

# LITCHFIELD COUNCIL



*Community effort is essential*

## Thorak Regional Cemetery Board Meeting **BUSINESS PAPER** **WEDNESDAY 21/03/2018**

Meeting to commence following the Litchfield Council Meeting at  
6:30pm  
In Council Chambers at 7 Bees Creek Road, Freds Pass

**Kaylene Conrick, Chief Executive Officer**

Any member of Council who may have a conflict of interest, or a possible conflict of interest in regard to any item of business to be discussed at a Council meeting or a Committee meeting should declare that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same.



## THORAK REGIONAL CEMETERY BOARD MEETING

**Notice of Meeting**  
to be held in the Council Chambers, Litchfield  
on Wednesday, 21 March 2018

Kaylene Conrick  
Chief Executive Officer

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Number	Agenda Item
1	Opening of Meeting
2	Apologies and Leave of Absence
3	Disclosures of Interest
4	Confirmation of Minutes THAT the full minutes of the Thorak Regional Cemetery Board Meeting held 28 February, 4 pages, be confirmed.  Minutes have been distributed under separate cover and are publicly available on Council's website <a href="http://www.litchfield.nt.gov.au/council/council-meetings/council-minutes">http://www.litchfield.nt.gov.au/council/council-meetings/council-minutes</a> or in hard copy by request.
5	Business Arising from the Minutes
6	Presentations Solomon Gaturu, Manager Legislation and Policy – Local Government and Community Development Division, Department of Housing and Community Development – PowerPoint Presentation (15 minutes).  <b>Proposed New Cemeteries Legislation</b>  The current <i>Cemeteries Act</i> (the Act) can be traced back to a 1952 Commonwealth Ordinance. The proposed legislation seeks to modernise the Act to, among other things, reflect societal views and practices regarding the disposal of human remains. There will be some new legislative requirements for the management of cemeteries in the Northern Territory including the Thorak Regional Cemetery.
7	Accepting or Declining Late Items
8	Notices of Motion

9	Officers Reports	
9.1	Finance Report – February 2018	1-5
9.2	Thorak Rights of Internment and Memorial Policies	6-18
9.3	Thorak Cemetery Jewish Section	19-23
10	Other Business	
11	Confidential Items	
12	Next Meeting	
13	Close of Meeting	



# BOARD REPORT

<b>Agenda Item Number:</b>	9.1
<b>Report Title:</b>	Thorak Regional Cemetery Finance Report – February 2018
<b>Report Number:</b>	18/0046
<b>Meeting Date:</b>	21/03/2018
<b>Attachments:</b>	Nil

## Purpose

The purpose of this report is to present the monthly financial report for Thorak Regional Cemetery for the period ended 28 February 2018.

## Recommendation

THAT the Thorak Regional Cemetery Board receive and note the finance report for the period ended 28 February 2018.

## OPERATING RESULT

To date Thorak Regional Cemetery has completed 198 internments and cremations, an increase from the same time last year. Below provides a comparison with the same report period last year:

Activity	July – February 2017	July –February 2018	Variance
Burials	65	69	4
Cremations	109	129	20
	<b>174</b>	<b>198</b>	<b>24</b>

Revenue is forecasted to be \$73,261 higher than the 2017/18 budget.

In terms of expenses, insurance premiums and administration fee have been recognised for the full year and employee expenses are approximately \$45k lower than budget at this stage of the financial year due to the reduced groundsmen staffing trial and a vacancy earlier in the financial year, which has now been filled.

No capital revenue has been received to date.

Capital expenditure of \$7,358 has occurred for the supply and installation of two road culverts. Works were undertaken to address public safety concerns. Microwave links between Thorak Regional Cemetery and Litchfield Council Office are also an area of concern with an amount of \$17,892 forecasted to be spent on upgrading the connection prior to 30 June 2018. The existing microwave links have been damaged through lightning strikes. The above-mentioned expense might increase depending on the outcome of the insurance claim.

## OPERATIONAL RESULTS

	2017/18 Budget	2017/18 YTD Actuals	2017/18 Forecast	Variance +ve (-ve)	Note
<b>REVENUE</b>					
User Fees and Charges	725,125	686,157	798,386	73,261	1
<b>TOTAL REVENUE</b>	<b>725,125</b>	<b>686,157</b>	<b>798,386</b>	<b>73,261</b>	
<b>EXPENSES</b>					
Contractors	84,800	62,726	120,918	(36,118)	2
Materials	189,210	155,005	202,363	(13,153)	3
Other Expenses	26,600	23,172	31,967	(5,367)	4
Employee Costs	491,045	271,640	446,045	45,000	5
<b>TOTAL EXPENSES</b>	<b>791,655</b>	<b>512,543</b>	<b>801,293</b>	<b>9,638</b>	
<b>TOTAL</b>	<b>(66,530)</b>	<b>173,614</b>	<b>(2,907)</b>	<b>63,623</b>	

### Explanations for Variances to Original Budget

**Note 1** – Increase in User Fees mainly as a result of the introduction of the Administration fee for all non-residence of the Litchfield Municipality.

