



# Northern Peninsula Area Regional Council

**Title:** Cemetery Burial Policy  
**Policy No:** GP-15  
**Adopted By:** Council  
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**Responsibility:** Executive Manager Community Services  
**TRIM Document Number:**

Version	Decision Number	Adoption Date	History
1	C13.3-24102023	24/10/2023	Original

## 1 Policy Summary

This policy provides guidelines for burials of deceased persons in the Northern Peninsula Area Regional Council's ("**Council**") local government area, in particular all of Council's Cemeteries.

This policy provides a consistent approach to the operation of Cemeteries owned, managed and maintained by Council.

## 2 Policy Objectives

The objectives of this Cemetery Burial Policy are to:

1. provide a fair, transparent and equitable approach to the order of where loved ones are laid to rest;
2. provide guidance to Council Officers when allocating and preparing burial sites and to enable them to accurately record the required information within Council's Burial Register; and
3. ensure compliance with Council's Local Laws and workplace, health and safety obligations regarding burials and the operation of Council's Cemeteries.

## 3 Background

Council's Operations & Community Services Team receives requests from local families in identifying a burial site for their loved ones to be laid in their final resting place within Council's Cemeteries.

The history of burials within Council's Cemeteries has evolved over time. Council is seeking to improve its Cemetery operations by specifying the standard measurements and alignment of grave sites, as well as documenting the process for recording the relevant details of deceased persons to be buried within one of Council's Cemeteries.

Council manages five (5) Cemeteries within its region:

1. Old Injinoo Cemetery;
2. New Injinoo Cemetery;
3. Umagico Cemetery;



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4. New Mapoon Cemetery; and
5. Bamaga Cemetery.

Whilst Council is responsible for the management of the Old Injinoo Cemetery, it is now closed to any new burials. This does not prevent family members from visiting their loved ones or from conducting a Tombstone Unveiling for a loved one that has already been buried within the Old Injinoo Cemetery.

## 4 Policy Statement

### Granting Burial Rights

A person may apply to Council to reserve a vacant burial site within one of Council's Cemeteries for future use.

Upon receiving the required form and any fee prescribed by Council, Council may grant the person a Burial Right and that person will be referred to as the 'Burial Right Holder' for the specific burial site nominated in the approval.

A Burial Right allows the Burial Right Holder the right to be buried in the approved burial site and to authorise the burial of others within that burial site, but only if the approved burial site is able to accommodate more than one burial, which will be determined solely by Council.

A Burial Right Holder is not permitted to sell or transfer their Burial Right and must comply with all rules and regulations that apply to the operation of Council's Cemeteries.

### Burials within a Council Cemetery

A family member of the deceased or community resident nominated by the family, will identify the preferred vacant burial site in the designated cemetery and notify Council's Operations team at least 3 days prior to the proposed burial date.

Council's Operations team will determine if the proposed burial site is acceptable having regard to:

- (a) the condition of the Cemetery at the intended time of the burial;
- (b) whether a recent burial has occurred in the location surrounding the proposed site (such that preparing the grave may be unsafe or unsuitable having regard to public health and safety in the officer's opinion);
- (c) whether another person holds a Burial Right granted by Council;
- (d) Council's records to determine if the site remains unoccupied and vacant; and/or
- (e) any other information available to the officers at the time the request is made.

If, in the officer's reasonable opinion, the officer determines the proposed burial site chosen by the family member is not acceptable (of which the officer's decision is final), the officer will allocate a more appropriate burial site and, where possible, will have regard to the requirements of the family.



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Burials and other services are:

1. only allowed to take place within a Council Cemetery if an approval is granted by Council for the burial; and
2. the burial occurs within the opening hours specified by Council, being between 7am to 6pm Monday to Friday, or as otherwise notified by Council.

For burials to take place outside of these approved opening hours, specific approval is required from Council.

The family's preferred date and time for the funeral to take place must be approved by Council. Council reserves the right to modify the day and/or time of the burial if required due to operational needs or other safety concerns.

Burials within Council's Cemeteries must be undertaken with respect and in compliance with Council's requirements, including any workplace, health and safety obligations. The person in control of arranging the burial is responsible for ensuring that all attendees at the funeral service abide by these requirements.

## Burials outside a Council Cemetery

Council's SLL1 requires that any burial of human remains that occurs outside of a Council Cemetery, must first be approved by Council.

Despite an approval being permitted under SLL1, Council will not consider an application for approval unless the applicant demonstrates through the application that the proposed burial outside of a Council Cemetery:

1. has special circumstances that justify the approval, such as special family, personal or historical association between the deceased person and the place in which the human remains are proposed to be buried;
2. will not create a risk to health or other nuisance;
3. will not cause reasonable offence to others;
4. consent has been given by the owner of the land and anyone else with a registered interest in the land; and
5. is authorised by the living family of the deceased.

