



**TITLE: KATHERINE MEMORIAL CEMETERY POLICY**

**ADOPTED BY: KATHERINE TOWN COUNCIL**

**RESPONSIBILITY: DIRECTOR INFRASTRUCTURE AND ENVIRONMENT**

**NEXT REVIEW DATE: 28/04/2023**

<b>Version</b>	<b>Reviewed By</b>	<b>Adoption Date</b>	<b>History</b>
1	Policy Review Committee	27/04/2021	DRAFT

## 1. Purpose

- 1.1. To provide clear guidelines surrounding the management and requirements of the Katherine Memorial Cemetery while ensuring equitable and consistent administration and operational practices are maintained.
- 1.2. To ensure that all activities which take place within the cemetery grounds comply with relevant Work Health & Safety requirements.

## 2. Definitions

Term	Definition
Act	<i>Cemeteries Act 1952</i>
Board	Katherine Town Council and section 269 of the <i>Local Government Act 2019</i> )
Cemetery	The Katherine Memorial Cemetery
Council	Katherine Town Council
Cemetery staff	Includes full time and part-time Council staff, and temporary employees, contractors and consultants while engaged by the Council
CEO	Chief Executive Officer of the Katherine Town Council
Cemetery Manager	A Council staff member appointed by the CEO to oversee the care, control and maintenance of the Cemetery
Grantee	A person with Exclusive Rights for an interment site
Memorial	Any structure such as a monument, plaque, headstone or any other form of construction placed at an interment site
Minister	Minister responsible for the <i>Cemeteries Act 1952</i> .
Plinth	Cement beams specifically made for the placement of Board approved memorials.

## 3. Principal

- 3.1. As the responsible entity of the Katherine Memorial Cemetery, Katherine Town Council ('Council') has set out a number of policy positions relating to burials, reservations and memorials as outlined in this Cemetery Policy ('Policy').
- 3.2. This Policy should be read in conjunction with the *Cemeteries Act 1952*, the *Local Government Act 2019*, the *Cemeteries Regulations 1967* and the Katherine Town Council Flower and Ornament Guidelines.

## 4. Cemetery Administration

- 4.1. Council and cemetery staff will conduct themselves in a respectful and responsible manner at all times when dealing with the public.
- 4.2. Katherine Memorial Cemetery shall be open to the public from sunrise to sunset each day, subject to temporary closures required for maintenance of the cemetery and/or for public safety reasons.
- 4.3. 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.
- 4.4. Orders for personalised plaques and applications for a Certificate of Exclusive Right of Burial may be made by contacting the Katherine Town Council office between the hours of 8:00am to 3:00pm or by emailing [records@ktc.nt.gov.au](mailto:records@ktc.nt.gov.au).
- 4.5. The Board will keep a Burial Register of every person whose remains are interred in the Cemetery including cremated remains. The register is to include the following details:
  - a) full name;
  - b) sex or gender;
  - c) age;
  - d) date of birth;
  - e) date of death;
  - f) place of residence immediately prior to date of death;
  - g) occupation immediately prior to date of death;
  - h) marital status;
  - i) country of birth;
  - j) next of kin details; and
  - k) date of burial;
  - l) row and plot numbers, or other means of locating the place of burial;
  - m) the depth of the grave;
  - n) the type of burial; (e.g. horizontal)
  - o) whether a lead lined coffin was used for the burial;
  - p) the name of the person who officiated the burial ceremony;
  - q) the name of the funeral director or any other person that arranged the burial;
  - r) the date of erection of any memorial at the place of burial;
  - s) descriptive details of any memorial erected at the place of burial; and
  - t) if the human remains have been exhumed after a burial:
    - i) the date of exhumation approval was given by the Minister;
    - ii) the date of exhumation;
    - iii) the name of the person carrying out the exhumation; and
    - iv) the place of relocation.
- 4.6. The Board will maintain and update plans of the Cemetery that will indicate the locations of each section, row and grave site number.
- 4.7. The Board shall keep a Register of Exclusive Rights of Burial in which shall be entered in respect of each exclusive right the following particulars:

- a) The full name, postal address and contact details of the Exclusive Right grantee.
  - b) The place of burial in respect of which each exclusive right burial was granted.
  - c) The name/s of whose remains can be interred.
  - d) The date upon which the Exclusive Right was granted.
- 4.8. The CEO shall appoint a Manager for the Cemetery who will be responsible for the care, control and management of the Cemetery in line with this policy, the *Cemeteries Act 1952*, the *Cemeteries Regulations 1967* and directions of the CEO, in accordance with any delegations by the Board to the CEO.

