

KATHERINE MEMORIAL CEMETERY POLICY

Type:	Council Policy – Infrastructure & Environment Services		
Owner:	Chief Executive Officer		
Responsible Officer:	Director, Infrastructure and Environment		
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Legislation Reference:	Section 269 of the <i>Local Government Act 2019</i> and the <i>Burial and Cremation Act 2022</i>		

1 PURPOSE

Cemeteries are an important community asset and provide essential infrastructure and services to the community. Katherine Town Council is responsible for the Katherine Memorial Cemetery.

The purpose of this policy is to outline the overall principles that underpin how Council manages its cemetery in order to comply with legislative requirements and to provide a dignified and responsive cemetery and memorial service to the community.

2 SCOPE

This policy applies to all members of the public, Council employees, residents, visitors and contractors, who have an interest in or are undertaking work within the Katherine Memorial Cemetery.

3 DEFINITIONS

Cemetery manager means the Chief Executive Officer or their delegate.

Grantee means the individual to whom an exclusive right of burial is granted.

Memorial means any structure such as a monument, plaque, headstone or any other form of construction placed at an interment site.

Plinth means a cement beam specifically made for the placement of Council approved memorials.

Council is committed to providing a professional service in keeping and maintaining the cemetery and ensuring that it is an affordable service to the people of Katherine while conserving its heritage value.

The management and operations of all Northern Territory cemeteries are governed under the *Burial and Cremation Act 2022*. The cemetery is managed by a suitably qualified person appointed by the Chief Executive Officer.

Council assumed control of the Katherine Cemetery on 1 July 1978 and acknowledges that precise identification of some specific gravesites prior to this date has proved difficult.

All plants and trees planted within the Cemetery remain the property of Council and will be maintained/removed according to Work Health & Safety requirements. Planting of flora within the cemetery is not permitted without prior approval from Council.

Council reserves the right to close an existing area to new interment rights once an area has reached capacity or is deemed by Council to be unsuitable for further use.

Council will keep a Burial Register of every person whose remains are buried or interred in the cemetery.

CEMETERY GROUNDS

The cemetery can be accessed by the public from sunrise to sunset. Access to the Cemetery is limited to people with a legitimate reason for visiting. Visitors to the Cemetery are requested to conduct themselves in a manner appropriate to the sensitivity of the location.

The cemetery has toilet facilities, a rotunda as a shady retreat for families and visitors and a mobile shade structure that can be used for burials or interments.

The Katherine Memorial Cemetery is made up of three distinctive areas:

- **Old Cemetery Area** – established prior to 1978.
- **Lawn Area** – the lawn area was established in 1979 and is easily distinguished by the concrete plinths.
- **Garden Area** – a specific area at the Cemetery in which cremated remains can be interred.

Council will install plinths in the Lawn and Garden Areas for the placement of memorials.

The following behaviour is prohibited within the cemetery grounds unless specifically authorised by Council:

- buying or selling
- distribution of handbills, cards, circulars or other advertisements, other than of a religious nature concerned with a particular burial
- meetings, other than of a religious or commemorative character or in connection with a burial
- disturbance of any funeral service or burial ceremony, whether by working in the area or otherwise
- discharge of any firearm, except at a military funeral
- damage or disturbance of any land or personal property
- disturbance of flowers or other tokens
- throwing away of, or depositing refuse or rubbish, except in waste receptacles
- bringing any offensive, noxious or dangerous material into the cemetery
- breaching of the peace or actions which cause a nuisance or otherwise offend against decency or decorum
- interfering with any trees or shrubs
- erection of any wooden structure or fence, or
- interference with any grave.

Council will provide memorials in the Lawn and Garden area. No memorials other than those supplied by Council will be permitted to be installed without prior written approval from Council.

Council reserves the right to deny the installation of any memorial which could be deemed as offensive or does not comply with Council's specifications.

No memorials will be permitted to be installed at any unmarked grave in the Old Cemetery area due to the uncertainty of grave locations. In these instances, Council will, on written request from verified next of kin, supply a bronze plaque measuring 203mm x 76mm that will be mounted on the Remembrance Wall in the Rotunda.

Families who wish to have memorial plaques installed in the Rotunda for long term residents who are not interred in the cemetery may apply to the Council in writing.

