



BALRANALD SHIRE COUNCIL

DRAFT - CEMETERY OPERATING MANUAL

Controller:	Approved By:	Next Review Date
General Manager		

1. BACKGROUND

Council have an adopted Cemetery Management Policy that defines Council roles and responsibility for the Cemeteries under its control

Cemeteries have cultural, historical, social, and religious values to the community. Balranald Shire Council manages and maintains its cemeteries guided by sound conservation and non-discriminatory principles so that significances for all members of the community are retained.

2. OBJECTIVE

The Cemetery Operating Manual document sets out how the Cemeteries in Balranald and Euston will be managed and maintained on an ongoing basis.

3. SCOPE

Some of the services that are outlined within this Cemetery Operating Manual include (but not limited to);

- a) The interment of the remains of deceased persons;
- b) The interment of the ashes of deceased persons;
- c) The regulation and control of the installation and maintenance of memorials erected to deceased persons;
- d) Regular scheduled maintenance activities consistent with Council's Works Program and other Delivery Programs.

4. CEMETERY LAYOUT

Council has 2 cemeteries within Balranald Shire, Balranald and Euston Cemeteries; each cemetery is comprised of the following sections;

- a) Catholic
- b) Anglican
- c) Presbyterian; and
- d) Lawn

5. DEFINITIONS

Adult:	Any person older than the age of 18 years and one day.
Applicant:	The person making an application for a burial or memorial right or for a work permit or other Council consent.
Approved Contractor	Approved service provider appointed by Council or a family or Trust that has undergone required training and necessary site inductions to carry out a service at a Council owned cemetery.

Authorised Officer:	The Council officer or officers to whom the General Manager delegates authority from time to time to administer this Manual and who is authorised by the delegated authority to exercise the powers of an authorised person under this manual
Ashes:	The processed remains recovered from the cremation of a body.
Baby:	Any person up to 5 years of age.
Body:	A human body or any part thereof
Beam:	A strip of concrete laid at the head of the grave on which a monument or plaque is placed.
Burial:	The interment of non-cremated human remains.
Burial License:	A licence for interment of non-cremated human remains.
Burial License Holder:	Person who has been issued with a burial licence.
Burial Place:	A grave site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.
Burial Right Holder:	The original owner/purchaser of the right of the burial. The recognised owner of the right of burial is that person currently entered into the cemetery's burial register. In some cases, the Burial Right Holder refers to a surviving member of the person's family, their executor or administrator, Power of Attorney, their heir or successor. Ownership may be formally transferred or bequeathed by a Will
Council:	The Balranald Shire Council.
Cemetery or Cemeteries:	Designated area administered and operated by Council, containing one or more burial places and/or areas for cremated remains within the Balranald Shire Council area.
Child:	Any person from 5 years up to 10 years of age
Columbarium:	A structure having recesses in the walls to receive cremated remains.
Cremation:	To reduce a body to ashes by fire.
Exhumation:	The removal of human remains from a grave.
Fees and Charges:	A fee or charge fixed by Council and published annually in Council's Register of Fees and Charges.
General Manager:	The General Manager of the Balranald Shire Council.
Grantee:	The recipient of a permit, right or approval under this Manual.
Headstone:	Structure placed at the head of a grave on a beam.
Inurnment:	The practice of placing an urn in a niche wall and closing it up or placed in a garden.
Lawn Cemetery:	Burial area in which a concrete beam or individual grave markers are provided for the location of standard plaques and the remainder of the cemetery is mown grass.
Memorial Garden:	Garden area, path or the like in which ashes may be placed and a standard plaque placed. A standard plaque may be located in such areas without the placement of ashes.
Memorial Wall:	An area of the cemetery that is established for the memorialisation of cremated remains.
Monument:	Any structure, tombstone, plaque, masonry, headstone, metal work, casting, kerbing or railing, or item placed over, in or around a burial right or grave site used for commemorative purposes.
Monumental Mason:	A tradesman, mason or person possessing the skills to carry out monumental masonry work.
Niche:	Inurnment site or place in a wall where a container containing ashes of a deceased person may be placed.

