

TENTERFIELD SHIRE COUNCIL

POLICY STATEMENT

HEADING:

Funerary and Monument/Masonry Services

MEETING ADOPTED AND RESOLUTION NO.:

23 August 2017
168/17

HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

26 August 2009	1194/09
22 August 2012	313/12
26 August 2015	268/15

Introduction:

This policy provides information to providers of Funerary and Monumental / Stone Masonry services who are not Council's employees or Council's contractors. The Policy advises them of their responsibilities with regard to Work Health and Safety, Risk Management and Public Liability whilst undertaking their activities at the cemeteries, memorial wall/gardens controlled and managed by the Council.

Policy:

The policy includes all chapels, crematoria, memorial gardens and any cemeteries for which Tenterfield Shire Council is the trustee and controller. It includes the operational cemeteries at:

- Tenterfield
- Drake
- Torrington
- Stannum
- Legume
- Wilsons Downfall
- Urbenville, and
- Any others that are controlled or administered by Council.

Duty of Care

Council has a legal responsibility to provide a duty of care to providers and the public to ensure they are not exposed to any risk of injury or illness as under Section 8 (2) of the Work Health and Safety Act 2011 and Regulation 2011.

Definitions

Council – means Tenterfield Shire Council

Provider – means Funerary and Monumental / Stone Masonry Service Provider

Cemetery – means any cemetery, memorial wall/garden controlled by Tenterfield Shire

Policy Statement No. 3.060
Date of Effect: 23 August 2017
Name of Policy: Funerary and Monument/Masonry Services

Review Date:
August 2020

Responsible Officer:
Chief Operating Officer

Council.

Funerary Service Provider - Is usually a business and its employees, which arranges and conduct funerals on the instruction of the families and estates of the deceased.

As part of Funerary services a representative will liaise with Council to commit the deceased's body to a cemetery or ashes to a memorial wall or garden. The committal may involve as little as delivering the body, to gatherings of few hundred people at a cemetery, where they participate in the funeral service.

A Funerary Service Provider's primary function is to care for the deceased, coordinate and control the flow of service to ensure that it is carried out according to the accepted custom, tradition and clients needs, and that it commences and finishes punctually and in a safe manner.

Funerary Service Providers are subject to the Public Health Act (NSW) and regulations under the Act, especially "The Public Health Regulation (Disposals of Bodies)", as amended.

Monument/Stone Masonry Service Provider - Is usually a business and its employees which, upon instructions from a third party will construct, erect, restore, repair and sometimes remove monuments, headstones and other structures over specific graves in the cemeteries.

Monument / Stone Masonry involves many building construction tasks. As such it is "construction work". Monuments shall be constructed in accordance with and meet the requirements of AS 4204 Monuments and Headstones in Cemeteries. All work must be conducted in a professional, safe and tradesperson like manner.

Work Permit

A permit issued by the Council to allow commencement of Funerary or Monument/Stone Masonry Services in the Tenterfield Shire Council cemeteries. This is to include:

- **Permit for Burial** - A permit issued by Council allowing a Burial in a specific burial site allotment in a cemetery.
- **Monument Work Permit** - a permit issued by Council to allow the construction, erection, repair, restoration or cleaning of a monument or headstone over a specific burial site allotment in a cemetery.

Roles - Funerary Service Provider and Monument/Stone Masonry Service Provider

Council and the individual Providers each have an obligation in law to ensure that when they carry out their work in a cemetery that they do so safely and effectively and without creating risks to themselves, Council employees or the general public.

Providers contribute to the quality of the service Council provides in the cemeteries. Providers also perform important functions that assist the local community.

Rights and Responsibilities

Tenterfield Shire Council



- Provide information on Council policies and procedures impacting on activities, Consult regularly on matters that will impact on Providers when they work in a cemetery,
- Regularly review the role of Providers whilst at Council managed/controlled facilities through consultation,
- Maintain adequate processes to ensure Providers maintain acceptable behaviour when working in the cemeteries,
- Endeavour to provide a safe working environment,
- Provide relevant insurance cover and provide statements on request,
- Respect the confidentiality and maintain provisions of the Privacy and Personal Information Protection Act (PPIPA).