Only plaques approved by Council are permitted to be placed in the Rotunda and will be installed by cemetery staff.

Existing large garden memorials located in areas not set aside for gravesites are permitted to remain on the condition that the seating and garden beds are maintained by the families involved. The construction of further garden memorials and seating will not be permitted.

EXCLUSIVE RIGHTS OF BURIAL

Burial sites can be reserved for future use by purchasing an Exclusive Right of Burial.

Individuals may reserve up to two (2) sites in the Lawn Area or the Garden Area. Sites cannot be reserved in the Old Cemetery Area.

Where a future use Exclusive Right of Burial has been issued, the Council supplied headstone will be stamped 'R' to indicate the status of that particular site. The registered Exclusive Right grantee or lawful executor of the deceased may arrange for an alternative memorial to be installed, following prior written approval by Council.

Council will grant an exclusive right for 50 years. A one-off fee for this exclusive right is outlined in Council's annual Fees and Charges statement.

Council will issue a "Certificate of grant of exclusive right of burial" when the exclusive right is granted by the Chief Executive Officer, in accordance with section 52 of the *Burial and Cremation Act 2022*. At least 12 months before the exclusive right expires, Council will take reasonable steps to contact the grantee to seek advice about renewal. If they cannot be located, the exclusive right will cease to exist, and Council may re-allocate that burial site.

Where Council's historical records indicate a site as being reserved prior to the issuing of Exclusive Right of Burial Certificates, Council will endeavour to honour these reservations on the provision that the relevant Exclusive Right of Burial fee is paid.

Council will maintain a Register of Exclusive Rights of Burial in which the following particulars will be recorded:

- full name, postal address and contact details of the Exclusive Right grantee and their personal representative or next of kin
- place of burial in respect of which each exclusive right burial was granted
- the name/s of whose remains can be interred, and
- the date upon which the Exclusive Right was granted.

It is the responsibility of the Exclusive Right grantee to ensure Council is notified of any changes to their contact details.

A person claiming ownership of an Exclusive Right of Burial must, if requested, provide proof of ownership to Council. A person acting on behalf of an Exclusive Right grantee will need to provide written instruction from the grantee illustrating their intention and delegated authority to Council.

If the grantee of an exclusive right of burial is deceased, the right may be exercised, subject to any conditions specified on the certificate issued by Council, by the personal representative for the grantee or the decision maker for the deceased grantee.

Transferring an Exclusive Right of Burial

An unexercised exclusive right is not transferrable to another person.

Surrender of an Exclusive Right of Burial

An unexercised exclusive right may be surrendered by the grantee to Council on the terms outlined in the certificate of exclusive right issued by Council. The existing certificate of Exclusive Right must be returned to Council. Council will not provide a refund of the one-off fee for surrender of an exclusive right.

LAWN AREA BURIALS

Council requires four (4) business days' notice prior to a burial being confirmed to allow sufficient time for processing and grave digging to be completed.

Before a burial will be permitted in the Lawn Area, Council will require a Burial Approval Form detailing the deceased individual's details; full name, address and contact details of the applicant and their relationship to the deceased person, accompanied by one of the following documents:

- a notice under section 34(1) of the *Births, Deaths and Marriages Registration Act 1996*,
- a certificate under section 12(3) of the *Births, Deaths and Marriages Registration Act 1996*,
- a certificate issued by the coroner or the coroner's clerk under section 17(1) of the *Coroners Act 1993*, or
- a certificate issued by the Registrar under section 44(1)(a) of the *Births, Deaths and Marriages Registration Act 1996* certifying the registration of the death of the deceased person.

The cemetery manager must provide written approval before the burial can proceed.

The cemetery manager may refuse to approve a burial unless the proposed burial relates to the exercise of rights and interests of Aboriginal traditional owners and Aboriginal people and the proposed burial does not contravene any relevant laws.

If the cemetery manager refuses to approve a burial, the manager must give the applicant a written notice outlining their decision. The decision can be reviewed under the *Northern Territory Civil and Administrative Tribunal Act 2014*.

The usual days for burials are Monday to Friday (excluding public holidays) between sunrise and 3pm. Burials after 3pm on weekdays may involve additional fees. Burials on weekends or on public holidays may be conducted only by special arrangement with Council and will be subject to fees specified in the schedule of fees and charges.

Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as the attendees have vacated.

Graves will be dug horizontally. All graves shall be dug to a minimum depth of 2.4 metres to accommodate double burials unless otherwise requested. Where the deceased person whose body is to be buried in the grave was, at the date of his death, less than 8 years of age then the grave shall be dug to a minimum depth of 1.5 metres. The grave will be backfilled with the original excavated material and when the grave begins to settle the site will be re-topped with soil as required. Digging of graves shall only be undertaken by cemetery staff or those contracted by Council.

Grave mounds will be levelled and planted with lawn seed by cemetery staff two (2) weeks after a burial. All flowers and wreaths adorning the grave will be discarded at the time of levelling.

Council will supply a single headstone with a standard design bronze identification plaque measuring 137mm x 102mm at each grave site in the Lawn area. The cost of the plaque is included as part of the cost of the burial.

Vacant grave sites will not be allocated until a minimum of 12 months after the use of the neighbouring site. Vaults and other forms of above ground interments are not permitted.

Cremated remains to be interred in the Lawn Area must be contained within a sealed receptacle of durable material. Before an interment will be permitted in the Lawn Area, Council will require a Notice of Interment of Ashes detailing the deceased individual's details; full name, address and contact details of the applicant and their relationship to the deceased person, accompanied by each of the following documents:

- a copy of the deceased's Death Certificate, and
- proof of the disposal of human remains by a licensed facility.

Relatives may purchase headstones of marble of similar material. However, headstones must remain the same dimensions.

GARDEN AREA INTERMENTS

Council provides a specific area at the Cemetery in which cremated remains may be interred, either permanently or temporarily.

Council requires three (3) business days' notice prior to an interment being confirmed, to allow sufficient time for processing and preparation of the interment site. Fees for the interment of ashes are outlined in Council's Fees and Charges schedule.

Before an interment will be permitted in the Garden Area, Council will require a Notice of Interment of Ashes detailing the deceased individual's details; full name, address and contact details of the applicant and their relationship to the deceased person, accompanied by each of the following documents:

- a copy of the deceased's Death Certificate, and
- proof of the disposal of human remains by a licensed facility.

The cemetery manager must provide written approval before the interment can proceed.

If the cemetery manager refuses to approve an interment, the manager must give the applicant a written notice outlining their decision. The decision can be reviewed under the *Northern Territory Civil and Administrative Tribunal Act 2014*.

Cremated remains must be contained within a sealed receptacle of durable material measuring no larger than 287mm (height) x 128mm (diameter).

Council will supply a single headstone with a standard design bronze identification plaque measuring 229mm x 229mm for all interments in the Garden area. The cost of the plaque is included as part of the cost of the interment.

The normal days for interments shall be Monday to Friday (excluding public holidays) and interments outside these days are by special arrangement with Council. Interments will not take place during the time between sunset on any day and sunrise on the next succeeding day.

Council will retain a record of ashes interred in the Garden Area.

A request to remove interred cremated remains must be made in writing to the Chief Executive Officer.

Scattering of Cremated Remains

A Notice of Interment of Ashes is not required for the scattering of ashes within the cemetery.

Details of deceased person whose ashes have been scattered at the cemetery will not be recorded in Council's Burial Register.

EARLY LOSS PREGNANCY

Council will allow the burial of un-registrable foetus remains caused by an early pregnancy loss prior to 20 weeks gestation and under 400 grams body mass.

Council will require a Burial Approval Form detailing the deceased infant's details; full name, address and contact details of the applicant and their relationship to the deceased infant, accompanied by a medical certificate or a statement/letter from the Medical Practitioner confirming the details of the delivery.

MULTIPLE BURIALS OR INTERMENTS

Council will allow the reopening of graves for multiple burials or interments at the cemetery upon completion of a Multiple Burial Application Form. Multiple burials will be subject to the following conditions:

- The original site must be clearly marked with a headstone or plaque.
- The depth of the original site allows for a second interment to meet the requirements of section 81 of the *Burial and Cremation Act 2022*.
- An Exclusive Right was issued at the time of the original burial approving a second interment.
- Where an Exclusive Right has not been issued then written consent must be sought from the Chief Executive Officer, including confirmation of consent for the proposed multiple burial from each decision maker for each deceased person buried at the burial site.