**Note 2** – Increase in contractor costs due to numerous works actioned for Tree Assessments, Policy Development and Legal Fees for changing criteria of beam in section B to enable monuments to be built.

**Note 3** – Increase in Gas Charges with the influx of Cremations.

**Note 4** – Unexpected Machinery repairs on the Hino truck, Polaris and Backhoe.

**Note 5** – Reduction in employee costs due to the current trial with reduced staffing.

## CAPITAL RESULTS

The 2017/18 net capital expenditure relates to the supply and installation of two road culverts on the main verge due to public safety concerns and the replacement of Thorak Cemetery's microwave link between Litchfield Council and the Cemetery.

	2017/18 Budget	2017/18 YTD Actuals	2017/18 Forecast	Variance +ve (-ve)
<b>REVENUE</b>				
Thorak Regional Cemetery	-	-	-	-
<b>TOTAL REVENUE</b>	-	-	-	-
<b>EXPENSES</b>				
Thorak Regional Cemetery	-	8,081	25,964	(25,964)
<b>TOTAL EXPENSES</b>	-	<b>8,081</b>	25,964	<b>(25,964)</b>
<b>TOTAL</b>	-	<b>(8,081)</b>	<b>(25,964)</b>	<b>(25,964)</b>

## CASH & INVESTMENTS

Date Invested	Invested Amount	Days Invested	Invested with	Interest Rate	Maturity Date	Return
29/06/2017	418,032	365	Bendigo	2.75%	29/06/2018	11,496

## DEBTORS

Total Sundry Debtors at 28 February 2018 are \$53,285. The majority of outstanding debtors are with the three funeral service providers.

Category	Current	30 Days	60 Days	90 Days and over	Balance
Cemetery	\$32,080	\$19,983	\$0	\$1,222	\$53,285
% of TOTAL DEBTORS	60.2%	37.5%	0.0%	2.3%	

**Action summary of 90 Days Debtors:** \$1,222.00

Three invoices relate to 90 days and over. Reminder notices have been sent on numerous occasions.

### Invoice #1

The debt recovery process was implemented for the outstanding amount of \$872 and a payment plan has commenced.

## **Invoice #2**

The debt recovery process has also commenced for the outstanding amount of \$240.

## **Invoice #3**

The invoice has been resent to the debtor with the outstanding amount of \$110.



## **CEMETERY FINANCIAL RESERVE**




The Thorak Regional Cemetery Reserve balance, as at 30 June 2018, is forecast to be \$183,173

	<b>Balance as at 1/7/2017</b>	<b>Forecast TO Reserve</b>	<b>Forecast FROM Reserve</b>	<b>Forecast Net Movement</b>	<b>Forecast Balance as at 30/06/2018</b>
Cemetery Reserve	212,044	-	(28,871)	(28,871)	183,173

## **THORAK CEMETERY KEY PERFORMANCE INDICATORS (KPI)**

The table below tracks the KPI's for the Thorak Regional Cemetery as set out in the 2017/18 Municipal Plan.

<b>Key Performance Indicator</b>	<b>Target</b>	<b>Status</b>	<b>Comment</b>
Compliance with Cemetery Regulations	100%		
Achievement of Operational Budget	100%		

-  KPI met
-  KPI in progress, on track
-  KPI not met

## **Links with Strategic Plan**

An effective and sustainable Council.

## **Legislative and Policy Implications**

Local Government (Accounting) Regulations and the Northern Territory Cemeteries Act.

## **Risks**

There are long term financial sustainability challenges in relation to the renewal and upgrade of existing assets including buildings, road and irrigation infrastructure. A submission to the Minister for Housing and Community Development advocating for a new governance structure is currently under development. The submission is a partnership submission between Litchfield and the cities of Darwin and Palmerston.

## Financial Implications

To date, the Administration Charge has raised additional revenue totalling \$45,633.