Funerary and Monument /Stone Masonry Service Providers

- Complete their work in cemeteries in accordance with legislative & regulatory requirements,
- Complete their work in cemeteries in accordance with Council's approved plans and policies,
- Follow any guidelines, policies and procedures relevant to their role,
- Ask for help/seek assistance when needed, ask questions when more information is required,
- Provide proof of identity to Tenterfield Shire Council if required,
- Provide details of attendance utilising the Burial Form as a register, identifying the principle on each occasion they attend a cemetery/crematorium to undertake their work,
- If construction work is undertaken a General Construction Induction Certificate (General Induction) must be held by the Funerary and / or Monument/Stone Masonry Service provider, a copy of which must be shown to Tenterfield Shire Council.

Permission To Carry Out Work In A Cemetery

Application

Anyone wanting to conduct funerary and monument / stone masonry activities at a Tenterfield Shire Council cemetery must formally apply to Council to obtain approval and if necessary, a work permit, before commencing work.

Application Form

All application forms shall be in a format approved by the Council. Application forms are available to download in PDF format via the Tenterfield Shire Council website www.tenterfield.nsw.gov.au. All providers and their associates are required to complete the form prior to the commencement of their activities in Tenterfield Shire Council cemeteries.

The form shall be submitted to the Council. The details on these forms shall be retained by Tenterfield Shire Council and entered into a database of those Providers.

Database of Funerary and Monument / Stone Masonry Service Providers permitted to work in cemeteries

A centralised database is available to ensure that all appropriate information required for WHS, Risk Management and Insurance purposes relating to Providers is established and maintained by Council.

Information contained in the database is held in accordance with Privacy and Personal Information Protection Act (PPIPA).

Withdrawal of Permission to Carry our Work in a Cemetery

In instances of misconduct or breaches of relevant responsibilities or non compliance with Legislative/Regulatory requirements or non conformance with Council Policy and Procedure (eg no work permit), the Council may withdraw permission to carry out work in a cemetery and request that the service provider leave the premises, or not permit access to a cemetery. Where necessary the Council shall act to enforce this requirement.

Work Health And Safety

When working in cemeteries, Providers are not considered to be employees of Council; however, they are still subject to a statutory duty (see Work Health & Safety Act Section 8(2) of care and the maintenance of Work Health & Safety Legislation.

Before Providers are permitted to undertake their work in a cemetery, a risk assessment of the activity must be undertaken by the holder of the work permit to identify the hazards. This should include:

- Checking the surrounding area for hazards, weather conditions and ground should be considered and other people working in or visiting the surrounding areas,

- Confirming the activity is relevant to the duties of Providers,
- Checking the activity does not place Providers, Tenterfield Shire Council staff or public at any risk to their health and safety,
- Confirming that the Providers have the knowledge, skills and training required to undertake the activity in a safe manner.

Providers are responsible for advising Council staff of any hazards.

Council's Responsibility

Council staff shall inform Providers of any WH&S matter and/or known hazards which may impact on their activity. Council is to ensure the following matters are addressed before the activity is commenced:

- The potential hazards have been identified,
- A risk assessment has been completed,
- Consultation has been undertaken with the Provider regarding safe work methods,
- Risk management procedures have been developed by Providers ,
- Providers are provided with information and instruction with regard to risk management procedures,
- Any plant or equipment to be used by Providers is safe,
- Advise Funerary and Providers of the requirement to keep records and attendance details, tasks undertaken and information on incidents including near misses, which must be reported to Council.

Provider's responsibilities for Work Health & Safety

While undertaking activities in a cemetery, Providers have responsibilities with the respect to the Work Health and Safety Act 2011 and Regulation 2011.