Owner of Burial Right:

- a) a spouse of the deceased;
- b) a guardian of the deceased;
- c) brothers and sisters of the deceased, or of a spouse of the deceased;
- d) ascendants and descendants of the deceased, or of a spouse of the deceased; and
- e) the person who paid the respective fee for the burial right.

Plaque: Memorial sign that is attached to a beam, headstone or niche wall.

Plinth: A flat stone or concrete structure placed on a grave for which a plaque or monument is attached.

Register: Council's formal data repository containing details of a burial, memorial site, immurement right, and interment right or burial right.

Reservation: Pre-need burial right.

Retrieval: The removal of the cremated human remains from a grave, niche or garden.

The Manual: This manual.

Transfer of Right of Burial: The holder for the time being may transfer the right of burial in accordance with the rules of the cemetery and the transfer takes place upon successful completion of payment and details are entered into the burial register.

6. ROLES AND RESPONSIBILITIES

6.1. The Funeral Director is responsible for the following:

- a) Liaising with Family for Burial Details
- b) All General Preparations for the Burial
- c) Traffic Management in consultation with Council

6.2. Balranald Shire Council is responsible for:

- a) Liaising with the Funeral Director to compile the Funeral Notices
- b) Updating and maintaining the Cemetery Database. Reasonable accurate records dating back to the early 1950s exist.

6.3. The Funeral Director is responsible for:

- a) Invoicing designated Family Member, Friend or Administer of Estate for the cost of the Funeral

6.4. Balranald Shire Council's Operations or Works Depot is responsible for:

- a) General Maintenance of Council Managed Cemetery Grounds
- b) Grave digging and backfill

6.5. The owner of the Burial Right or Family Member or another person who has a proper interest is responsible for:

- a) General Grave Maintenance
- b) Erection of Headstone

7. PROCEDURE

7.1. Standard Conditions

- a) Council will make such provision as it considers necessary for the following:
 - i. The setting aside of sections for different types, religious denominations and classes of burials.
 - ii. The establishment of standards of construction and design for monuments and structures, and conditions of entry for funeral directors, monumental masons, their workmen and contractors and other service providers associated with work in the Cemeteries.
 - iii. The size, multiple use and location of burial places.
 - iv. The erection or the installation of structures.
 - v. The improvement and maintenance of cemeteries.
 - vi. The supply of goods and services incidental to the conduct of burials, monuments and other matters relating to cemeteries as per the adopted Revenue Policy/ Fees and Charges.
 - vii. The preservation, conservation and promotion of cemetery sites presently in use as places of community significance in terms of their architectural, heritage, social and genealogical content.
 - viii. The promotion and interpretation of cemeteries through the installation of signage, brochures and other interpretive materials when deemed necessary.
 - ix. The liaison with community groups and other organisations to carry out works relevant to the improvement, maintenance and promotion of cemeteries.
 - x. The establishment of regulations and prohibitions in respect to all areas of operation of Council cemeteries by service providers and the community.

7.2. Plot Reservations

Council will consider requests for plot reservations in the Shire's Cemeteries subject to the following guidelines:

- a) All plot reservations in all sections must be confirmed in writing.
- b) An administration fee and the fee for the "purchase of site" must be paid at the time of reservation; as detailed in Council's Fees and Charges.
- c) Site reservations will only be allowed in the developed sections of the Shires Denominational Cemeteries where there are site vacancies
- d) All plot reservations will be reconfirmed in writing every 10 years.
- e) If the reconfirmation of plot reservations are not received within 60 days of notification, the balance of the site fee will be refunded to the applicant and the plot returned to Council
- f) Plot reservations are non-transferable
- g) Requests for cancellation and refund of the site fee paid must be in writing.
- h) If an "Owner of Right of Burial" or "Grantee" cannot be identified the ownership will be transferred back to Council.

- i) A cancellation fee will be applicable on the following scale and will be deducted from the refund of the site fee:
 - i. Within the first five years of reservation 10% of the site fee
 - ii. After 5 years of reservation 20% of the site fee
- j) New interments (other than a second interment or reserved plot), must take the next available plot in the sequence.
- k) Sequencing shall be changed if there are WH&S issues with grave stability.