## Grave Site Preparation

It is a Restricted Activity under Schedule 2 of *SLL4*, to dig or prepare a grave within Council's Cemeteries and is only permitted with the written authorisation of an authorised person.

Once the funeral arrangements have been confirmed and agreed to by Council, Council's Operations team will arrange for the excavation of the grave site prior to the funeral as specified in Council's Funeral Assistance Policy, ensuring that the following measurements are adhered to when preparing the grave site:

1. For an adult burial, excavation of the grave site will be 0.90m wide, 2.4m long and 1.5m deep;



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2. For a child burial, excavation of the grave site will be 0.90m wide, 1.4m long and 1.4m deep; and
3. The space between each grave will be at least 2.0m.

The dimensions outlined above take into account the space required for a marker and the final memorial headstone to be installed on the burial site.

## Work Health and Safety Responsibilities

Council is required to comply with its obligations pursuant to the WHS Regulation, as a 'person conducting a business or undertaking', when preparing to excavate a grave site of at least 1.5m deep, must ensure that the work area is secured from unauthorised access, which includes inadvertent entry.

To meet its WHS responsibilities, Council officers will ensure that once a grave site has been prepared that measures will be taken to ensure that the grave site remains safe and prevents inadvertent entry, such as:

- (a) installing temporary fencing surrounding the grave site; or
- (b) placing a grave cover over the grave site.

Additionally, Council will comply with its WHS obligations by ensuring that it minimises any risk to a person associated with the potential collapse of a grave site.

## Request for Exhumation

It is a Prescribed Activity under Schedule 21 of SLL1, to undertake the regulated activity of disturbance of human remains in a local government cemetery.

Council does not carry out exhumations and all arrangements must be made with a qualified Funeral Director to undertake the exhumation as required by Schedule 21 of SLL1.

If a family is seeking to have a deceased person that has previously been buried within a Council Cemetery, exhumed from the burial site, a written application is required to be made to Council, along with any prescribed fee, that addresses each of the matters outlined in section 3 of Schedule 21 of SLL1.

It is a requirement that the nearest living relative of the deceased consents to the disturbance of the human remains (by way of exhumation) and that there is no public health risk involved.

Approval for the exhumation will not be granted if the disturbance of human remains is requested to occur after 3 days of burial or less than twelve (12) months of burial.

If satisfied of all of the matters provided for in SLL1 relating to the exhumation, Council may provide a written approval with conditions to the family member that made the application.

The approval holder is responsible for the removal of any headstone, plaque or other memorial placed on the grave site, following the exhumation.



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## Burial Register

Council Officers will maintain a written 'Burial Register' that contains all information relating to deceased persons buried (or exhumed) within a burial site at one of Council's Cemeteries (except where historically this information was not retained).

A family member of the deceased will provide to Council a copy of the deceased's death certificate to ensure that the relevant information is recorded accurately in Council's Burial Register.

The Burial Register, which will be recorded in writing and contained in Council's electronic records, must include the following details:

- (a) name of the deceased;
- (b) age of the deceased;
- (c) date of death;
- (d) cemetery where burial occurred;
- (e) date of interment;
- (f) location of the burial site;
- (g) name of next of kin (family member responsible for arranging the burial); and
- (h) name of Funeral Director (if applicable).

## **5 Legislation and Terminology**

- *Local Government Act 2009*;
- *Local Law No. 1 (Administration) 2021*;
- *Subordinate Local Law No. 1 (Administration) 2021*;
- *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2021*;
- *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2021*;
- *Work Health and Safety Regulation 2011*;
- Northern Peninsula Area Regional Council's Funeral Assistance Policy; and
- Northern Peninsula Area Regional Council's Fees and Charges.

**Authorised Person** means a person authorised by the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the powers of an authorised person pursuant to Council's Local Laws.

**Burial** means the act of burying the human remains of a deceased person.

**Council** means the Northern Peninsula Area Regional Council and any of its delegated officers.

**SLL1** means *Subordinate Local Law No. 1 (Administration) 2021*.



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**SLL4** means *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2021*.

**WHS Regulation** means the *Work Health and Safety Regulation 2011*.

## **6 Implementation and Delegation**

Approval by the Chief Executive Officer or Executive Manager Community Services.

## **7 Evaluation and Review**

It is the responsibility of the Executive Manager Community Services to monitor the adequacy of this policy and recommend appropriate changes.

This policy will be formally reviewed every two years or as needed, whichever occurs first.