**Recommending Officer:** **Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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<b>Agenda Item Number:</b>	9.2
<b>Report Title:</b>	Rights of Interment and Memorials Policy
<b>Report Number:</b>	18/0043
<b>Meeting Date:</b>	21/03/2018
<b>Attachments:</b>	A – DRAFT CEM02 Right of Interment Policy B – DRAFT CEM03 Memorials Policy C – DRAFT Memorial Specification by Cemetery Areas

## Purpose

This report presents for Council approval the new Rights of Interment Policy and the Memorials Policy for Thorak Regional Cemetery.

## Summary

A review of existing Thorak Regional Cemetery policies, legislative requirements, proposed changes to the Cemeteries Act Northern Territory and best practice approaches has led to the development of two new policies. The following policies are submitted for approval by Council:

- CEM02 Rights of Interment Policy
- CEM03 Memorials Policy

The **Rights of Interment Policy** formalises what is the current practice and is in accordance with the Cemeteries Act. What has been added is within the remit of the Board as the Cemeteries Act suggests it is for the Board to decide the circumstances for granting or refusing interment rights and setting the terms and conditions.

The following are suggested amendments to policy from the current process followed by the Cemetery:

- That the Board sets the term of validity for exclusive rights at 25 years, renewable for a further 25 years only.  
Currently the cemetery has no limitations to exclusive rights. It is common practice to restrict exclusive rights and the legislation allows for the restriction. There will be transitional provisions in the Cemeteries Act for currently existing rights. Currently existing exclusive rights will expire in 60 years.
- That the Board change the practice of allowing what are currently called ‘reservations’ with the payment of a relatively nominal fee to exist until at need. This locks up sites (currently for up to sixty years) and can lead to access issues at the time of interment. Further, it is possible people can be more casual about their commitment. It also means there could be inadequate funds available for the continuing development and maintenance of the Cemetery if the hold is not converted into an at-need interment within a reasonable timeframe.

The policy will enable people to make a non-refundable payment to place a hold on a site of interment for a period of 3 months before paying the full fee to purchase the exclusive rights of interment for that site.

The **Memorials Policy** formalises expectations for the construction of a variety of memorials that are currently documented in a brochure. The only major change is the addition of an extra option for memorialising – family mausoleums. These are only able to be built in a Section newly made available to house such mausoleums in line with the Thorak Regional Cemetery Masterplan.

## Recommendation

“THAT the Thorak Regional Cemetery Board

1. Approve CEM02 Rights of Interment Policy;
2. Approve CEM03 Memorials Policy; and
3. Note the Memorials Specifications by Cemetery Areas.

## Background

At Thorak Regional Cemetery customers currently have the option to purchase a reservation for a fee of \$213 to \$868 (depending if it is a full burial or cremated remains interment), that has no expiry. This is an uncommon practice for cemeteries and can pressure the cemetery to have to expand whilst not receiving income from those reserved plots. Furthermore, it opens up the possibility that those reservations are not realised and create vacant areas that are not useable.

The proposed change to the reservation process sees the fee being reduced to an administration charge to allow customers to place a hold on a selected site for 3 months (with option to extend to a maximum of six months) to then purchase the exclusive right on the site. Current reservations will have the option to transition to a hold or Exclusive Right over a period of twelve months from approval of the policy.

The purchase of Exclusive Rights had no time limitation for Thorak Cemetery in the past. The current legislation allows the Board to limit the right and the proposed change to the Cemeteries Act sees the limitation being included in the Cemeteries Act at 25 years plus extension of 25 years.

Introducing this limitation will allow the cemetery to resell plots of the Exclusive Right has not been extended and no interment has taken place.

## Links with Strategic Plan

Priority # 1 – Everything you need

## Legislative and Policy Implications

The Department of Housing and Community services is currently reviewing the Cemeteries Act to bring it in line with interstate legislation. The proposed policies have been drafted to comply with the current legislation and the proposed amendments to the Cemeteries Act.

### **Risks**

There is a low social impact risk for the Board as customers currently holding an Exclusive Right will be limited to 60 years from date of issue of the Exclusive Right as proposed form of transition. Thorak Regional Cemetery staff will need to identify and contact Exclusive Rights holders to inform about the change in policy.

Furthermore, Thorak Regional Cemetery will have to go through an audit to identify current reservations held that will need to be transferred either to Exclusive Rights or holds within a 12 months period.

### **Financial Implications**

The proposed changes to the Rights of Interment Policy will assist in increasing the long-term financial sustainability of the cemetery. The changes proposed will require a change to the current Fees and Charges structure. It is proposed that the reservation right for any exclusive right be set at \$160 for the 3 months' timeframe and the purchase of Exclusive rights is at the cost of the listed interment fees.