7.3. Notification and Hours of Operation

- a) Two working days' notice must be given at all times to allow sufficient time for grave digging to be completed.
- b) Burials with less than 48 hours' notice will only be considered if achievable.
- c) Burials and exhumations shall take place only during the hours approved by Council and in accordance with the Land Act 1994 and Regulations.

Burial hours are:

- Between 7.30am and 4.30pm Monday to Friday. Additional fees will be incurred outside these hours.
 - By arrangement with the Balranald Shire Council Director Infrastructure and Development or nominated person on Saturdays, Sundays, public holidays (except Good Friday, Anzac Day and Christmas Day).
 - As the Council may determine from time to time.
- d) The cemetery is open to the public daily from sunrise to sunset or as Council may determine from time to time.

7.4. Grave Allotment Sizes and Grave Preparation

- a) Please refer to Council's Revenue Policy with regards to allotment sizes.
- b) The following depths shall apply–
 - i. Single – 1.22m
 - ii. Double – 2.250m
- c) The use of ground penetration radar (GPR) can be conducted by Council staff or approved Contractors to determine the feasibility of a double interment or digging. This shall be at no cost to Council.
- d) "Probing" can be conducted by Council staff to determine the feasibility of a double interment.

It should be noted that these processes are limited to the condition of the casket from the first interment, or ground conditions are often unreliable.

- e) Only nominated Balranald Shire Council staff (or those contracted to Council) will prepare graves. Grave preparation includes –
 - i. Digging
 - ii. Placement of a grave cover on the grave awaiting arrival of Funeral Directors.
- f) Funeral Directors are required to supply lowering tapes and a marquee if required.

- g) The responsibility of the Funeral Director concludes when the last of the Funeral Directors employees leave the site having covered the grave, for safety reasons, with an approved grave cover, supplied by Balranald Shire Council.
- h) Participation by Council staff in the actual interment process is not permitted. This includes Council staff carrying the casket from the funeral car. It is acknowledged that Council staff may from time to time participate in the actual interment process and they will do so in their own private capacity.
- i) All activities undertaken within the Cemetery Grounds shall comply with relevant WorkCover and Work Health, Environmental and Safety requirements.
- j) Council will backfill a grave within one hour of the removal of the Funeral Director's equipment.
- k) It is recommended that the Funeral Directors advise the family of the deceased not to be present during the filling of a grave as some families find this process distressing.

7.5. Memorials

- a) Balranald Lawn Cemetery grave site memorials are restricted to plaques rather than other monuments. Plaques designs are of the family's choice restricted to a size capable of being affixed to Council's standard concrete pedestal
- b) Headstones or Plaques
 - i. Headstones or plaques which do not exceed the dimensions below do not require specific Council approval:
 - Plaque for Standard site: 381mm wide and 316mm high
- c) Installation of headstones or plaques
 - i. Only Council staff or a contractor approved by Council shall install a headstone or plaque.
 - ii. Wooden crosses could be considered by Council, in the event of financial hardship.

7.6. Monuments

- a) All monuments in the Euston Lawn Cemetery are restricted to a maximum height of 610mm, width of 615mm and a depth of 260mm.
- b) Where a lawn cemetery section has been established by Council the placement of any form of monumental work or plaque or other adornment will be restricted to the continuous concrete plinth installed by Council in these areas. No memorial fixture or fittings is to be attached to or placed on the continuous concrete plinth without prior approval from Council.
- c) The use of ornaments or tributes (e.g. glass or ceramic statues/crosses) likely to be damaged or broken is not permitted in the lawn cemetery. Any monument, memorial, vase or other adornment placed on any part of the grave (other than the continuous concrete plinth) in a lawn cemetery area may be removed by Council without notice to the owner of the burial right or any relative or family of the deceased.
- d) All monumental works carried out in the cemeteries are subject to prior approval by Council to any person it considers adequately qualified to carry out the work.
- e) This will include all documentation as required by Council.
- f) All monuments and monumental work must comply with *AS 4204-1994 Headstones and Cemetery Monuments*.
- g) Council will only grant a monumental permit with the consent of the grantee of the burial licence or as deemed appropriate by Council.

