

# Hay Shire Council Policy



<b>Title of Policy</b>	Public Cemeteries Policy		
<b>This applies to</b>	All Cemeteries in Hay Shire		
<b>Author</b>	Jack Terblanche	<b>Date Approved:</b>	27 May 2025
<b>Position of Author</b>	Executive Manager Planning and Compliance	<b>Authorised by:</b>	Council
<b>Legislation, Australian Standards, Code of Practice.</b>	<ul style="list-style-type: none"> <li>• Local Government Act, 1993</li> <li>• Public Health Act, 2010</li> <li>• Public Health Regulation 2022</li> <li>• Cemeteries and Crematoria Act, 2013</li> <li>• Crown Land Management Act, 2016</li> <li>• Fair Trading Act, 1987</li> </ul>		
<b>Related Policies/Procedures</b>	Revenue Policy		
<b>Attachments</b>	Appendix A: Extracts from Legislation		
<b>Aim</b>	To regulate burials and the erection of monuments in cemeteries in Hay Shire.		
<b>Version</b>	<b>Details</b>	<b>Date</b>	
Version 1	Initial Policy	29 <sup>th</sup> April 2014	
Version 2	Amendment of Policy	24 <sup>th</sup> November 2020	
Version 3	Amendment of Policy	27 May 2025	
<b>Superseded Policies</b>			
<b>The Policy</b>			

## OBJECTIVE

### Commencement of Procedures

These procedures commenced when formally adopted by Council on 27 May 2025.

### Application of Procedures

Hay Shire Council has developed a Public Cemetery Policy and Procedures to ensure the burial requirements and needs of the general community are met. This Procedures document covers all listed public cemeteries in the Shire. Detailed regulations in regard to burials can be found in the Cemeteries and Crematoria Act 2013 No 105 and its regulations, and the Public Health Act 2010 and it's regulations. General information regarding reservation of graves, interment of cremated remains, memorials and exhumations is also provided. The pricing structure is covered in Council's Revenue Policy.

All grave and memorial lots are part of cemetery property and the property always remains with the cemetery.

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 1 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

# **POLICY**

## **Cemetery Record Keeping**

Cemetery Records must be kept in line with Clause 63 of the Cemeteries and Crematoria Act and Clause 16 of the Cemeteries and Crematoria Regulation 2022. These clauses are included in Appendix A.

## **Hay Shire Public Cemeteries List**

### **Hay**

General (Traditional),  
Lawn and ground and wall columbaria.  
124 Cemetery Road, Hay

### **Booligal**

General cemetery  
7km east of Booligal, 689 Lachlan Valley Highway, Booligal

### **Maude.**

87 Pibrook Road (off Gelam Street) Maude.

## **The following Procedures apply to all public cemeteries within the Hay Shire.**

Council staff will ensure that the aesthetic appeal of the facilities is enhanced through the standardisation of monuments and memorials. Council staff will ensure that each grave is suitably sited and identified.

Council staff will ensure a high quality facility through regular scheduled maintenance and adherence to guidelines for the use of the facilities and the services provided by Council.

All activities which take place within any cemetery grounds shall comply with the relevant WorkCover and Workplace Health and Safety requirements.

## **PUBLIC CEMETERIES**

### **Opening Hours**

All cemeteries in the Shire are open to the public for their convenience seven days a week. The gates to the cemeteries are not locked, but may be closed to keep out native or feral animals.

Interments which take place Monday to Friday will incur standard fees.

Cemeteries are available for internments on weekends and Public Holidays but will incur additional fees in addition to the standard fee to cover overtime expenses.

### **Provision of Plaques/Ornaments, Vases etc.**

- Where a plaque is required the grantee/applicant shall lodge an application for the appropriate plaque application for the appropriate plaque within twelve months of the date of the burial, by the next of kin or executor of the estate of the deceased.

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 2 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

- Correct wording and layout are the responsibility of the applicant.
- The plaque is ordered, received, checked for accuracy against the applicant’s details and affixed by Council.
- Vases, as provided by Council will be installed by Council at the gravesite in the New Lawn Cemetery.
- Excessive ornaments, statues, icons, non-conforming vases, items of alcohol or other items are not to be placed permanently or temporarily onto the lawn or beams. Fresh or artificial flowers only are permitted and these along with any excessive items will be removed from graves by the staff to facilitate maintenance if they are deemed to interfere with those maintenance activities.
- The use of any glass/ceramic object or vessel is specifically forbidden on the lawn.
- The planting of flora at or near the gravesite (except by Council) is not permitted.
- Council is prepared to discuss the planting of commemorative flora elsewhere in the cemetery provided such planting falls within the existing landscaping plan for that particular area.
- Council accepts no responsibility for the care or maintenance of any private work, or private planting carried out at the Council cemeteries.