## 5. Schedule of Fees

The cemetery fees will be included in the Katherine Town Council Fees & Charges structure which may be amended from time to time by Council resolution. The schedule of fees will be available for public inspection at the Katherine Town Council office and on Council's website [www.katherine.nt.gov.au](http://www.katherine.nt.gov.au)

## 6. Cemetery Grounds

- 6.1. The Katherine Memorial Cemetery is made up of three distinctive areas:
- a) Old Cemetery Area - Council assumed control of the Cemetery in 1978 and acknowledges that precise records and locations of specific graves prior to this date have proved difficult to locate.
  - b) Lawn Area - the lawn area was established in 1979 and is easily distinguished by the concrete plinths.
  - c) Garden Area - a specific area at the Cemetery in which cremated remains can be interred.
- 6.2. The Board will continue to install plinths in the Lawn and Garden Areas for the placement of memorials as depicted on the Cemetery Plans.
- 6.3. All plants and trees planted within the Cemetery remain the property of the Board and will be maintained/removed according to Work Health & Safety requirements.
- 6.4. Planting of flora within the Cemetery is not permitted without prior approval from the Board.
- 6.5. Vehicles are not permitted on the lawn areas unless authorised by the Board.
- 6.6. The following behaviour is prohibited within the Cemetery grounds unless specifically authorised by the Board:
- a) buying or selling;
  - b) distribution of handbills, cards, circulars or other advertisement, other than of a religious nature concerned with a particular burial;
  - c) meetings, other than of a religious or commemorative character or in connection with a burial;
  - d) disturbance of any funeral service or burial ceremony, whether by working in the area or otherwise;
  - e) discharge of any firearm, except at a military funeral;
  - f) damage or disturbance of any land or personal property;

- g) disturbance of flowers or other tokens;
- h) throwing away of, or depositing refuse or rubbish, except in receptacles provided for the purpose;
- i) bringing any offensive, noxious or dangerous material into the cemetery;
- j) breaching of the peace or actions which cause a nuisance or otherwise offend against decency or decorum;
- k) interfering with any trees or shrubs;
- l) erection of any wooden structure or fence; or
- m) interference with any grave.

## **7. Reservation of Sites**

- 7.1. Burial sites can be reserved for future use by purchase of an Exclusive Right of Burial:
  - a) a person may reserve up to two (2) sites in the Lawn Area; or
  - b) a person may reserve up to two (2) sites in the Garden Area.
- 7.2. The Board will not permit any new sites to be reserved in the Old Cemetery Area.

## **8. Exclusive Right of Burial**

- 8.1. The term for all Exclusive Right of Burial Certificates shall be in perpetuity.
- 8.2. The Board will, upon payment of the relevant and associated fee/s as provided in the current fees and charges structure, grant an Exclusive Right of Burial Certificate in the preselected gravesite as agreed upon by the exclusive right grantee and the Board.
- 8.3. Upon granting an Exclusive Right of Burial to a person, the Board will give the person a written statement in the form of a certificate that:
  - a) includes the following matters in the Exclusive Right Certificate;
    - i. identifies the grantee; and
    - ii. identifies the person or persons whose remains may be interred pursuant to the Exclusive Right of Burial or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the Exclusive Right of Burial; and
    - iii. identifies the site at which the remains will be interred pursuant to the Exclusive Right; and
    - iv. specifies whether the Exclusive Right of Burial may be surrendered or transferred and sets out the conditions (if any) governing its surrender or transfer
  - b) sets out the rights and responsibilities of the grantee and relatives of a deceased person whose remains may be interred pursuant to the Exclusive Right of Burial; and
  - c) specifies the cost of the Exclusive Right of Burial.
- 8.4. Where a future use Exclusive Right of Burial has been issued, the Board supplied single headstone will be stamped 'R' to indicate the status of that particular site.

- 8.5. It is the responsibility of the Exclusive Right grantee to ensure the Board is notified of any changes to their contact details.
- 8.6. If it is found that a site granted with an Exclusive Right of Burial Certificate has inadvertently been used or already allocated due to the Board's error, the grantee of that Exclusive Right of Burial will be offered a replacement site, as close to the original site as possible, and at no additional cost.
- 8.7. Proof of Exclusive Right of Burial:
- a) A person claiming ownership of an Exclusive Right of Burial must, if so requested, provide proof of ownership to the Board.
  - b) 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 the Board.
- 8.8. Transferring an Exclusive Right of Burial:
- a) An Exclusive Right grantee may make written request to the Board to transfer the exclusive right to another individual. The existing certificate of Exclusive Right must be returned by the grantee and, if the Board agrees to the request, a new certificate will be issued to the new grantee.
  - b) In the event of the death or legal incapacity of the grantee, the rights may be exercised by the lawful successor of the grantee; or
  - c) Where the grantee is deceased or is legally incapacitated and if there is no lawful successor appointed, then the rights may be exercised by the next of kin of the grantee in the following order of priority:
    - i. for a deceased person who was an Aboriginal or Torres Strait Islander person and who had strong cultural and traditional ties to a community or group - a person who, according to the customs and tradition of the community or group to which the person belonged, is appropriate to perform that role;
    - ii. a spouse;
    - iii. a de facto partner;
    - iv. a child of or above 18 years of age;
    - v. a parent;
    - vi. a sibling of or above 18 years of age.
- 8.9. Surrender of an Exclusive Right of Burial:
- An unexercised Exclusive Right may be surrendered by the grantee to the Board on the terms contained in the certificate of Exclusive Right.