- h) Any structure that after being assessed is considered to be an immediate hazard and represents a risk for staff and cemetery visitors will be removed by Council. Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair or remove the structure.

7.7. Ash Interments

- a) Ashes can be interred in the (Balranald and Euston) Cemetery under consent of Council in the Lawn Cemetery. Consent from Council is required for all ashes interments.
- b) The interment of Ashes can only be carried out by Funeral Directors, or if approved under the supervision of Council staff. However, the ashes casket can be placed in the allotted space and back filled, if needed by a family member or friend of the deceased under the supervision of Council staff.
- c) Ashes shall not be spread above ground in any of the cemeteries under Council management.

7.8. Ornaments and Flowers

- a) Un-breakable ornaments or tributes placed on a plinth adjacent to a site shall not exceed 40cm in height,
- b) Flowers can be placed near graves/memorials. Fresh or limited artificial flowers are welcome tributes. These should be housed in approved containers provided.
- c) Visitors are encouraged to remove such items when they become unsightly, weathered or wither.
- d) Floral tributes, both fresh and artificial, or other items that encroach on neighbouring memorials or graves will be removed without notice. Glass vases, jars or other non-approved receptacles or ornaments, candles, wind chimes are not permitted and will be removed.
- e) The grounds will be kept neat and tidy by removing withered or weathered floral arrangements and any tributes deemed unsuitable or unsightly. This will be carried out at Council's discretion. Ornaments re-located by cemetery staff may be retrieved from the Council Depot. The Council reserves the right to dispose of items two weeks after being removed. These items are not to be placed back on the grave or memorial.
- f) Council does not accept any responsibility for items left at Cemeteries.

7.9. Cemetery Plaques

- a) Plaques must be no larger than the concrete pedestal at the head of each grave within the Lawn Cemetery; Note that Ashes – Memorial Wall Internment & Plaque (300X210).
- b) A plaque order form shall only be signed by the Executor of the will or persons authorised by the Executor.
- c) No offensive wording shall be placed on any plaque.
- d) The securing of a single item which requires the use of adhesive only such as new plaques, military insignia and photographs do not require a work permit.

7.10. Lighting

- a) Solar powered lights or spikes on individual sites are prohibited.

7.11. Special Burial Requirements

- a) Council is aware of the diverse range of faiths within our community and strives to develop a deep understanding of burials for specific cultural, religious and spiritual beliefs. The following outlines the basic requirements for burials other than those outlined in this manual:
 - iii. Application must be made to Council to give consideration to burials that do not meet the requirements of this manual however are able to meet obligations specified under current legislation.
 - iv. Council recommendations, observations and authorisations for burials requests will be made in accordance with the applicable by-laws, the Public Health Act 1991 and the Public Health (Disposal of Bodies) Regulations 2011, Work, Health and Safety regulations as well as other guidelines if needed.
 - v. If permission is granted the grantee must meet all requirements under all relevant legislation including but not limited to the Public Health Act and the Work, Health and Safety Act.
 - vi. Council shall be indemnified absolutely, by the grantee, in the event of any action suit or claim brought by any other person for damages or loss to extent that such damage or loss may be suffered as a result of customs exercised by persons attending the burial.

7.12. Grave reopening

- a) Council will liaise with Funeral Directors and, if required with family members.
- b) Testing of grave sites for the purpose of reopening shall be at full cost to the applicant.
- c) At the cost of the owner of the burial right, Council will arrange the removal of all monumental work necessary to facilitate the reopening of a grave for a second interment (where permitted) and it will be the responsibility of the owner of the burial right to arrange reinstatement after the burial at the owner of the burial right's cost. All restoration of existing monumental works shall be in accordance with the Australian standard for restoration work.
- d) If however the masonry appears to be constructed in an unworkmanlike manner, Council will hold the owners of the headstone responsible for the repairs. An assessment will be carried out by a Council officer and the undertaker will be given sufficient notification before work takes place.
- e) Burial allotments within the lawn cemeteries are allowed to be re-opened at a later date.
- f) Ash interment could be considered at a grave site by Council without involving a Funeral Director.