**Maintenance**

All maintenance of the Hay Shire Cemeteries is to be undertaken by council staff, or official contractors, or inducted volunteers.

Additional maintenance is usually scheduled prior to important days of visitation such as Father’s Day, Mother’s Day, Easter and Christmas time and any other important community events such as ANZAC Day and Armistice Day.

Council shall maintain the lawn areas, roadways and paths adjacent and within monumental sections to an appropriate standard and in accordance with Council’s budget allocation for this purpose.

Council staff, at Council’s expense, will reset plaques or memorials that are disturbed as part of cemetery activities and/or maintenance, fix any damage caused by Council staff during these normal operations.

**Maintenance of Structures**

The ownership of monuments or other structures is deemed to be with the person or persons (or their heirs and successors) who caused the monument or structure to be constructed.

- The Council shall not be responsible for the upkeep, maintenance, repair etc of any monument or structure.
- The owner is responsible for the upkeep, maintenance and repair of the monument.
- The Council may act to remove any structure that has become dilapidated unsafe or unsightly. Council will attempt to provide suitable time for the owner to undertake maintenance or repairs.
- The Council may remove any trees, shrubs or other vegetation from any cemetery where, in its opinion, it is in the interest of the cemetery to do so.

**Unsafe Monuments and Rectification**

- Identification and Reporting:  
Any identification of unsafe monuments and consequent actions under this clause will be managed through Councils risk assessment policies which includes thorough documentation and photographs. All actions will be

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 3 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

recorded against the respective cemetery register entry.

- **Subsidence:**  
Where subsidence is evident, Council will fill and compact the ground in the normal manner.
- **Repair of Monument:**  
Council WILL NOT repair monuments. Council will only act to ensure public and employee safety.

### **Application for Burial Permits**

Application for a Burial Permit and Proof of Death Certificate must be received and approved by the Council prior to any funeral confirmations being made with the family. Any confirmed arrangements with the family prior to receiving Council approval is at the risk of the funeral director.

It is requested that the Fees and Charges charged by Council for internments are paid for a minimum of 48 hours prior to the interment taking place for a Burial Permit to be issued by the Council. These fees and charges will be reviewed annually and adopted accordingly for Council cost recovery. A burial permit will not be issued until the fees and charges are paid, and death certificate is submitted.

Funeral arrangements can only be made within Council's business hours and permission from the General Manager is required for a funeral to take place.

Council only approve for one funeral per day. Any exemption of this must be made to the General Manager in writing.

One clear working days' notice is required for a burial to be provided in any of Council's cemeteries.

*Example: A burial scheduled for Monday 10.00am is to be booked with the cemetery office by 3.00pm Thursday. Friday is the one clear working day.*

Funerals taking place on weekends and public holidays will incur an additional fee as per Councils current Revenue Policy (fees and Charges) in addition to the standard fee to cover overtime expenses.

### **Multiple Interments in the Same Grave**

The re-opening of graves is only permitted within the requirements of the Public Health Act. A maximum of two interments are allowed per plot except when special permission is given by Council.

Ashes can be interred in the traditional and lawn cemeteries with an existing plot per application and appropriately marked on the plaque or monument.

### **Opening of Graves**

To be conducted by authorised personnel only.

### **Specification for Graves**

All standard graves are to be 680 - 690 mm by 2000 – 2200mm. If a non-standard size is to be required, this is to be specified on application, subject to approval. Depth is to be in accordance with current NSW Public Health Guidelines.

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 4 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

## **Marking of Graves**

Graves in the Hay Lawn Cemetery will be marked with a plaque stating the name, age, and date of death of the deceased. Graves will be temporarily marked until a plaque or monument is installed.

## **Marking of Niches in the Columbarium Wall**

When ashes are interred into the columbarium wall, the niche is to be completely sealed by a plaque of approved size and material.

Inscription shall include the name, age and date of death of the individual whose ashes are interred.

Only ashes are to be interred in the niche. However, if the ashes of a deceased person are not available for interment a plaque may be erected in the Columbarium as a memorial to that person.

## **Internment of Ashes in the Cross Columbarium (and surrounding pathways)**

When ashes are interred in the Cross Columbarium the niche is to be completely sealed by the provided granite slope.

Inscription on the slope shall include the name, age and date of death of the individual whose ashes are interred.

Only ashes are to be interred in the niche. However, if the ashes of a deceased person are not available for interment a plaque may be installed in the Columbarium as a memorial to that person.

Once the Cross Columbarium is at capacity, surrounding pathways will be utilised as a Columbarium Pathway.

## **Erection of Memorials/Headstones**

The Council accepts no responsibility for the normal and ongoing maintenance or repair of memorials.

