



10.1 CEMETERY ADVISORY COMMITTEE - NATURAL EARTH BURIALS

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| File Ref: | A3212 |
| Applicant / Proponent: | Natural Burial Society |
| Subject Land / Locality: | Reserve 11655 |
| Disclosure of Officer Interest: | Nil |
| Date: | 10 August 2009 |
| Author: | Claire Thompson, Executive Assistant |
| Authorising Officer: | Dale Stewart, Chief Executive Officer |
| Attachments: | No |

Summary:

The Natural Earth Burial Society (Albany and Great Southern) has written to Council requesting consideration be given to the concept of natural earth burials within the Shire of Denmark.

Background:

The Cemetery Advisory Committee considered the request at their meeting held on the 23 July 2009. The Committee recommended as follows;

“That the Committee recommend to Council that they write back to the Natural Earth Burial Society advising that as there has only been one request for this type of burial received in the last 30 years, at this point in time it does not consider that there is a need for the provision of a natural earth burial site neither within the current Cemetery or at an alternative site within the Shire of Denmark.”

The Natural Earth Burial Society describe themselves as a not for profit, community based group formed to call upon Governments to provide land, and assist industry participants to establish genuine, dedicated Natural Burial Grounds and products for the people of Australia.

The Society is a national peak body for the merging ‘green’ funeral industry and is working to ensure that the natural burial process is effectively and professionally introduced across Australia.

The concept of Natural Burials originated in the United Kingdom and the practice has now extended to countries including the United States of America, New Zealand, Netherlands & Australia. It is reported that worldwide there are as many as 200.

Comment:

What is Natural Earth Burial?

Natural Earth Burial put quite simply is the burying of a body in a shroud or biodegradable coffin in a shallow grave (approximately one metre deep) without the use of any chemicals which enables a more natural decomposition.

The graves are marked with nothing other than a tree so the location of the grave is registered using a Global Positioning System (GPS). The coordinates are then logged in a Register.

The Natural Earth Burial Society state that a dedicated Natural Burial Ground is “a specific parcel of land set aside exclusively for eco-style burials” where the natural setting remains suitable for us as public open space.

There are two main types of natural burial grounds, dedicated or hybrid, which are summarised below.

Types of Burial Grounds

- A *revegetation site* is described as reclaimed land that has been cleared and is in need of restoration and revegetation. (suitable sites would include disused gravel pits, quarries or denuded farmland).
- A *conservation site* is described as land that has some existing vegetation but also open cleared space suitable for burial and is in need of conservation and supplementary revegetation. This type of site deludes to ensuring the preservation of the burial ground.
- A *hybrid burial ground* is described as (typically) setting aside an area within an existing cemetery and labelling them 'natural burial grounds'.

The Society advocates dedicated grounds (revegetation or conservation sites).

Basic Principles of a Natural Burial

- Bodies are buried wrapped in a shroud or contained in a biodegradable "chemical free" coffin;
- Bodies are not embalmed;
- Graves are marked only with a tree; and
- Graves are located using a Global Positioning System (GPS) and by using ground level survey markers.
- To create a meaningful burial which will enhance the environment;
- To minimise any harmful environmental impact of the burial (ie. ongoing maintenance & management which could prove damaging to the environment).

It is imperative that consideration be given to the Council staff who would be involved in the grave digging. Filling in a grave containing a body wrapped only in a shroud (that hasn't been embalmed) is a lot different that filling in a grave containing a secure coffin. Even a biodegradable coffin could, depending on the material used, possibly break during the filling in process.

Current known natural burial grounds within Australia (mostly hybrid models) include;

- Lismore City Council – Bushland Cemetery;
- Enfield Memorial Park – South Australia;
- Greenway Chapel & Memorial Gardens – New South Wales ; and
- The Metropolitan Cemeteries Board has recently set aside areas for natural or green field burials in Rockingham Memorial Park and Fremantle Cemetery for what is termed 'bushland burials'.

Allambie Memorial Park in Albany have been approached by the Society but have advised that they aren't looking at making provision for natural earth burials at this point in time (not to say they won't perhaps look at it in the future).

The Shire of Denmark received a request from a member of the community in August 2008 to be buried without a coffin and for a tree to be planted on the grave. Subsequently this request was declined by the Committee as it did not comply with the Shire of Denmark Local Law.

In the last 30 years there has been one request for a family to dig & fill a grave themselves (although it is unknown whether the latter request was for a natural burial as such).

To provide a natural earth burial area within the existing Cemetery, a section would need to be cleared which would be subject to permission being granted from the Department of Environment & Conservation and there would be costs associated with clearing, signage and walk ways. The first question that needs to be asked before considering this possibility is whether or not the area would be used and over what sort

of timeframe. A lot of time and effort could be spent on something that is really not wanted nor required and therefore not utilised.

The cost involved in preparing an alternate reserve (other than the Denmark Cemetery) for the purpose of natural earth burials is unknown as it depends absolutely on the area itself. There would firstly need to be a request of the Minister to change any existing vesting to allow for burials at the site. Local Laws, signage, roads, site preparation, car parking and other necessary infrastructure would also need to be considered for the site. Vesting a Council reserve for the purpose of burials could essentially make the site unusable for any other purpose and as stated above thought needs to be given as to whether or not our community would utilise a natural earth burial site.