Adding family mausoleums as an option for memorialising the deceased, expands the range of possibilities for customers and will require the establishment of a new fee in the Thorak Regional Cemetery Schedule. The charge will be proposed at a similar level of the Interment Fee for the current Orthodox section. Due to the space required for the mausoleums on the cemetery.

### **Community Engagement**

Nil

**Recommending Officer:** **Silke Maynard, Director Community and Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

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Name	CEM02 Rights of Interment
Policy Type	Council
Responsible Officer	Thorak Cemetery Manager
Approval Date	21/03/2018
Review Date	21/03/2022

### 1. Purpose

This policy outlines how rights of interment are to be administered and what conditions apply.

### 2. Scope

This policy applies to all applications for rights of interment.

### 3. Definitions

For the purposes of this Policy, the following definitions apply:

Interment	The placement of human remains in a vault, columbarium, mausoleum or other structure designed for the placement of such remains, or the burial of human remains directly in the earth or in a container.
Interment Rights	Granted by the Board in exchange for the purchase of the right to inter in an interment site at Thorak Regional Cemetery.
Interment Rights Holder	The person registered as having Interment Rights for an interment site.
Memorial	Any structure, whether a mausoleum, monument, vault, tombstone, headstone, gravestone, plaque, kerbing or other construction placed on, over, in or around an interment site.

### 4. Policy Statement

#### 4.1. General

Any person may purchase a right to inter in a site of interment at Thorak Regional Cemetery by applying to the Board on the prescribed form, paying the set fee and complying with any terms and conditions imposed by the Board.

#### 4.2 Placing a Hold on an Interment Site

A person can place a hold on a selected site of interment for a fee as set in the annual fees and charges schedule by resolution of the Board. This fee is non-refundable. A hold is valid for a period of 3 months, by which time the full purchase price for the interment rights must be paid. If the hold

period of three months has been exceeded and the person who placed the hold is unable to be contacted and has not paid the full purchase price, the hold will lapse. A hold may be extended for a further three months for a fee. A hold must not exceed six months in total.

Prior to the induction of this policy reservations for Exclusive Rights were unlimited. This policy will allow for those reservations to transition over a twelve months period from initial approval of this policy to a hold on an Interment Site. Should the owner of the reservation choose not to convert into a hold on an Interment Site, a refund as per terms for Exclusive Rights will apply.

### **4.3 Rights of Interment**

A person who purchases a site for interment, whether for immediate or future use, is known as the interment rights holder. Interment rights do not grant the holder ownership over that piece of land. Interment rights give exclusive entitlement to the holder to inter the remains of a nominated deceased person in the allotted site of interment and to place an approved memorial at the site as per the Memorials Policy. It is the responsibility of the interment rights holder to ensure the upkeep of any memorials installed as per the Memorials Policy.

### **4.4 Conditions of Rights of Interment**

4.4.1 The interment rights holder must abide by all expressed expectations of the Board. Failure to do so may result in cancellation of their interment rights. No refund will be given should this occur.

4.4.2 No person shall be entitled to obtain an exclusive right of interment for more than eight sites of interment in the cemetery except with the prior written permission of the Board.

4.4.3 The interment rights holder is required to ensure the Board is notified of any changes to the holder's contact details.

Any notice sent to an interment rights holder at the last address on file will be considered sufficient and proper legal notification in relation to any matter concerning their interment rights.

4.4.4 Exclusive rights of interment, where no interment has taken place, shall be valid for 25 years from the date of full purchase or such other time limit as determined by a Board resolution. For those who fully purchased exclusive rights prior to the initial adoption of this policy, the exclusive rights are valid for 60 years from the date of purchase.

One year before the initial 25-year period of the interment rights' validity has expired, the interment rights holder will be offered first option to re-purchase the interment rights for a further 25 years, or such other time limit as determined by a Board resolution, and for the appropriate fee as per their application. The interment rights are to be used in the further 25-year timeframe. If they are not used, the interment rights will be considered lapsed.

Once the period of the interment rights' validity has expired and no interment has taken place, or if the interment rights holder chooses not to re-purchase the allotted site of interment, the interment rights for the allotted site reverts to the Board with no entitlement

for refund of the purchase price. Any person can then apply for the exclusive rights to that allotment.

Once a person is interred at the site of interment, the exclusive rights are then held in perpetuity.

- 4.4.5 The Board, by resolution, may determine further terms and conditions for the sale of rights of interment, including the price and size of the site of interment. The Board reserves the right to refuse to grant interment rights.

#### **4.5 Certificate of Interment Rights**

Evidence of the pre-need purchase of rights of interment shall be recorded on a certificate of purchase, which shall include the location and size of the site of interment. A duplicate certificate may be issued on payment of a fee as fixed by the Board.

