



2003

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

Cemeteries and Crematoria Code of Practice in the ACT 2003

EXPLANATORY MEMORANDUM

**Circulated by the authority of
Bill Wood MLA
Minister for Urban Services**

AUSTRALIAN CAPITAL TERRITORY

CEMETERIES AND CREMATORIA ACT 2003

CEMETERIES AND CREMATORIA CODE OF PRACTICE IN THE ACT
2003

DISALLOWABLE INSTRUMENT DI 268 OF 2003

EXPLANATORY MEMORADUM

Outline

The objective of the Code of Practice is to establish a consistent and contemporary framework for the operation of cemeteries and crematoria in the ACT. The Code of Practice is created under Section 6 of the *Cemeteries and Crematoria Act 2003*.

Formal Clauses

Background outlines the development of the Code of Practice.

Definitions defines key words that are used in the Code of Practice.

Code of Practice

Plan of Cemeteries and Crematoria explains that the operator of a facility must prepare a plan showing the layout of the facility.

Right of Burial or Interment explains this right and how this right is passed from one person to another. This right may also be revoked if burial or interment has not taken place within 60 years. The operator of a facility must follow specific steps before a right for burial or interment may be revoked; these are outlined in this section. An operator may also refuse the sale of more than one right of burial or interment per person.

Maintenance of graves and vaults is not the responsibility of the operator of a facility as a general rule. Maintenance of graves and vaults is the responsibility of the holder of the right of burial or interment.

Maintenance of cemeteries and crematoria grounds in a safe, clean and orderly condition is the responsibility of the operator of the facility.

Keeping application records is outlined in this section. Records must be kept for at least 20 years and then made available for public access if there is a request for information. If the operator cannot store these records or ceases all responsibility as the operator, the Chief Executive must provide storage. The public has access to application records on request for reasonable copying costs.

Design and construction of vaults, mausoleums monuments and other buildings must be approved by the operator and may need development approval under the

Land (Planning and Environment) Regulations 1992 if they are greater than 1.8 metres high.

Removal, alterations or repair of monuments, inscriptions etc can occur by the operator if they are dangerous, unsightly or do not meet the plans and particulars approved by the operator. Costs to be met by the holder of right of burial or interment.

Planting of trees, covering of graves, memorial areas etc. is not to occur without approval of the operator. In a lawn burial or interment area, a person should not place any monument, tablet, gravestone, kerbing, railing, vessel or container other than the standard tablet approved by the operator.

Multiple burials in a grave or burial site may occur. Requests for additional burials at a site can only be made by the holder of the Right of Burial or by written consent of the holder or descendant.

The operator is not permitted to interfere with religious burial ceremonies.

Rights of the head of religious denominations or other recognised group in relation to the portion of a cemetery or crematorium set apart for that group. The recognised head of any religious denomination or other group under Section 20 of the Act has the right to:

1. Prohibit the performance of a service within the part of the cemetery or crematorium set apart for their group, with written notice to the operator.
2. May object to a burial, interment or the granting of exclusive rights of burial or interment in the cemetery or crematorium set apart for their group, with written notice to the operator. The operator may also consult with other cultural leaders within the community or nationally when appropriate. If the objection is valid then the operator must grant refusal.
3. They may object to the placing of any monumental design or inscription within the part of the cemetery or crematorium set apart for their group. The operator must inform the applicant that an objection has been received and invite a response to the objection.

Construction of coffins must be principally of timber and/or wood derivatives (e.g. chipboard). Cardboard and wax coated cardboard coffins are not acceptable for cremation as is any coffin constructed of metal or having a metal internal liner, or other metal insert.

Content of coffins delivered for cremation must not contain any of the items contained in the unacceptable content list (eg. anything constructed of PVC, cardiac pacemaker, battery powered, and pathological waste). A list of acceptable contents is also contained in the section (eg. shrouds, silicon implants, radio-active injectable solutions).

Handling of cremated remains must follow the guidelines established in this section. Crematorium staff must not open coffins and remains must be able to be identified at all stages during the cremation process. Bodies are to be cremated separately. Exceptions require written approval from the cremation authority and include: (1) The bodies to two children from the same family who died at the same time, (2) For a mother and her baby who both died at childbirth.

Only the operator of the crematorium can alter the location or remove the remains from the site with express written permission from the holder of the right of interment.