7.13. Exhumation

- a) An exhumation may only take place when an order by a Coroner or a Court permit is issued or an applicant has obtained an order, prior to commencing exhumation.
- b) Other requirements:
 - i. Approval for exhumation by NSW Department of Health in accordance with the provision of Public Health (Disposal of Bodies) Regulation, 2012;
 - ii. Approval from Council with the full payment of all associated fees being payable by the applicant.

7.14. Maintenance and Repair of Memorials by Owner of a Burial Right – General

- a) The owner of the burial right or any relative or family of the deceased or another person, who has a proper interest in the maintenance of a memorial to a deceased person, may, with the approval of the General Manager or an authorised officer, carry out maintenance or repair work on a memorial in a Council cemetery.
- b) A person who carries out maintenance or repair work under this section must comply with directions by the General Manager or an authorised officer about how the work is to be carried out in accordance with prescribed standards, technical specifications or other prescribed documentation issued by Council from time to time.

7.15. Maintenance Repair and Removal of Memorials

- a) Council may carry out maintenance or repair work on a memorial after consulting with the family; however Council is not obliged to carry out maintenance or repair work on a memorial unless obliged to do so under a maintenance contract.
- a) Council may remove a memorial if it has become unsafe or has fallen into a state of disrepair or may enclose the memorial in a manner as to make it safe. The cost of making a memorial safe may be recovered by Council from the owner of the burial right.
- b) If there is no immediate danger to the public, Council must, before repairing or removing a memorial under this section, give members of the deceased's family whose identity and whereabouts are known to Council reasonable notice of its intention to remove the memorial.
- c) Council is not obliged to reinstate a memorial removed under this section.
- d) Incorrectly placed monuments moved from their original location should be reinstated if documentation of the correct location is available. Where the original location cannot be found, monuments should be placed in a group of monuments whose original location is unknown.
- e) Odd alignment of monuments should not be regarded as a problem since these often date from a period before the cemetery may have been surveyed. They should be preserved, so far as it is practicable and safe to do so.

7.16. General Maintenance of Graves in Denominational Cemetery

- a) It is the responsibility of the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the plot to maintain the grave plot and any fixture thereon. Council will maintain the surrounding area, including pathways, plants, fencing and structures.
- b) In undertaking maintenance of areas surrounding graves including pathways, plants, fencing and structures, Council employees or approved contractors will take reasonable care to minimise any damage to masonry, monuments or grave structures.
- c) Council may undertake maintenance of a grave plot where requested by the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the plot at the expense of the person requesting the work.
- d) Where the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the plot cannot be identified or located Council may authorise maintenance of the plot, particularly if the plot has some distinct local heritage or historical value.
- e) Where a Lawn Cemetery has been established by Council, maintenance of a grave by the owner of the burial right is limited to maintenance of any monument erected or placed on the continuous concrete plinth installed by Council in these areas.

Council may remove from a grave plot any empty flower containers, decayed wreaths or dead flowers if deemed unsightly.

- f) The use of ornaments or tributes (e.g. glass or ceramic statues/crosses) likely to be damaged or broken is not permitted in the lawn cemetery.
- g) In any Council cemetery, glass jars and other breakable containers should not be used for the display of floral or other tributes. Plastic or other non-breakable containers should be used for the purpose.

7.17. Non-Compliant Memorials

Memorials that do not comply with the criteria set out within this manual in situ or future they will be assessed in accordance with Councils policy and manual of the time that the infrastructure was installed. In situations where it does not meet the criteria it will be removed by Council in consultation with the family of the Burial Right holder.

