

# Policy

## Cemetery Operation

Responsible Manager (Title)	Open Space & Facilities		
Adopted by Council	25 August 2020	Minute Number 6c.20.126	
File Reference Number	2142434	Version 1.0	Review Due May 2024
Document(s) this policy Supersedes			
Community Plan Linkage	<b>2 Infrastructure</b>		
	2.1 We will have communities that are well serviced with appropriate infrastructure		
	2.1.3 Provide strategic asset management planning		

### 1 Purpose

The Cemetery Policy aims to guide the Council, management and staff in operation and management of cemeteries entrusted to the care of the Clarence Valley Council. It is a reference point for members of the public, seeking guidance in relation to the overarching framework within which the Council makes decisions about cemetery matters.

The Policy applies to Councillors, staff, volunteers, contractors, consultants and members of the public.

### 2 Definitions

Term	Meaning
Australian Standards	the applicable two standards are a) AS-4204(2019) [Headstones and Monuments] and b) AS-4425(2020) [Aboveground structures] – Mausoleums / Vaults / Crypts
Bodily remains	the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated.
Burial	the interment of bodily remains, below ground level or in an above ground structure.
Cemetery	the grounds of the Cemeteries administered by the Clarence Valley Council.

Term	Meaning
Closed cemetery	One in which no new Interment Rights are generally available. Subject to the usual rules, existing graves may be able to be used for further bodily or ash interments, provided there is sufficient space within the grave. At Council's absolute discretion, if a new grave space is available and there is satisfactory evidence of a direct family connection to an existing interment, an interment right may be created.
Council	Clarence Valley Council
Cremated remains	bodily remains that have been reduced by cremation.
Exhumation	the removal of a dead person's bodily remains (not being cremated remains) from a grave or vault, but does not include their removal from one vault for immediate transfer to another vault in the same cemetery or their temporary removal for the purposes of reburial in the same grave or vault or the re-interment of those remains in accordance with section 55 (4) of the 2013 Act.
Headstone lawn section	a section within a cemetery where it is acceptable to install a headstone or other approved memorial, only at the head end of the grave, either upon a base or the beam installed by Council.
Human remains	bodily remains including a) the remains of a still-born child; and b) bodily remains after they have been cremated.
Interment	of human remains includes a) the placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains; or b) the burial in the earth of human remains (directly in the earth, enshrouded or within a coffin or casket or in a container); c) but does not include the scattering of cremated remains.
Interment site	a place in a cemetery for the interment of human remains
Lawn Cemetery	Refers to the Clarence Lawn and Maclean Lawn Cemetery
Memorial	Includes a) an approved gravestone, cenotaph, tombstone or other monument; or b) a plaque; or c) any other approved structure or physical object used to memorialise a deceased person.
Memorial gardens	an area of the cemetery that is established for the memorialisation of cremated remains.
Monumental section	a section within a cemetery where it is acceptable to install a monument which may cover up to, but not exceeding, the designated surface area of the grave.
The Act	the <i>Cemeteries and Crematoria Act 2013</i> .
The Regulation	the <i>Public Health Regulation 2012</i> .

### 3 Background/legislative requirements

A person, including Interment Right Holders, must comply with the Cemeteries and Crematoria Act 2013, and the Public Health Regulation 2012, Australian Standards in relation to interments, headstones, monuments and above ground structures and these operating policies.

### 4 Policy statement

The principles and procedure guidelines which form part of this Policy provide the overarching framework for Council cemetery operations and matters to do with:

- a. interring human remains
- b. re-opening an interment site containing bodily or cremated remains
- c. removing human remains from an interment location
- d. the installation, alteration or removal of a memorial at an interment site
- e. general conduct within Clarence Valley Council cemeteries

#### 4.1 Cemetery Locations

Cemetery	Interment Category – memorial styles acceptable			
	Ash positions	Lawn	Headstone	Monumental
Clarence Lawn (Grafton)	✓	✓	N/A	N/A
Copmanhurst	✓		✓	✓
Coutts Crossing	✓		✓	✓
Eatonville/Mylneford	✓		✓	✓
Glenreagh	✓		✓	✓
Grafton (closed)	✓	No new graves are available, unless a family connection to an existing interment can be demonstrated to Council's satisfaction.		
Iluka	✓	Only ash placement		
Lawrence	✓	✓	✓	✓
Macleane Lawn	✓	✓	N/A	N/A
Nymboida	✓		✓	✓
Macleane (closed)	✓	Same as Grafton		
South Grafton (closed)	✓	Same as Grafton		
Ulmarra	✓		✓	✓

## 4.2 Cemetery Plans and Registers

Council will maintain detailed cemetery plans and registers at Council's Grafton and Maclean offices in relation to individual interments, memorials, headstones, monuments and plaques. The Council [website](#) also provides high level cemetery plans and enables detailed searches in relation to individual interments.

## 5 Implementation

This Policy will be implemented utilising the information in the related procedure document for the day to day operation and management of the listed cemeteries.

## 6 Fees

Council will publish a scale of fees for granting Interment Rights and all other cemetery services and may change the scale of fees as it may determine. Fees and charges are reviewed annually in June and are available on Council's website [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au)

## 7 Privacy

Information collected by Council is held in accordance with the *Privacy and Personal Information Protection Act 1998*. Personal information is collected for a lawful purpose that directly relates to our primary function of providing cemetery services in accordance with the *Cemeteries and Crematoria Act 2013*. We will not collect any more information than is necessary to fulfil these functions. Except as necessary to carry out these functions, we will not disclose your personal information to anyone without consent unless legally required to do so. We take all reasonable steps to protect the security of any personal information held, be it stored in electronic or hard copy format. Access to your personal information held by us may be requested in accordance with the *Government Information (Public Access) Act 2009*, except in the circumstances set out in Part 2, Division 3 of the *Privacy and Personal Information Protection Act 1998*.

## 8 Related Documents

Cemetery Operation Procedure V1.0

Clarence Valley Council Privacy Statement and Privacy Management Plan