

**McKINLAY SHIRE COUNCIL
LOCAL LAW POLICY
NO. 2

(CEMETERIES)**

This local law policy is to be read with Local Law No. 2 (Cemeteries).

Made by Council resolution on 10 July 2001.

TABLE OF CONTENTS

1. Citation.....	2
2. Objects.....	2
3. Local Law - Section 7(c) - Criteria of Approval.....	2
4. Local Law - Section 8(3) - Subject matter for conditions.....	2
5. Local Law - Section 12(1) - Prescribed Standards.....	3
6. Local Law - Section 18 - Regulation by Local Government.....	4
7. Local Law - Section 34(c) - Criteria for Approval.....	5
8. Local Law - Section 35(3) - Subject Matter for Conditions	5

1. Citation

This local law policy may be cited as *Local Law Policy No. 2 (Cemeteries)*.

2. Objects

The objects of this local law policy is to provide detailed information called upon by Local Law No. 2 (Cemeteries) to:

- (a) ensure that interment procedures for bodies and ashes and other remains of deceased persons are consistent with the health and safety of the community; and
- (b) provide for safe and proper interment other than in a cemetery; and
- (c) ensure that adequate records are maintained for interments within a cemetery; and
- (d) provide for the efficient operation, control and maintenance of local government cemeteries.

3. Local Law - Section 7(c) - Criteria of Approval

For the purpose of section 7(c) of the Local Law, the local government may grant an approval only if it is satisfied that:

- (a) the land upon which the burial will take place is suitable having regard to:-
 - i) flood immunity; and
 - ii) ground and soil conditions; and
 - iii) topography; and
 - iv) environmental matters; and
- (b) public health and safety (including the health and safety of all persons involved in the burial or in the vicinity of the grave such as local government employees and mourners) will be preserved; and
- (c) the application for approval was accompanied by the materials specified in section 5(2) of the Local Law; and
- (d) there are adequate procedures in place to prevent environmental harm and nuisance; and
- (e) the human remains will be placed in a coffin or water proof container.

4. Local Law - Section 8(3) - Subject matter for conditions

For the purposes of section 8(3) of the Local Law, the following are prescribed conditions that may be imposed by the local government on an approval:

- (a) the burial must take place between daylight hours; and

- (b) prior to the burial being carried out, the holder of the approval must give the local government a notice of preparation of the grave specifying the time and day the burial will take place; and
- (c) the holder of the approval must take all reasonable steps to ensure that:-
 - i) environmental harm will not result from the burial; and
 - ii) the burial will not result in a nuisance to members of the public; and
 - iii) the burial will not result in a risk to the health and safety of the general public; and
- (d) a grave must be dug to a depth of:
 - i) for a stillborn child – at least 1.2 metres; or
 - ii) for any other child – at least 1.2 metres; or
 - iii) all other graves – At least 1.8 metres; and
- (e) no more than 2 bodies to be buried in more than one grave; and
- (f) the upper surface of a coffin must be at least 1 metre below the natural soil surface; and
- (g) grave plots must be at least:
 - i) for a single grave plot – at least 2.1 metres by 1.2 metres; or
 - ii) for a double grave plot – at least 2.1 metres by 2.1 metres; or
 - iii) for a family grave plot – at least 2.1 metres by 3.7 metres; and
- (h) any body interned in a mausoleum or vault must be enclosed:
 - i) firstly, in a wooden shell; and
 - ii) secondly, in a hermetically sealed shell; and
 - iii) thirdly, in a coffin on the lid of which a metal plate must be placed that has the deceased person's name stamped or inscribed.

5. Local Law - Section 12(1) - Prescribed Standards

For the purposes of section 12(1) of the Local Law, the following standards are prescribed in respect of the operations of every cemetery:

- (a) a grave must be dug to a depth of:
 - i) for a stillborn child – at least 1.2 metres; or
 - ii) for any other child – at least 1.2 metres; or
 - iii) all other graves – At least 1.8 metres; and
- (b) no more than 2 bodies are to be buried in more than one grave; and

- (c) the upper surface of a coffin must be at least 1 metre below the natural soil surface; and
- (d) grave plots must be at least:
 - i) for a single grave plot – at least 2.1 metres by 1.2 metres; or
 - ii) for a double grave plot – at least 2.1 metres by 2.1 metres; or
 - iii) for a family grave plot – at least 2.1 metres by 3.7 metres; and
- (e) any body interned in a mausoleum or vault must be enclosed:
 - i) firstly, in a wooden shell; and
 - ii) secondly, in a hermetically sealed shell; and
 - iii) thirdly, in a coffin on the lid of which a metal plate must be placed that has the deceased person's name stamped or inscribed.

6. Local Law - Section 18 - Regulation by Local Government

For the purposes of section 18 of the Local Law, the following standards are prescribed in respect of every local government cemetery:

- (a) a grave must be dug to a depth of:
 - i) for a stillborn child – at least 1.2 metres; or
 - ii) for any other child – at least 1.2 metres; or
 - iii) all other graves – At least 1.8 metres; and
- (b) no more than 2 bodies are to be buried in more than one grave; and
- (c) the upper surface of a coffin must be at least 1 metre below the natural soil surface; and
- (d) grave plots must be at least:
 - i) for a single grave plot – at least 2.1 metres by 1.2 metres; or
 - ii) for a double grave plot – at least 2.1 metres by 2.1 metres; or
 - iii) for a family grave plot – at least 2.1 metres by 3.7 metres; and
- (e) any body interned in a mausoleum or vault must be enclosed:
 - i) firstly, in a wooden shell; and
 - ii) secondly, in a hermetically sealed shell; and
 - iii) thirdly, in a coffin on the lid of which a metal plate must be placed that has the deceased person's name stamped or inscribed.

7. Local Law - Section 34(c) - Criteria for Approval

For the purposes of section 34(c) of the Local Law, the local government may grant an approval only if satisfied that:

- (a) the application for approval was accompanied by the materials specified in section 5(2) of the Local Law; and
- (b) there are adequate procedures in place to prevent environmental harm; and
- (c) the customary or religious ceremony will not cause a nuisance to members of the public.

8. Local Law - Section 35(3) - Subject Matter for Conditions

For the purposes of section 35(3) of the Local Law, the following are conditions that may be imposed by a local government on an approval:

- (a) the customary or religious ceremony must take place between daylight hours; and
- (b) subject to paragraph (c), prior to carrying the customary or religious ceremony, the holder of the approval must give the local government a notice specifying the time and day the ceremony will be conducted; and
- (c) the local government may specify the time and day the ceremony will be conducted to ensure that it does not conflict with the time and day for other approved ceremonies; and
- (d) the holder of the approval must take all reasonable steps to ensure that:-
 - i) environmental harm will not result from the ceremony; and
 - ii) the ceremony will not result in a nuisance to members of the public; and
 - iii) the ceremony will not result in a risk to the health and safety of the general public; and
- (e) where the local government incurs costs or expenses in rectifying any damage caused or contributed to by the holder of the approval or by the conduct of the ceremony, the holder of the approval will pay the amount of those costs or expenses to the local government.