#### **4.6 Register of Rights of Interment**

All details will be entered on purchase into the Thorak Regional Cemetery's Register of Rights of Interment.

#### **4.7 Transfer of Rights of Interment**

- 4.7.1 A holder of exclusive rights of interment where no interment has taken place may transfer that right to any other person while the interment rights are current.
- 4.7.2 Upon the death or legal incapacity of the interment rights holder, the rights granted may be transferred to any of the deceased's next of kin in order of seniority:
- a. spouse or de facto partner. Where a person is survived by both a spouse and a de facto partner, the spouse will take seniority unless the de facto partner was in a continuous de facto relationship with the deceased for a period of more than two years immediately preceding the deceased's death and the deceased did not at any time during that period live with the spouse the deceased is survived by children he/she had with the de facto partner.
  - b. children over the age of 18 years. However, if there is a dispute between the children, then the oldest surviving child of the deceased.
  - c. parents and both need to agree.
  - d. Siblings of the deceased who are over 18 years. If there is a dispute, then the oldest surviving sibling of the deceased.
  - e. where a person is an Aborigine – a person who, according to the customs and tradition of the Aboriginal community or group to which the person belongs, is an appropriate person.
  - f. where none of the above relations exist the senior next of kin will be a person who, immediately prior to the death of the deceased person, had a relationship with the deceased person that, in the opinion of the Board, is sufficient for the purpose of being the senior next of kin.

4.7.3 To affect a transfer, a Transfer of Interment Rights Declaration must be completed, accompanied by the required documentation and fee prescribed by the Board.

4.7.4 A record of the transfer will be entered in the Rights of Interment Register, the transfer noted on the certificate and a certificate issued to the transferee.

#### **4.8 Surrender of Rights of Interment**

4.8.1 If the holder wishes to surrender their interment rights, the Board may obtain from the holder, on presentation of proof of purchase, the exclusive rights of interment at the cost of the original purchase minus a minimum of 25% plus an administrative fee as determined by resolution of the Board.

4.8.2 Where a person has been interred in a site and the remains have subsequently been removed, the site may be reused. A right of burial certificate will be issued. The site can also be reallocated by the Board if there are no existing interment rights.

### **5 Associated Documents**

Thorak Regional Cemetery Annual Fees and Charges

CEM03 Memorials Policy

Exclusive Rights of Interment Register

Application to Hold a Site of Interment Form.

Right of Interment Application Form

Interment Rights Certificate

Cancellation of Right of Interment Form

Transfer of Exclusive Rights Form

Statutory Declaration

### **6 References and Legislation**

Northern Territory Local Government Act

Coroners Act

Cemeteries Act

Births Deaths and Marriages Registration Act

### **7 Review History**

<b>Date Reviewed</b>	<b>Description of changes (Inc Decision No. if applicable)</b>
21/03/2018	Initial Adoption of Policy



Name	CEM03 Memorials
Policy Type	Council
Responsible Officer	Thorak Cemetery Manager
Approval Date	21/03/2018
Review Date	21/03/2022

**1. Purpose**

This policy outlines the Board's expectations for the design and construction of memorials at Thorak Regional Cemetery.

**2. Scope**

This policy applies to all memorials erected within Thorak Regional Cemetery.

**3. Definitions**

For the purposes of this Policy, the following definitions apply:

Memorial	A memorial for the purposes of this policy is any structure such as a mausoleum, monument, plaque, tombstone, headstone, tablet, gravestone, vault, kerbing, or other form of construction placed over in or around an interment site to memorialise a deceased person with the approval of the Thorak Regional Cemetery Board.
Offence	Offence in this context refers to a memorial's design, wording or marks that are capable of wounding feelings or arousing anger, resentment, disgust or outrage in the mind of a reasonable person (where that reasonable person visits a cemetery).
Interment Rights Holder	The person registered as having Interment Rights for an interment site.

**4. Policy Statement**

**4.1. Memorials - General**

4.1.1 An interment rights holder may arrange for a memorial to be installed immediately after an interment in all areas other than Sections C, D, Orthodox and Muslim Monument, following consent granted by the Board in the form of a memorial permit.

4.1.2 Following an in-ground interment in Sections C, D, Orthodox and Muslim Monument, an interment rights holder may arrange for a permanent memorial to be installed twelve



months after the interment, following consent granted by the Board in the form of a memorial permit.

- 4.1.3 Only memorials specified for each distinct Thorak Regional Cemetery area may be installed in that area as per Attachment A.