Permission must be sought from Council prior to the erection of any monuments/headstones/structures or plaques. An application form is to be completed and forwarded to Council with any applicable fees, all applications for plaques/headstones must be authorised by next of kin or executor of the estate of the deceased, in the case of monumental masons making applications, a next of kin or executor of the estate of the deceased approval must be attached . The headstone or memorial is to be contained within the boundaries of the lot. Plaques for graves in the Hay Lawn Cemetery are to be ordered through Council's office except when special permission is given by the General Manager for plaques to be obtained elsewhere.

No additional fixtures or fittings are permissible

## **Coffins**

All bodies for interment must be fully encased in a coffin, unless interment takes place in a Natural Burial Area, when the legislation and Health Regulations at that time will apply.

## **Conduct of Interments**

Interments of whole bodies must be conducted by an approved undertaker instructed by the

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 5 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

next of kin or executor of the estate of the deceased. The transportation, storage of bodies, and burials are to be in accordance with the relevant acts and regulations in force at the time.

Where private contractors are hired, any damage to other plots and headstones within the cemetery as a result of their works, are the responsibility of the contractor and must be repaired immediately.

### **Reservations and Purchases of Burial Lots and Niches**

Plots are to be purchased and paid for in full at the fee prescribed in Council's Revenue Policy at the time the purchase is made. Council is under no obligation to buy back unwanted reserved lots, however Council's adopted fees and charges may make provision for this to occur. Burial Rights are issued by Council in perpetuity or until used. Reservations of deceased estates where the permit has not been used can be passed on to family members, however a new permit must be re-issued to the new holder. Where the permit holder is deceased and not re-issued and a sufficient period of time has passed, Council may reallocate the reserved plot. Reservations can only be made on plot currently available to the public.

Niches may be purchased at the fee prescribed by Council's Revenue Policy at the time of purchase. The purchase of a niche is limited to only those available at the time. Council is under no obligation to buy back unwanted reserved niches; however, Council's adopted fees and charges may make provision for this to occur.

Reservation applications must be made in writing to Council. Council is authorised to approve or deny applications based upon lack of prepared burial land or any other relevant Council policy.

Payment in full for the purchase of a burial site and the fee for grave digging and maintenance may be accepted by Council if approved by the General Manager.

Reservations will not be permitted in the traditional areas where they pose access and damage complications to surrounding graves. No reservations will be issued for the lawn cemetery.

Restrictions apply on the number of reservations that can be made, with multiple reservations not allowed due to capacity, availability and equity.

Reservations are not guaranteed until inspected by Council staff to ensure their suitability for access and use. From time to time current reservations may not be useable, in these situations an alternative site will be offered, or refunds will be issued.

The right of burial reservation fee must be paid at the time of acquisition of the reservation.

### **Memorial Plaques**

Memorial Plaques at the Memorial Bridge and Pet Memorial can only be purchased through Council, in the prescribed format, size and materials. These can only be installed by Council.

A Memorial Plaque at the Shrine of the Unborn will be handled on a case by case basis, and as per Council's Revenue Policy.

### **Natural Burial**

Any area nominated by Council for use as a natural burial area within a Council cemetery will

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 6 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

retain the natural vegetation with only minimal maintenance to remove weed species.

All interments in natural burial areas are to be single depth and the location recorded by Council staff. No permanent memorials or physical markers are to be placed in a natural burial area.

All materials used in natural burial areas, including coffins, caskets, and floral arrangements, must be made of fully biodegradable or compostable materials.

## **Exhumations**

### *Coronial Order*

The coroner or their agent has the right to order exhumation at any time and with minimal notice. However, they must advise Council that they propose to exhume the remains. The relevant fee will apply.

### *Elective Exhumation*

All other exhumations will be considered elective and will be considered only when permitted and conducted in accordance with relevant State and Federal legislation operating at the time.

All applications for elective exhumation must be in writing to the Council and accompanied by all necessary documentation as required by the legislation operating at the time. The relevant fees will also apply.

Applications must be lodged a minimum of one month prior to the proposed date of exhumation. Where elective exhumation has been completed, the Right of Burial of the deceased or their heirs and successors is deemed to have been forfeited. All elective exhumations must include full restoration of the site including any monumental works erected.

For approval for reinterment in a new burial plot to be considered, the application must comprise of:

- Written confirmation from a recognised undertaker that they are prepared to carry out the exhumation; and
- Written consent for the proposed exhumation from the deceased's next of kin, executor or other personal legal representative; and
- Details of the new burial site where interment is to take place.
- Where the reinterment plot is located outside the same local government area, written approval of the Director General of the Department of Health NSW is required.

## **Fees**

See current Council adopted fees and charges in the Revenue Policy. A list of these will be available at the front desk in the Hay Shire Office and on Council's website. These are reviewed annually or as required.

## **Return of Lots – Refund**

Council may agree to buy back a purchased lot or columbarium reservation. This right of burial would then be surrendered. In this case see the current publication of Council's adopted standard fees and charges for the refund that would apply and accompany the application form with evidence of the reservation. The current administration fee will be deducted from the purchase price of the lot.

