

1 Purpose

The objective of this policy sets out the general principles, content, classification and specific matters relevant to cemetery trusts and malicious damage at cemeteries and is supported by the Cemetery Management Procedure (procedure) to facilitate the management and administration of cemeteries under Toowoomba Regional Council's (Council) control.

2 Scope and applications

This policy applies to Council employees, Councillors, funeral directors, stonemasons, community members, legislative authorities, contractors and anyone conducting activities at a Council controlled Cemetery.

Council maintains and operates a number of cemeteries within the Council area providing a diverse range of options including but not limited to monumental and lawn sections, columbarium walls and cremated remains gardens.

This policy should be read in conjunction with Council's service catalogue.

3 Principles

This policy aligns with Council's 2024-2029 Corporate Plan focus areas of Place and Performance and is guided by the key priorities:

- 2.3 Plan for and manage infrastructure assets sustainably
- 4.3 Delivery of community and customer-focused service
- 4.7 Knowing and managing our risks

In addition to upholding the Corporate Plan principles outlined above, Council is committed to upholding the obligations in the *Human Rights Act 2019* by giving proper consideration to the provisions of the Act when making decisions relevant to this policy.

4 Content

Council recognises the heritage value and community emotional connection of each cemetery and takes this into consideration when making decisions regarding the management of each cemetery. It is acknowledged that cemeteries are special places requiring sensitive and sympathetic management. Council will strive to meet these expectations, within the context of safety, hazard avoidance and cultural sensitivity.

Council reserves the right to determine what is appropriate, hazardous and acceptable at each cemetery.

4.1 Management of cemetery

Council cemeteries will operate in accordance with the procedure which has been developed from best practice guidelines within the industry.

The procedure aims to guide Council management and staff in the approach taken on the day-to-day operation and management of cemeteries entrusted to the care of Council. It is also a reference point for funeral directors, monumental masons and other funeral industry workers, as well as members of the public seeking specific guidance in relation to operational decision making on cemetery matters.

4.2 Service options

Council will provide a range of interment and memorialisation options to accommodate community expectations. Historically, cemeteries have been religiously segmented; however, Council operates on a non-denominational basis. These services are outlined within the procedure.

4.3 Classification of cemeteries

Cemeteries in the Toowoomba Region (Region) have been classified into a hierarchy based on interment occupancy, interment rates and anticipated visitation. Classifications of cemeteries determine future infrastructure provision, service level interventions and operational requirements.

This classification is relevant to the following Council managed cemeteries:

| Cemetery | Classification |
|--|----------------|
| Drayton and Toowoomba Cemetery | 1 |
| Pittsworth Cemetery, Crows Nest Cemetery, Cabarlah Cemetery, Clifton Cemetery, Millmerran Cemetery | 2 |
| Yarraman Cemetery, Goombungee Cemetery (AKA Haden Cemetery), Evergreen Cemetery, Nobby Cemetery | 3 |
| Glencoe Cemetery, Meringandan West Cemetery, Cecil Plains Cemetery, Douglas Cemetery, Greenmount Cemetery, Cooyar Cemetery, Back Plains Cemetery, Bergen/Djuan Cemetery | 4 |
| Koorangarra Cemetery, Cecil Plains Historic Cemetery, Ivanhoe Cemetery, North Branch Cemetery (AKA 'Gunbower Cemetery'), Pilton Cemetery, Westbrook Cemetery, Western Creek Homestead Cemetery | 5 |

Classifications are determined as follows:

| Classification | Total Interments to date | Estimated Visitation* |
|----------------|--------------------------|-----------------------|
| 1 | >10,001 | >10,001 |
| 2 | 1,501 to 10,000 | 1,501 to 10,000 |
| 3 | 501 to 1,500 | 501 to 1,500 |
| 4 | 101 to 500 | 101 to 500 |
| 5 | 1 to 100 | 1 to 100 |

*Visitations p.a. is calculated by assuming 55 persons attending each funeral (using last 10-year average) and casual visitation of 0.5 visit per person buried. Where visitations fall into a higher or lower classification than the interment number, the classification for the interment number has been used.

4.4 Matters surrounding non-Council controlled cemeteries

Council does not agree to voluntarily accept responsibility for dissolved cemetery trusts or other cemetery operations in the Region unless the following conditions are met:

- Mapping and cemetery records for the cemetery are complete, accurate and electronically documented.
- Information relevant to preneed arrangements are complete, accurate, electronically documented and cash backed (funds in bank to cover the preneed amounts).
- Appropriate assets/infrastructure are in place and consistent with classification of cemetery (fencing, toilets, shade structures etc) and of a suitable condition.
- Appropriate funding be provided to cover the cost of all operational, maintenance, depreciation and capital improvements relevant to the site for a minimum period of 15 years.

- If these conditions/requirements are not in place, then the appropriate funding is available to enable Council to undertake these activities in their absence.

There is to be no net costs to Council in the transfer of these assets at the time of transfer.

4.5 Malicious damage

Council shall contribute towards the restoration of maliciously damaged monuments and/or memorials at Council controlled cemeteries. This contribution applies to permanent fixture monuments and memorials as follows:

1. 100% of the costs associated with grave identification and removal and rectification of hazards to meet minimum workplace health and safety requirements, where the next of kin and/or a descendant of the interment holder of rights are unknown or unwilling to act; or

25% of costs associated with monument and memorials restoration up to a maximum amount of \$750 per interment site (indexed annually from 2024 – CPI Brisbane June) where a living next-of-kin and/or a descendant of the interment holder of rights is known and willing to act on the basis of:

- a. such restoration includes the removal of all hazards and work designed to identify the grave; and
 - b. proof of performance and payment of repairs undertaken is submitted to Council within 30 days of the completion of the work.
2. An amount equivalent to the “permit to install a new memorial or modify an existing memorial” as outlined in Council’s approved fees and charges.
 3. Prior to the commencement of any works undertaken,
 - a. a permit for memorial works is lodged and approved in accordance with standard processes; and
 - b. the person undertaking such works holds the appropriate trade qualifications.

5 Responsibilities/accountabilities

The cemetery team is responsible for the application of this policy and the associated procedure at Council controlled cemeteries.

6 Relevant laws

Land Act 1994 (Qld) – Chapter 3 Part 1 – Reserves, deeds of grant in trust

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld) (Section 28)

Public Health Act 2005 (Qld)

Work Health and Safety Act 2011 (Qld)

Work Health and Safety Regulation 2011 (Qld)

Local Law No. 1 (Administration) 2020

Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2020

Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2020

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

7 Related policies/documents

Members of the public can access Council policies on Council's website. If a policy listed below does not appear on the website, please contact 131 872 or email info@tr.qld.gov.au to request a copy. Staff may access policies via the [Policy Register and Review Schedule](#).

Council policies

7.40 Cemetery Management Procedure

Other documents

[Corporate Plan 2024-2029](#)

[Queensland Funeral Industry Code of Conduct](#)

Land Management Policy, Interments on Lands administered under the Land Act 1994

8 Related forms

Refer to 7.40 Cemetery Management Procedure

9 Definitions

| Term | Definition |
|------------------------|--|
| Cemetery or Cemeteries | Designated area containing one or more interment places and/or areas for the interment of human remains. |
| Council | Toowoomba Regional Council. |
| Interment | Means the interment of cremated and non-cremated human remains. |

10 Policy details

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|-------------------------------|---|---|------------------|
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| Policy Owner: | Community Development, Facilities and Tourism | | |
| Contact Officer: | Principal Community Venues and Facilities | | |
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11 Revision history

| Policy version | Approval date | DM Reference |
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