## **9. Lawn Area Burials**

- 9.1. The Board requires four (4) business days' notice prior to an interment being confirmed to allow sufficient time for processing and grave digging to be completed.
- 9.2. No interment shall be permitted in the Lawn Area until:
- a) A completed Notice of Interment (Form 1a) has been received and the particulars of the deceased have been recorded by the Board.

- b) One of the following has been supplied and recorded by a cemetery staff member:
    - i. a notice under section 34(1) of the *Births, Deaths and Marriages Registration Act 1996* duly signed in accordance with that section; or
    - ii. an instrument under the hand of a coroner for the Territory authorising the burial of the body in the Territory.
  - c) Written approval to proceed has been provided by the cemetery manager.
- 9.3. Digging of graves shall only be undertaken by Cemetery staff (or those contracted by the Board).
- 9.4. All graves shall be dug to a minimum depth of 8 feet (2.4m) 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 death, less than 8 years of age then the grave shall be dug to a minimum depth of 5 feet (1.5m).
- 9.5. 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 the Board and will be subject to fees specified in the fees and charges structure.
- 9.6. The Board will erect a shade structure for each burial. No shade structures are to be installed without prior approval from the Board.
- 9.7. Cremated remains to be interred in the Lawn Area must be contained within a sealed receptacle of durable material.
- 9.8. Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as the attendees have vacated.
- 9.9. Vaults and other forms of above ground interments are not permitted.

## **10. Garden Area Burials**

- 10.1. The Board requires three (3) business days' notice prior to an interment being confirmed, to allow sufficient time for processing and preparation of the interment site.
- 10.2. No interment shall be permitted in the Cemetery Garden area until:
- a) A completed Notice of Interment of Ashes (Form 1b) has been accepted/approved by the Board (a cemetery staff member will assist with the completion of this form) and the particulars of the deceased have been recorded by the Board.
  - b) The following have been supplied and recorded by a cemetery staff member:
    - i. a copy of the deceased's Death Certificate; and
    - ii. a copy of the deceased's Cremation Certificate
  - c) Payment of all associated fees as set out in the Katherine Town Council Fees & Charges has been received by the Board.
  - d) Written approval to proceed has been provided by the Cemetery Manager.
- 10.3. Cremated remains must be contained within a sealed receptacle of durable material measuring no larger than 287mm (height) x 128mm (diameter).
- 10.4. The normal days for interments shall be Monday to Friday (excluding public holidays). Interments outside these days are by special arrangement only with the Board.

- 10.5. Interments shall not take place during the time between sunset on any day and sunrise on the next succeeding day.

## **11. Scattering of Cremated Remains**

- 11.1. A Notice of Interment of Ashes (Form 1b) is not required for the scattering of ashes within the cemetery.
- 11.2. Details of deceased person whose ashes have been scattered at the Cemetery shall not be recorded in the Boards Burial Register.

## **12. Reopening of Graves (Multiple Interments)**

- 12.1. The Board will allow the reopening of graves for multiple interments at the Cemetery subject to the following conditions:
- a) Old Cemetery Area:
    - i. the original site must be clearly marked with a headstone or plaque.
    - ii. the depth of the original site allows for a second interment as stipulated in section 23A of the Act.
    - iii. an Exclusive Right has been issued at the time of the original burial approving a second interment.
    - iv. where an Exclusive Right has not been issued then written consent must be given by the Minister.
  - b) Lawn Area:
    - i. all sites shall be dug to a depth of 8 feet to allow for a reopening at a later date.
    - ii. an Exclusive Right has been issued at the time of the original burial approving a second interment.
    - iii. where an Exclusive Right has not been issued then written consent must be given by the Minister.
  - c) Garden Area:
    - i. an Exclusive Right has been issued at the time of the original interment approving a second interment.
    - ii. where an Exclusive Right has not been issued then written consent must be given by the Board.

