



4.2 COOMALIE BUSH CEMETERY

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Policy Custodian:	Chief Executive Officer
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1. Purpose

Cemeteries are an important community asset and provide essential infrastructure and services to the community. Coomalie Community Government Council is responsible for the governance, administration and management of the Coomalie Bush Cemetery.

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

1. Scope

This policy applies to all members of the public, Council employees, residents and visitors who have an interest in the Coomalie Bush Cemetery.

2. Definitions

For the purposes of this policy the following definitions apply:

Term	Definition
A decision maker for a deceased person:	a) the executor or administrator of the estate of the deceased person; or b) if there is no executor or administrator of the estate of the deceased person – the senior next of kin (see definition below); c) in any other case – the Public Trustee.
A senior next of kin for a deceased person is the most senior person in the following hierarchy:	a) if the deceased person is an Aboriginal or Torres Strait Islander person with strong cultural and traditional ties to a community or group – a person who is appropriate to perform that role from their community or group; b) a spouse; c) a de facto partner; d) a child over 18 years of age – from eldest to youngest; e) a parent; f) a sibling over 18 years of age – from eldest to youngest;



	g) a person who, immediately before the death of the deceased person, had a relationship with the deceased person – for example, a grandparent or a friend.
Board	The Coomalie Bush Cemetery Board is a formal committee of Council. The Full Council and the CEO makes up the Board.
Burial means the following:	<ul style="list-style-type: none"> a) natural burial in the ground without a shroud or funerary box b) burial in the ground in a shroud; c) burial in the ground in a funerary box; d) interment in a structure; e) any other funerary practice for burial or interment.
Burial fee means a fee charged for the following:	<ul style="list-style-type: none"> (a) use of a burial plot; (b) digging of a grave; and (c) any other fee for a service required to undertake a burial as per Councils annual schedule of fees and charges published in the Shire Plan.
Cemetery means	an area of land declared to be a cemetery by the Minister under section 16(1) of the Act.
Cemetery manager	is the Chief Executive Officer of the responsible entity for the cemetery or the Chief Executive Officer's delegate.
Cemetery plan means	a plan required for a cemetery under section 24(1) of the Act.
Certificate of grant of exclusive right of burial means	means a certificate issued to a grantee under section 52 of the Act.
Cremation means	the process of using fire and heat in a purpose-built furnace to reduce human remains to ashes.
Grantee means	the individual to whom an exclusive right of burial is granted under the Act.
Human remains means	the body, or part of a body, of a deceased person, but does not include a body, or part of a body that is cremated or undergoes any other process of disposal prescribed by the <i>Burial and Cremation Regulations 2022</i> .
Independent cemetery means	a class of cemetery declared under section 16(2)(d) of the Act.
Memorial means	a gravestone, headstone, tombstone, plaque, tablet, cenotaph or any other permanent physical object used to memorialise a deceased person.
Public cemetery means	a class of cemetery declared under section 16(2)(a) of the Act.
Responsible entity (for a public or independent cemetery)	is an organisation, such as a local government council or a corporation that is responsible for the management of a public or independent cemetery in accordance with section 22 of the Act.



3. Policy Statement

3.1 Details

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 Coomalie 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 Cemetery Manager and that act determines the Chief Executive Officer or equivalent will hold this position.

The Cemetery Manager and Council Operations are guided by the Coomalie Bush Cemetery Board, a formal committee of Council. The 'Board' members include all elected members and the Cemetery Manager. The Coomalie Bush Cemetery Board is guided by the Council Meetings Policy.

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.

3.2 Cemetery Grounds

The cemetery can be accessed by the public from sunrise to sunset. Visitors to the Cemetery are requested to conduct themselves in a manner appropriate to the sensitivity of the location.

The cemetery has toilet facilities surrounded by green grass, native trees and shrubs. Parking is available on the adjacent local road, Memorial Drive.