#### **4.2 Temporary Markers**

Temporary grave markers with the name of the deceased and plot number may be used, with prior permission from the Board, for a maximum period of twelve months after which the Board may remove the marker.

#### **4.3 Memorial Specifications**

- 4.3.1 All memorials shall be of a design, dimension and quality approved by the Board in its specifications. All work is to be consistent with Australian Standard, AS 4020-1994 (Headstones and Cemetery Monuments) as a minimum and the requirements set out in the Memorial Specification by Cemetery Area.
- 4.3.2 Any memorial that takes the form of an above-ground burial structure such as a mausoleum must be consistent with Australian Standard AS 4425-1996 (Above-Ground Burial Structures) as a minimum.

#### **4.4 Qualified Tradesperson with Permit to Work in the Cemetery**

- 4.4.1 A memorial must be installed by a registered stonemason or suitably qualified tradesperson with evidence of current public liability insurance and a current permit to work at Thorak Cemetery. The exception is where a plaque is to be installed in an area where cemetery staff are responsible for installation.
- 4.4.2 Stonemasons or other tradespeople working within the cemetery must comply with all Work Health & Safety requirements of the Board.

#### **4.5 Memorial Permit Application**

- 4.5.1 A memorial permit is required to install a memorial. Detailed drawings, including dimensions, type of memorial, name(s) inscribed and any epitaphs or other inscriptions on the memorial are to accompany the application for a permit.
- 4.5.2 Memorials higher than 1500mm also require evidence of structural engineering approval. Where an above-ground burial structure such as a mausoleum exceeds 2000mm in height, a building permit will also be required from a registered private building certifier as part of the application.
- 4.5.3 The Board will only grant approval for a memorial following consideration of the application and payment of the appropriate fee as set by Board resolution. This application must contain

the consent of the holder of the exclusive rights. Issuing a memorial permit does not constitute an admission of liability from the Board for any defects in design, construction, workmanship or materials.

4.5.4 Should the exclusive rights holder be deceased, then the exclusive rights can be administered by the Executor. If there is no Executor, then the Next of Kin as per the Hierarchy in S30C of the Cemeteries Act becomes the holder of the exclusive rights. The Application must be accompanied by a Statutory Declaration stating that the Applicant is the next of kin of the deceased exclusive rights holder or has the consent of all available direct descendants with whom contact has been possible.

4.5.5 Once the memorial permit has been granted, any alteration to the original design needs further approval from the Board. Failure to notify the Board may result in the structure being removed at the owners' expense.

4.5.6 Where a memorial permit has been granted for an above-ground burial structure such as a mausoleum, all building works must be completed within 6 months of commencement. The occupancy permit issued by the Building Certifier as evidence of satisfactory completion must be forwarded to the Board within 3 months of completion. If no occupancy permit is obtained and submitted, the Board reserves the right to seek the removal of the structure.

#### **4.6 Memorial Epitaphs**

4.6.1 The name to be inscribed on the memorial must accord with the name shown on valid proof of the deceased person's identity produced to the satisfaction of the Board, unless, with prior permission from the Board, a nickname is used.

4.6.2 Any epitaph must not cause offence. If a memorial does cause offence, The Board reserves the right to refuse the permit application, or if constructed, remove the memorial and seek recompense from the interment rights holder for all costs incurred.

#### **4.7 Memorial Maintenance Responsibilities**

4.7.1 The registered holder of the rights of interment for an allotment shall keep any associated memorial in good repair and proper condition.

4.7.2 The Board will not be liable for the future care, maintenance, preservation, conservation or restoration of any memorial. The Board will not accept responsibility for damage to memorials through acts of vandalism, riot, war or terrorism, cyclones or severe storms.

4.7.3 If a memorial is assessed by the Board as being dangerous, in disrepair or unsightly, the Board will in the first instance seek action from the interment rights holder to address this.

4.7.4 However, if no action, within 28 days of notification, has been taken by the interment rights

holder to address the Board’s concerns, the Board will remove the memorial and seek compensation from the interment rights holder to cover the costs incurred. Removed memorials will be held by the Board for a period of up to twelve months prior to disposal.

**4.8 Memorials and Subsequent Interments**

Where a grave is to be re-opened for a second interment, the removal of any memorial to enable that interment is to be arranged in a timely manner by the interment rights holder on behalf of the family or person arranging the funeral. The Board is not responsible for the removal of memorials.

**4.9 Memorials Register**

The Board will maintain a Memorials Register of each memorial erected in the cemetery, containing the following information:

- The type of memorial
- The dimensions of the memorial
- Details of any epitaphs and other inscriptions on the memorial.
- Details of the location of the memorial within the cemetery.
- Who installed the memorial.