7.18. Grounds Maintenance

- a) Minimum standards for grounds maintenance of Council cemeteries are defined as:
 - i. Presenting Council facilities in a clean and tidy condition for use by the community within the limits of allocated budget.
 - ii. Exercising due care so as to minimise the risk of damage to grave plots, memorials and the like.
 - iii. Complying with Workplace Health and Safety obligations.
 - iv. Complying with identified risk/hazard minimisation strategies.
 - v. A commitment to Quality Assurance principles of continuous systems improvement.
 - vi. Developing and maintaining a team environment to achieve a consistently high standard of customer service.
- b) Grass Cutting
 - i. Grass cutting in Council Lawn cemeteries is carried out using pedestrian operated lawn mowers, and ride-on machines with slashers as appropriate to the particular area of the cemetery being maintained.
 - ii. The use of line trimmers, whipper-snippers and other similar devices will be limited to areas where the use of such equipment will not cause damage to graves or monumental structures.
 - iii. Council will schedule its grass cutting activities in the denominational sections to 4 times per year, unless otherwise required and where funds permit.
- c) Planting of Trees and Shrubs

No shrubs, bushes, trees or live growing plants may be planted at any place or time within the cemeteries by any individual other than regular cemetery maintenance personnel, unless prior approval has been obtained by Council

d) Weed Control

- i. Chemicals are used to poison weeds and grass around the perimeter of structures, graves and fences to assist with or minimise lawn mower access. Weed control will be undertaken on average 4 times each year particularly during the warmer growing period or following significant rain events.
- ii. Where significant or noxious weeds are prevalent in a cemetery, Council will take action to eradicate such weeds by poisoning irrespective of whether such weeds are contained within a grave plot or growing on a pathway or other area.
- iii. A notice shall be erected to inform visitors about planned chemical usage.

e) Tree and Vegetation Management

- i. Council will remove trees or vegetation where it poses a Work Health and Safety threat to visitors or personnel.
- ii. Council will remove trees and vegetation where it is deemed that the tree or vegetation poses a threat to the stability or causes damage to a monument or memorial or any other asset.

f) Litter

- i. Litter and other debris, whatever the source, is picked up from the cemetery grounds on a minimum of one occasion per week between Mondays and Fridays.
- ii. Spent flowers and wreaths will, on occasions, be removed as part of the litter clearance.
- iii. Council will provide refuse bins at different locations on site for the collection of waste materials in the cemeteries.

g) Animals or pests within the Confines of a Cemetery

- i. Where it is detected or notified that an animal or animals have become trapped within the confines of a cemetery, Council will make every effort to humanely remove these animals from the cemetery as soon as practicable after detection or notification.
- ii. Where animals become trapped in the cemetery grounds and die, Council will make every effort to remove the carcasses of these animals as soon as practicable after detection or notification to reduce odour and visual pollution for persons visiting the cemetery.
- iii. Council may from time to time establish animal control or baiting programs to control nuisance animals or pests.

h) Responsibility for Damage

- i. Council will not assume responsibility for vandalism. Where vandalism is discovered, the matter will be reported to the local police for investigation and reasonable efforts will be made to notify the owner of a burial right or a member of the family of a deceased person, or another person who has a proper interest in the maintenance of the grave where the vandalism has occurred.
- ii. Council will not automatically assume responsibility for any damage allegedly caused to any structure, monument, grave, or plinth by Council Personnel in the execution of their duties in a cemetery but will investigate how such damage may have occurred.

- iii. If an authorised officer has reason to believe that a person has committed, is committing or about to commit an offence in the cemetery, the authorised officer may require the person to leave the cemetery forthwith.

i) Maintenance of Structures

- i. Where structures have been provided in a cemetery for public use, an adequate program of maintenance will be undertaken to ensure such structures are fit for the designated purpose.

7.19. Unsafe Monuments

a) Any monument identified as posing a safety risk will be accorded a category ranking:

i. Category 1

Monuments over 1.75 metres in height that:

- Are likely to collapse or fall over at any time
- Have significant sections or parts separating from the main monument irrespective of cause (subsidence, deterioration etc).

ii. Category 2

Monuments 1.75 metres or less in height that:

- Are likely to collapse or fall over at any time
- Have significant sections or parts separating from the main monument irrespective of cause (subsidence, deterioration etc).

Repair of monuments

The area surrounding the monument is to be immediately secured with barriers and danger signs.

- Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair the monument.
- If contact has not been made with the “burial right holder” or family representative within 14 days, Council will take steps to make the monument safe.
- *Note: Making the monument safe will (usually) consist of laying the headstone down on a sound base of the grave.*

iii. Category 3

The following will apply to monuments that are affected by subsidence and are leaning by more than 10 degrees, but are otherwise deemed to be in sound condition.

Identification and Reporting

- Any identification of unsafe monuments and consequent actions under this clause will be thoroughly documented and supported with photographs. All actions will be recorded on file and against the respective cemetery register entry.

Subsidence

- Where subsidence is evident, Council will fill and compact the ground in the normal manner.
- Old graves will be filled where possible.

Repair of Monument

- Council will not repair monuments and will only act to ensure public safety.
- Council will make reasonable efforts to contact the burial right holder or family representative and instruct same to take immediate steps to repair the monument.
- Council will continue to monitor the site until such time as the monument is identified as Category 1 or Category 2. The appropriate procedure will then be activated.
- Council reserves the right to remove the monument for safety reasons.

7.20. Offences

- a) It is an offence to do any of the following within a cemetery:
- i. A person must not interfere with a grave, or with flowers or tokens on a grave or memorial, must not remove, damage or interfere with any structure, memorial or plant in any Council controlled cemetery unless the approval of the Council has first been obtained.
 - ii. Film or photograph within the cemetery for the purpose of commercial use. Prior approval must be sought from Council for filming of any kind.
 - iii. Bury, inter or exhume any human remains, whether cremated or not without written authority of Council.
 - iv. Enter or remain in a cemetery between sunset and sunrise unless by prior arrangement.
 - v. Cause or permit an animal that is not under the person's control to enter or remain in a cemetery. Dogs shall be kept on a leash at all times.
 - vi. Take part in any gathering, meeting or assembly, except for the purpose of religious or other ceremony or burial or commemoration.
 - vii. Engage in trade or commerce or other work without prior Council approval.
 - viii. Distribute any circular, advertisement, paper, drawn or photographic matter.
 - ix. Carry on a business or advertise the same.
 - x. Erect a commercial sign.
 - xi. Drive a motor vehicle within the cemetery in a dangerous or careless manner of without reasonable consideration of others.
 - xii. Drive or park a vehicle on any known burial place, verge or plantation or in a manner that is likely to impede traffic.
 - xiii. Discharge a firearm (except at a military funeral).
 - xiv. Bring into or leave any garden waste, oil drums, rubbish, refuse, scrap metal, rock, soil, sand or any other such substances.
 - xv. Remove any dead timber, logs, trees, flora, whether standing or fallen without prior approval from Council.
 - xvi. Kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced. Plant any tree, shrub, ground coverage without Council approval.
 - xvii. Note: Offenders may be prosecuted under the relevant Local, State or Federal Law. Part of the reason for these prohibitions is to ensure that surrounding memorials structures and Council's assets are not damaged.

Council reserves the right to seek recovery for the cost of repairs necessary. These costs are to be recovered from the service provider or individual responsible for the work and Council is entitled to refuse entry into any of the Council cemeteries by that service provider until the cost of those repairs are recovered. Council has the discretion to take any appropriate action in respect of offences which may include prosecution under the Land Act 1994 and Regulations and in respect to cemetery service providers to refuse subsequent entry to its cemeteries until the matter is resolved to the satisfaction of Council.

PERFORMANCE INDICATOR

- 1) Reduction in number of complaints
- 2) WH&S Compliance

MANUAL REVIEW DATE

This manual will be reviewed every two years from the date of formal adoption by Council.

RELATED DOCUMENTS

Local Government Act, 1993

Local Government (General) Regulation 2005

Cemeteries and Crematoria Act 2013

Cemetery and Crematoria Regulation 2014

The Privacy and Personal Information Protection Act 1998 (PPIP Act)

Public Health (Disposal of Bodies) Regulation 2012,

Local Government: Control of Cemeteries Amendment Act 1966;

The Local Government Control of Cemeteries Amendment Act (Act No. 52, 1966),

Public Health Act 2010,

AS 4204-1994: Headstones and cemetery monuments

Balranald Shire Council Revenue Policy.