The Coomalie Bush Cemetery is made up of four (4) distinctive areas:

- Columbarium Wall – a specific area at the Cemetery in which cremated remains can be interred.
- Rosella Wall – another specific area at the Cemetery in which cremated remains can be interred.
- Memorial Garden – a secluded area to honour residents that have contributed substantially to the Coomalie Community, who are not interred in the cemetery.
- Burial grounds – surrounded by green lawn with two (2) distinguished areas being a General(non-denomination) burial area and 'U' Burial Area (Denomination aligned to Islamic Faith) for in ground burials.



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

1. buying or selling.
2. meetings, other than of a religious or commemorative character or in connection with a burial.
3. disturbance of any funeral service or burial ceremony, whether by working in the area or otherwise.
4. discharge of any firearm, except at a military funeral.
5. damage or disturbance of any land, grave or associated property.
6. disturbance of flowers or other tokens.
7. throwing away of, or depositing refuse or rubbish, except in waste receptacles.
8. bringing any offensive, noxious or dangerous material into the cemetery.
9. breaching of the peace or actions which cause a nuisance or otherwise offend against decency or decorum.
10. interfering with any trees or shrubs.
11. interference with any grave.
12. unrestrained dogs.

3.3. Memorials

1. Approval of Memorials

All memorials in the Lawn and Garden area require prior written approval from Council. No memorials may be installed without this approval.

2. Council's Discretion

Council reserves the right to refuse the installation of any memorial that is considered offensive or does not meet Council's specifications.

3. Memorial Plaques for Non-Interred Residents

Families wishing to install memorial plaques in the Memorial Garden for long-term residents who are not interred in the cemetery must submit a written application to Council. Only plaques approved by Council may be placed in the Memorial Garden, and all approved plaques will be installed by Council.



3.4 Exclusive Rights of Burial

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

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 schedule.

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.

Council will maintain a Register and include specifications 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 and exclusive right.



3.5 Burial Area

Council requires ten (10) 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 Burial 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. (*burial application to be completed*).

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 10am and 3pm. Burials after 3pm on weekdays may involve additional internal fees. Burials on weekends or on public holidays may be conducted only by special arrangement with Council and will be subject to additional internal 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 2.3 metres to accommodate double burials unless otherwise requested. (*single grave 1.8 metres*).

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 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 council staff or those contracted by Council.



3.6 Ashes Area Interments

Council provides a specific area at the Cemetery in which cremated remains may be interred.

Council requires five (5) 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 Ashes Area Interments, 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. (*application for interment of ashes*).

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.

- *Columbarium Cavity: 280mm long x 160mm wide x 160mm high.*
- *Rosella Cavity: 170mm wide x 140mm height x 280mm deep.*

The normal days for interments shall be Monday to Friday (excluding public holidays) between the hours of 10am to 3pm and interments outside these days are by special arrangement with Council and may involve additional internal fees.

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

Scattering of cremated remains within the cemetery does not require an application and will not be recorded in Council's Burial/Ashes register.

3.7 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.



3.8 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 and the plot must be reinstated to a suitable condition.

3.9 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. Council 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.

3.10 Flower and Ornament's

Council is committed to maintaining Coomalie Bush Cemetery's tidy presentation. We understand that people want to decorate a grave or memorial for sentimental or religious reasons.

All tributes are to be placed on the concrete path to ensure ease of maintenance and to reduce damage to the lawn.

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 grave sites or ashes plots without prior written approval from Council.



3.11 Vehicles

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.

3.12 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.

3.13 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 and approval.

3.14 Organised Events

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 staff at least two (2) 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.

4. Associated Documents

- Coomalie Bush Cemetery, Cemetery Plan
- Exclusive right of burial application
- Burial Application
- Interment (Ashes) Application
- Memorial Application
- Burial Register
- Council Meetings Policy



5. References and Related Legislation

Burial and Cremations Act 2022

Burial and Cremations Regulations 2022

Local Government Act 2019

DOCUMENT HISTORY	
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