**5. Associated Documents**

Memorial Specifications By Cemetery Area

Memorial Permit Application Form & Memorial Permit

Permit to Work in a Cemetery Application Form & Permit to Work in a Cemetery

Memorials Register

Building Permit & Occupancy Permit (Building Certifier)

**6. References and Legislation**

Northern Territory Local Government Act

Work, Health and Safety Act

Cemeteries Act

AS 4020-1994 Headstone & Cemetery Monuments

AS 4425-1996 Above Ground Burial Structures

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
21/03/2018	Initial Approval of Policy

ATTACHMENT A: MEMORIAL SPECIFICATIONS BY CEMETERY AREA

Cemetery Area	Memorial Specifications
Palm Garden	Flat Plaques up to 120mm wide x 150mm length
Memorial Garden	Flat Plaques up to 120mm wide x 150mm length
Niche Walls 1 & 2	Flat Plaques up to 120mm wide x 150mm length
Courtyard of Tranquillity Rows 1-4	Headstones up to 300mm high x 300mm wide x 300mm deep Plaques up to 120mm wide x 150mm length
Courtyard of Tranquillity Rows 5-8	Plaques up to 120mm wide x 150mm length
Courtyard of Tranquillity - Columbarium	n/a
Garden of Angels – Section A	Plaques up to 440mm high x 760mm wide x 18mm thick Granite Memorials up to 440mm high x 760mm wide x 18mm thick
Garden of Angels – Section B	Headstones up to 700mm high x 770mm wide x 400mm deep
Section A – Lawn Section	Plaques up to 150mm high x 420mm wide x 590mm length Sloping Pillow Headstones up to 150mm high x 420mm wide x 590mm length
Section – Muslim Flat marker & Baha'i	Plaques up to 150mm high x 420mm wide x 590mm length Sloping Pillow Headstones up to 150mm high x 420mm wide x 590mm length
Section B – Memorial Beam	Headstones up to 300mm high x 300mm wide x 300mm deep Plaques up to

ATTACHMENT A: MEMORIAL SPECIFICATIONS BY CEMETERY AREA

	120mm wide x 150mm length
Section B	Headstones up to 700mm high x 770mm wide x 400mm deep
Section C	Headstones up to 1800mm high x 1200mm wide x 400mm deep Tombstones up to 2000mm high x 1200mm wide x 2800mm length
Section D	Headstones up to 1800mm high x 1200mm wide x 400mm deep Tombstones up to 2000mm high x 1200mm wide x 2800mm length
Section E	Headstones up to 1800mm high x 1200mm wide x 400mm deep Tombstones up to 2000mm high x 1200mm wide x 2800mm length
Section F	Family Mausoleums up to 3000mm high x 1200mm wide x (2800mm x 4) length
Section G – Lawn Section	Plaques up to 150mm high x 420mm wide x 590mm length Sloping Pillow Headstones up to 150mm high x 420mm wide x 590mm length
Orthodox Section	Headstones up to 1800mm high x 1200mm wide x 400mm deep Tombstones up to 2000mm high x 1200mm wide x 2800mm length



<b>Agenda Item Number:</b>	9.3
<b>Report Title:</b>	Thorak Cemetery Jewish Section
<b>Report Number:</b>	18/
<b>Meeting Date:</b>	21/03/2018
<b>Attachments:</b>	A – Map of Thorak Regional Cemetery Masterplan

## Purpose

This report proposes that the Board approves the allocation of a dedicated section of the cemetery for the exclusive burial of members of the Jewish Community.

## Summary

In 2016, Thorak Regional Cemetery received a request to allocate a dedicated section of the Cemetery to the burial of Jewish people. The Cemetery has been working on the validity and conditions of this request with the Rabbi of the Chabad of Rural and Regional Australia and the local Jewish Community.

The proposal is now presented to the Board to approve.

## Recommendation

THAT the Board:

1. Approve the establishment of a section of Thorak Regional Cemetery for exclusive burial of Jewish people.
2. Approve part of the Area (H) identified in the Thorak Regional Cemetery Master Plan as a designated headstone expansion area, to be used for the proposed Jewish section.

## Background

The Jewish community of Darwin has requested that an area of the Thorak Regional Cemetery be allocated exclusively for the burial of Jewish people. This request was initially made in 2016 and the Rabbi Yosef Rodal of the Chabad of Rural and Regional Australia (Chabad of RARA) has asked that the request be prioritised.