## **13. Exhumations**

- 13.1. No person shall be permitted to exhume the remains of any deceased person from the Cemetery unless given written consent from the Minister.
- 13.2. Exhumations must be carried out by a licensed Funeral Director within the conditions specified in the instrument of consent.



- 13.3. The removal of cremated remains requires the written consent of the Board.
- 13.4. The Board will not be responsible for any costs relating to an exhumation.

## **14. Pre-Paid Burials**

- 14.1. The Board will no longer accept payment for pre-paid burials.
- 14.2. All existing pre-paid burials that are registered with the Board will be honoured in the due course of time.

## **15. Maintenance of Graves, Plaques, Memorials and Structures**

- 15.1. 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.
- 15.2. In the interest of public safety, Cemetery staff shall be permitted to refill any site that falls below ground level.
- 15.3. Cemetery staff will provide regular maintenance operations to the lawn sections within the Cemetery.
- 15.4. No person shall be permitted to place any items on the lawn sections which would prohibit the lawn to regrow.
- 15.5. Trees, shrubs, or other plants are not to be planted on any grave in the lawn section.
- 15.6. The registered Exclusive Right grantee of the interment site shall keep any associated memorial in good repair and proper condition.
- 15.7. The Board will not be liable for the future care, maintenance, preservation or restoration of any memorial. The Board will not accept responsibility for any damage to memorials through acts of vandalism or severe storm events.
- 15.8. The Board may act to remove any memorial dilapidated, unsafe or unsightly; this includes any memorial or structure that has been installed without the Board's approval.

## **16. Floral and Non-Floral Tributes**

- 16.1. For the Board's full set of guidelines regarding permissible and non-permissible (non-conforming) tributes, families should refer to the *Katherine Town Council Flower and Ornament Guidelines* which is available on Council's website [www.katherine.nt.gov.au](http://www.katherine.nt.gov.au)
- 16.2. Aged flowers and wreaths will be removed at the Board's discretion and without notice.
- 16.3. All tributes shall be placed on the plinth to ensure ease of maintenance and to reduce damage to the lawn.
- 16.4. Nonconforming tributes will be removed at the Board's discretion and without notice; families will have four weeks to collect these items after which any uncollected items will be deemed unwanted and will be recycled.
- 16.5. No fixtures or fittings of any kind are to be permanently attached to the plinths without prior approval from the Board in the form of a memorial permit.

## **17. Memorials - Lawn Area and Garden Area**

- 17.1. The Board 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 shall be included as part of the cost of the burial.
- 17.2. The Board 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 shall be included as part of the cost of the burial.
- 17.3. No memorials other than those supplied by the Board shall be permitted to be installed in the cemetery without prior approval from the Board in the form of a memorial permit.
- 17.4. The registered Exclusive Right grantee or lawful executor of the deceased may arrange for an alternative memorial to be installed, following prior approval is granted by the Board in the form of a memorial permit.
- 17.5. All alternative memorials shall be of a design, dimension and quality approved by the Board in its specifications as set out in the memorial permit.
- 17.6. The Board reserves the right to deny the installation of any memorial which could be deemed as offensive or is deemed to be noncompliant with the Boards specifications.

## **18. Memorials - Old Cemetery Area**

- 18.1. No memorials shall be permitted to be installed at any unmarked grave in the Old Cemetery area due to the uncertainty of grave locations.
- 18.2. In instances where a memorial is not permitted the Board will, on request from the relevant next of kin and in the form of a memorial permit, supply a bronze plaque measuring 203mm x 76mm that will be mounted on the Remembrance Wall in the Rotunda.
- 18.3. Only plaques ordered by the Board are permitted to be placed in the Rotunda and shall be installed by cemetery staff.

## **19. Non-Interment Memorials**

- 19.1. Families who wish to have memorials installed for long term residents who are not interred in the Cemetery may apply to the Board in writing in the form of a memorial permit.

## 20. References

Related Publications	<ul style="list-style-type: none"><li>• Northern Territory of Australia Cemeteries Regulations 1967</li><li>• Northern Territory of Australia Cemeteries Act 1952</li><li>• Northern Territory of Australia Local Government Act 2019</li></ul>
Related Documents	<ul style="list-style-type: none"><li>• Katherine Town Council Flower and Ornament Guidelines</li></ul>
Relevant Forms	<ul style="list-style-type: none"><li>• Notice of Interment</li><li>• Notice of Interment of Ashes</li><li>• Certificate of a Grant of Exclusive Right of Burial</li><li>• Transfer / Surrender of an Exclusive Right of Burial</li><li>• Memorial Permit</li></ul>

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