rights in respect of each cemetery in order to comply with legislation and to provide information for historical research references for the public.

3. Significance of Burial Sites and Monuments

Burial sites and monuments are of cultural and historical significance to the community of Cessnock and may confer rights to individuals.

Council in its activities relating to cemeteries will aim to observe the significance of burial sites and monuments (along with any rights associated with such burial sites and monuments) within those cemeteries in which they are located.

Where a grave site is over 50 years old, it is subject to the Heritage Act 1977. Council will not issue a monument permit in respect of a burial site, which is over 50 years unless the proposed works conform to the requirements of the National Trust.

4. Burial Sites/ Rights

Items and human remains may only be interred at any burial site with the written permission of Council who will issue a burial right. Burial rights can not be sold but may be transferred and Council will approve all transfers of burial rights in writing. Council will buy back unwanted burial rights and may subsequently re-sell the burial right.

The burial right is for a period of twenty-five (25) years. Should the burial plot not be used in during this period, the burial right will either need to be renewed or relinquished to Council.

5. Work Undertaken in Cemeteries

A person may not undertake work of any type in a cemetery unless that person and those engaged by that person holds a valid work permit for that specific activity.

Council will retain a standard agreement for all external parties wishing to undertake specific works in Councils cemeteries.

6. Monuments

Council will not issue a monument permit in respect of a burial site except for the erection of monument of a size and type approved by Council. Council's procedure manual will provide a detailed outline of the permitted monument size and shape.

A monument permit will only be granted in respect of a burial site with the consent of the grantee of the burial right.

The grantee of a monument right is responsible for maintaining and repairing monuments. All monuments and monumental work must comply with AS 4204-1994 Headstones and cemetery monuments.

If Council is required to undertake any work relating to a monument so as to ensure public or employee safety it may recover these costs from the grantee.

7. Exhumation

An exhumation may only take place when an order by a Coroner or a Court permitting is issued or an applicant has obtained, prior to commencing exhumation:

- Approval for exhumation by NSW Department of Health in accordance with the provision of Public Health (Disposal of Bodies) Regulation, 2002;
- Approval from Council

Relevant Legislative Provisions

Anti-Discrimination Act 1977

Births, Deaths and Marriages Registration Act 1995

Conservation of Cemeteries Act 1974

Coroners Act 1980

Crown Lands Act 1989

Heritage Act 1977

Human Tissues Act 1983

Local Government Act 1993

Occupational Health and Safety Act 2000

Occupational Health and Safety Regulation 2001

Privacy and Personal Information Protection Act 1998

Public Health (Disposal of Bodies) Regulation 2002

Public Health Act 1991

Public Health Regulation 1991

State Records Act 1998