The Jewish community has outlined the conditions needed to satisfy Halacha or Jewish Law and the Cemetery can accommodate this without major infrastructure or procedural changes. The Northern Territory Jewish community comprises approximately 200 people practising the traditional Jewish faith, with up to 100 living in the greater Darwin region.

It is possible more non-traditional Jews would use a designated Jewish area of the Cemetery as people will often revert to their faith when close to death. Currently, if a traditional burial is required the deceased are shipped to Melbourne at great expense.

Rabbi Yossi Rodal, based in Melbourne has formally written to endorse the request from members of the Darwin Jewish Community to have a separate section of the cemetery allocated for Jewish burials.

The Cemetery currently has three religiously designated areas for burial, the Orthodox, Muslim and Ba’hai sections. The Cemetery Master Plan of 2015, endorsed by Council in 2016, did not have any future expansion plans for designated religious areas such as a Jewish Section. The attached map identifies the headstone area that is proposed to be used for the establishment of a Jewish Section.

There are many rituals involved in a Jewish burial most concerning the handling of the deceased’s body. A local Funeral Director has been approached by the Jewish Community and agreed to undergo training in these rituals. The Jewish Community requires the Cemetery to allow for the following:

1. Only one entrance to the dedicated section, with the section being distinct from the rest of the Cemetery. The Cemetery will accommodate this by enclosing the area with a hedge on three sides.
2. Burial on one side of the beam only. This criterion already exists in both the Orthodox and the Muslim sections.
3. The feet must face the entrance to the section. This is easily accommodated by the positioning of the beams.
4. The burial of unrelated males and females next to each other and the burial of non-Jewish people are not allowed in the section. The control of this standard would be the responsibility of the Jewish community to regulate, not the Cemetery. Similar procedures are already in place with the Orthodox section.
5. No flowers or ornaments are to be placed on the graves. This will be covered in the existing Flower and Ornament Policy.

At present Jewish people wishing to be buried traditionally, need to be transported to Melbourne or buried in other sections of Thorak Regional Cemetery. Once known within the community that a Jewish section has been allocated within the Cemetery, it is highly likely that people of the Jewish faith would wish to be buried in the dedicated section, including less traditional Jews.

Rabbi Yosef Rodal, has confirmed that there are more Jewish people living in the NT than formally listed in the 2016 Census, possibly as many as 200. Of these, approximately 100 are known to live in the greater Darwin area.

### **Links with Strategic Plan**

Priority # 2 A great place to live

### **Legislative and Policy Implications**

The NT Cemetery Act is silent on the setting of religious denominations by the Board. Section 7 of the Cemeteries Act Northern Territory deals with the Minister authority to set aside portions of land comprising a public cemetery for religious denominations.

Advice from the NTG Division of Local Government confirmed that the Board has the power to allocate specific areas for religious groups.

The proposed changes to the NT Cemeteries Act do not include any further regulations relating to this matter.

Rabbi Rodal has agreed to sign an agreement with the Board confirming responsibilities of the Jewish Community (head of state) to approve burials and plot allocation to ensure that these are in line with the religious belief.

## Risks

Nil

## Financial Implications

The proposed section would be 1 beam 24m long, holding 20 plots, with the potential for expansion of a further 20 plots, if needed.

Burial would be on one side of the beam only. The plots would sell for \$6,416 per plot in the 2017/18 financial year (same price as Orthodox Section).

Table 1: Breakdown of costs.

Description	\$ Ex GST
Concrete Beam - 1st beam - \$110 / m	2640
Plant Boundary - <i>Murraya paniculata</i> - 18 plants (possibly to be donated by the Jewish Community)	180
Grass seed and fertiliser	30
Hire of equipment (rotary hoe and hole digger)	90
In house labour planting and watering	480
<b>TOTAL</b>	<b>\$3,420</b>

The establishment of the proposed section, except for the concrete beams and irrigation, which will be done by contractors, will be done in house by Cemetery staff. With current staffing levels and the trial reduction of ground staff hours, it is expected to take 1 month to prepare and complete the area ready for consecration by the Jewish Rabbis.

This proposal is not funded in the 2017/18 budget but an expected increase in income would cover the initial costs.

## Community Engagement

Nil



**Recommending  
Officer:**

**Silke Maynard – Director of Community & Corporate Services**

Any queries on this report may be directed to the Recommending Officer on telephone (08) 8983 0600.

*Any member of Council who may have a conflict of interest, or a possible conflict of interest in regard to any item of business to be discussed at a Council meeting or a Committee meeting should declare that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same.*

Proposed Jewish Section  
 MASTER PLAN CONCEPT