EXHUMATIONS

An individual may apply to the Chief Executive Officer for approval to exhume human remains of a deceased person in the cemetery and relocate the human remains to another place in or outside the Northern Territory.

The Chief Executive Officer must provide written approval before the exhumation can proceed.

Council will not be responsible for any costs relating to an exhumation.

PRE-PAID BURIALS

Council will no longer accept payment for pre-paid burials.

MAINTENANCE

Council will maintain lawn areas, trees and vegetation, roadways and paths adjacent to and within the cemetery grounds. All shrubs, plants in the cemetery and gardens are planted and cared for by Council. Council may remove any trees, shrubs or other vegetation from the cemetery as required.

Trees, shrubs, or other plants are not to be planted on any grave in the lawn section. Items that would prohibit the lawn to regrow are not to be placed on lawn sections.

Council may undertake work on monuments to ensure public and staff safety. Cemetery staff will be permitted to refill any site that falls below ground level.

The registered Exclusive Right grantee of the interment site will need to keep any associated memorial in good repair and proper condition.

Council will not be liable for the care, maintenance, preservation or restoration of any memorial. Council will not accept responsibility for any damage to memorials through acts of vandalism or severe storm events.

Council may act to remove any memorial dilapidated, unsafe or unsightly, including any memorial or structure installed without Council's approval.

Any non-conforming headstones installed prior to 28 July 2021 will be permitted to remain in place, however, any future replacement of these headstones must comply with Council's guidelines.

FLOWER AND ORNAMENT GUIDELINES

Council is committed to maintaining Katherine Memorial Cemetery's tidy presentation. We understand that people want to decorate a grave or memorial for sentimental or religious reasons. To ensure this is done in a safe and tidy way, please ask Council for a copy of the Flower and Ornament Guidelines.

All tributes are to be placed on the plinth to ensure ease of maintenance and to reduce damage to the lawn. Aged flowers and wreaths will be removed at Council's discretion and without notice.

Tributes that do not conform to Council's guidelines will be removed at Council's discretion and without notice.

The erection of fencing or private decorative gardens is not allowed. Fixtures or fittings of any kind are not to be permanently attached to the plinths without prior written approval from Council.

VEHICLES

Vehicle movements within the cemetery must comply with posted speed limits and other vehicle management signs.

Private vehicles are not permitted within burial areas and must stay within designated driveways and parking areas.

Overnight parking or camping is not permitted in the cemetery.

CEMETERY FEES

The cemetery fees are included in Council's Schedule of Fees & Charges which may be amended from time to time by Council resolution.

Where relatives wish to provide an alternative headstone and/or plaque, this will be at their own cost and it must confirm with Council's guidelines.

RECORDS

In accordance with relevant legislation, Council will collect the information necessary to meet the requirements for the keeping of cemetery registers.

Information contained in cemetery registers and plans held by Council is available upon application.

Amendment to Burial Records

Under exceptional circumstances, Council will amend details in the burial register upon request, including the provision of relevant documentation.

ORGANISED EVENTS (OTHER THAN FUNERALS/BURIALS)

Where a family or community event or group activity is to be held in the cemetery (other than a pre-approved funeral, burial or interment), the organiser must contact Council's cemetery staff at least two weeks prior to the event.

Some events may require the submission of documentation, such as a risk assessment and public liability insurance. Written approval for the event must be given by Council before accessing the cemetery.

5 ASSOCIATED POLICIES/DOCUMENTS

Katherine Cemetery Flower and Ornament guidelines
Annual Fees and Charges statement (published on the website)

6 REFERENCES AND RELATED LEGISLATION

Local Government Act 2019
Burial and Cremation Act 2022
Burial and Cremation Regulations 2022
Births, Deaths and Marriages Registration Act 1996
Coroners Act 1993
Northern Territory Civil and Administrative Tribunal Act 2014

Revision History

Version	Approval date	Details of change	Responsible officer
1	2006	Created	CEO
2	27/07/2021	Revised to include more information about exclusive burial rights and management of the cemetery	Director, Infrastructure and Environment
3	14/04/2023	Revised policy, new template	Director, Infrastructure and Environment