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 7 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

## Miscellaneous

Vehicle movements within Council cemeteries are to comply with posted speed limits and other vehicle management signs. 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 Council cemeteries.

Organised Events (other than funerals) - Where an event or group activity is to be held in a Council cemetery, the organiser must contact Council's cemetery staff at least two weeks prior to the event.

All animals must be kept on a leash, the cemetery and its Crown Reserve is not a leash free area.

No animals are to be buried in Council Cemeteries.

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 8 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

## Appendix A: Extracts from Legislation

### Cemeteries and Crematoria Act 2013 No 105

#### 63 Register of interment rights, memorials, cremations and interments

- (1) A cemetery operator for a cemetery must cause a register to be kept of the following events—
- (a) interment rights granted by the cemetery operator in respect of interment sites in the cemetery after the commencement of this paragraph,
  - (b) memorials erected in respect of interment sites in the cemetery after the commencement of this paragraph,
  - (c) each interment carried out in the cemetery after the commencement of this paragraph,
  - (d) each cremation carried out at the cemetery after the commencement of this paragraph,
  - (e) such other events (whether of the same or a different kind) as may be prescribed by the regulations.

Maximum civil penalty: \$2,200.

(2) A reference in this Act to the cemetery operator's register is a reference to the register kept under subsection (1).

(3) The cemetery operator's register may be wholly or partly in the form of a computer database, in documentary form, or in another form prescribed by the regulations and is to contain such particulars as are required by the regulations.

(4) Without limiting subsection (3), the cemetery operator's register is to—

- (a) identify (as far as possible) each holder of an interment right, and
- (b) include contact details for that holder, and
- (c) include contact details for any next-of-kin or other persons nominated by the holder as secondary contacts with respect to the holder, and
- (d) include the name, age and last address of the person whose remains have been interred, the date of the person's death and the date of the interment, and
- (e) include the name, age and last address of the person whose remains have been cremated, the date of the person's death, the date of the cremation and details of the disposal of the cremated remains.

(5) The cemetery operator must make an entry relating to an interment or cremation immediately after the interment or cremation is carried out.

Maximum civil penalty: \$2,200.

(6) The cemetery operator must keep a copy of the cemetery operator's register at the cemetery and make it available for inspection on request by an authorised officer within the meaning of this Act or the [Public Health Act 2010](#).

Maximum civil penalty: \$2,200.

(7) A cemetery operator must make the cemetery operator's register available for public inspection free of charge.

(8) An entry in the cemetery operator's register of the particulars referred to in subsection (4) is presumed (unless the contrary is proved) to be correct.

(9) The cemetery operator may amend the cemetery operator's register from time to time for any of the following purposes—

- (a) to remove any inaccuracies contained in it,
- (b) to record any changes to interment rights as a result of a transfer, revocation or death of the holder of an interment right.

(10) The cemetery operator must, on application made by any person, make available to the person a copy of any entry made in the cemetery operator's register in relation to an interment right or memorial.

(11) Such an application must be in the form prescribed by the regulations or approved by the

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 9 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	

*Cemeteries Agency and accompanied by the appropriate fee.*

*(12) If a cemetery operator ceases to direct the operations of a cemetery, the cemetery operator must ensure the cemetery operator's register is sent to the Cemeteries Agency or otherwise disposed of as the Cemeteries Agency directs.*

*Maximum civil penalty: \$2,200.*

## **Cemeteries and Crematoria Regulation 2022**

*16 Additional particulars required to be included in cemetery operator's register*

*For the Act, section 63(3), a cemetery operator's register must contain the following particulars, in addition to any other particulars required that must be included in the register under the Act—*

*(a) in relation to each interment of human remains—*

*(i) the section and allotment where the interment has been made, and*

*(ii) whether the section and allotment are located in a part of the cemetery consecrated for use by a cultural or religious group, and*

*(iii) the cultural or religious practices, if any, that apply to the remains, and*

*(iv) the name of the funeral director or other person who transported the remains to the cemetery, and*

*(v) the fees paid to the cemetery authority for the interment,*

*(b) in relation to human remains that are disturbed or removed—*

*(i) the name of the person whose remains are disturbed or removed, and*

*(ii) whether the remains were located in a part of the cemetery consecrated for use by a cultural or religious group, and*

*(iii) whether any cultural or religious practices apply to the remains and, if so, what those practices are, and*

*(iv) the steps taken under section 5 to ascertain the information referred to in subparagraph (iii), and*

*(v) the source of that information.*

<b>Trim Number:</b>		<b>Hay Shire Council</b> Page 10 of 10
<b>Date Printed:</b>	13 March 2025	
<b>File Path:</b>	O:\Policies\Public Cemeteries Policy.doc	