In particular, Providers, through their actions or omissions, are not to place themselves or other persons at risk while undertaking work in a cemetery. Depending on the nature of the activity the responsibilities for Providers may include the following:

- Be aware of and follow the approved risk management procedures for the activity,
- Use plant or equipment in accordance with the correct procedures,
- Bring to the attention of the Council staff any matter which could affect the safe undertaking of the activity,

- Report to the appropriate person as soon as practical any incidents or near misses which relate to health and safety,
- Observe the directions of the Council staff responsible for the site.

Induction Training

Council will provide Induction Training sessions for Providers working in Council cemeteries. This will include the following:

- WH&S Induction Training,
- Hazard identification including risk assessment processes,
- Responding to an emergency,
- Emergency evacuation.

The Induction Training will be provided every two years by Tenterfield Shire Council accredited representative and periodically for the new employees of Providers. Periodic update / refresher training sessions may be required dependent on any legislative or policy framework changes. The sessions must be attended to maintain the currency of approvals.

Code of Conduct

A code of conduct is provided in the Induction Handbook for Providers of Funerary and Monument/Stone Masonry Service Providers working in Council's cemeteries and Memorial Gardens. All providers of Funerary and Monument/Stone Masonry Services are required to observe these requirements.

Media Protocol

Providers are not permitted to make any comments to the Media on behalf of Council.

Privacy and Personal Information Protection Act

Council will obtain personal information from Providers including names, address, telephone numbers, child protection screening (where applicable) and other contact details. Personal information obtained by Council is governed by the Privacy and Personal Information Protection Act (PPIPA). This legislation provides direction for the collection, protection, storage, disposal, access and use of personal information by Council.

Council will take all reasonable care to protect personal information from misuse, loss, unauthorised access, modification or disclosure. To ensure that personal information held by Council is current, please notify Council if any of your details change.

For further information, please contact Council's Public Officer on 02 – 6736 6000.

Insurance

Provision of Information

All parties must, before commencing work in a Tenterfield Shire Council managed cemetery, provide Council with evidence that they have their own current insurance policies for:

- Workers' compensation,
- Public liability cover to a (minimum of \$10,000,000.00) issued by an Australian Prudential Regulatory Authority (APRA) endorsed company. This policy should note the interest of Tenterfield Shire Council.

The currency of these insurances shall be maintained for the period of time during which Providers will be undertaking their business upon Council premises and copies of renewed documentation will be required to be submitted to Council staff when they fall due.

Personal Property

Provider's personal items are not covered by Council's insurance whilst undertaking their activities on Council premises.

Use of Council Equipment

Providers may be provided with Council equipment to assist in performing some activities. If a licence or qualification is required to operate plant or equipment, Providers must provide evidence of such qualification or license prior to use of equipment. Care must be taken to ensure that equipment is used correctly and within the guidelines or instructions provided.

Council's insurance policy does not cover any wilful or deliberate damage to Council property. Damage must be advised to the Council and reported on the relevant forms.

Grievance Procedure

If a Funerary or Monument/Stone Masonry Service Providers has a grievance about any aspect of their tasks, other Funerary or Monument/Stone Masonry Service Providers or Council staff, the following process should be followed:

1. Refer the matter to the Council.
2. If the matter remains unresolved, the Funerary or Monument/Stone Masonry Service Provider may request the matter be referred to the General Manager for review.

IMPLEMENTATION

The General Manager and staff will administer this policy.

REVIEW

To be reviewed within 1 year of the election of a new Council or earlier should circumstances arise to warrant revision.

APPLICATION OF ESD PRINCIPLES

Encouraging the protection of native vegetation when working in cemeteries.

APPENDIX 1 - REFERENCES

- "Right of Burial" and "License of Burial" defined in common law notably SMITH V TAMWORTH CITY COUNCIL, SUPREME COURT OF NSW EQUITY DIVISION 1997.
- Public Health Regulation (Disposal of Bodies) as amended (currently under review)
- AS4204 - Australian Standards Association "Headstones in Cemetery Monuments"
- The Burra Charter (The Australia ICOMOS charter for places of cultural significance).