There are many sections of the Cemeteries Act 1986 & the Shire of Denmark Local Law which relate. An extract of relevant sections are copied below;

Cemeteries Act 1986

Division 1 — Burials of dead bodies

11. Burials to be in cemeteries or as authorised by Minister

- 1) *Subject to subsection (3), a person shall not bury or assist at the burial of a dead body in any place other than a cemetery that is not closed unless the burial is in accordance with the Minister's authorisation given under section 12 or is permitted under section 4(2).*

Penalty: \$1 000.

- 2) *A person who bears or assists in bearing or otherwise conveying a dead body or who directs or procures any such burial or officiates at the burial as a minister of religion, funeral director or otherwise shall be taken for the purposes of subsection (1) to assist at the burial.*

Comment: This permits the Board to only allow burials within an area which is been authorised by the Minister which would mean that any reserve other than the current Cemetery site would require a vesting change to allow burials.

12. Minister may authorise burial

The Minister may authorise the burial of a dead body in a place other than a cemetery where —

- a) *the burial is to take place on land that is reserved under the Land Administration Act 1997 for the purpose of burials but is not a cemetery; or*
- b) *the Minister is satisfied that the burial is to take place in an area that is visibly set apart for and distinguishable as a burial place.*

Comment: This section purports that if a person wished to bury a loved one in an area other than a Cemetery they could apply individually for permission from the Minister.

24. Management of Cemeteries

- 1) *A Board shall —*

- a) *set aside areas of a cemetery for burials; and*
- b) *preserve and maintain a cemetery in a safe, clean and orderly condition.*

- 2) *A Board may —*

- a) *set aside areas of a cemetery for and provide crematoria, chapels, parks, gardens, landscaping, buildings and other works for the effective operation of a cemetery;*

- b) *provide office accommodation for administration of the cemetery and other buildings and areas for the use and convenience of employees of the Board or persons visiting the cemetery; and*
- c) *acquire and dispose of plant, machinery, vehicles, equipment, fittings and other things which are necessary or convenient for the efficient operation of the cemetery.*

Comment: This allows the Shire of Denmark Cemetery Board to set aside different areas of the Cemetery for different types of burials and memorials and therefore would enable a section to be set aside for natural earth burials if so desired.

25. Grant of right of burial

- 1) *A Board may grant to a person for a term of 25 years the right of burial in a specified area of a cemetery and the right to place a memorial on that area.*
- 2) *Where the holder for the time being of a grant of a right of burial applies to the Board for the renewal of the grant the Board shall renew the grant for a further term of 25 years.*
- 3) *A right of burial granted under this section shall be subject to such conditions as may be prescribed by local law or by-law.*
- 4) *A right of burial granted under the Cemeteries Act 1897 or renewed under subsection (2) may, if the Board and the holder for the time being of the grant agree, be renewed from time to time for a further term not exceeding 25 years in the case of any one renewal.*

Comment: This section relates to any area that is declared a cemetery (or burial ground) however it is highly probably that a site dedicated to natural earth burials would not be 're used' due to cost and practicalities associated with clearing the site.

29. Control of memorials

A Board shall control the kinds of memorial permitted in a cemetery and may impose different requirements for different areas of a cemetery.

40. Board to maintain registers and plans

- 1) *A Board shall establish and maintain —*
 - a) *a register containing details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and details of the location of the burial in every case; and*
 - b) *a register of all grants of right of burial in the cemetery, including details of the assignments or bequests of grants.*
- 2) *A Board shall keep and maintain plans showing the location of all burials registered under subsection (1).*
- 3) *A register maintained under this Act may be kept or prepared —*
 - a) *by making entries in or on a bound or loose-leaf book; or*
 - b) *by recording or storing the particulars required by this Act to be entered in the register by means of a mechanical, electronic or other device, but so that the particulars so recorded or stored will remain in the form in which they were originally recorded or stored and will be capable of being reproduced in written form in the English language.*

55. Local laws and by-laws

- 1) *A Board may make local laws or by-laws, as the case may be, that are necessary or convenient for the purposes of this Act and in particular for any of the following purposes —*
 - a) *prescribing types of memorials permitted in different areas of a cemetery;*
 - b) *prescribing the location, dimensions and preparation of graves;*
 - c) *prescribing specifications and materials for memorials;*
 - d) *prescribing specifications and materials for coffins for burials and cremations;*
 - e) *prescribing methods for the disposal of ashes of cremated bodies in a cemetery;*
 - f) *prescribing requirements for the burial and covering of coffins;*
 - g) *for the protection of memorials and the land and property of a Board;*
 - h) *regulating the grant of rights of burial;*
 - i) *regulating the maintenance of areas for burials and empowering a Board to enter into an agreement with the holder of a right of burial for the maintenance of an area at the expense of such holder;*
 - j) *regulating, subject to the provisions of the Cremation Act 1929, the operation of any crematorium used by a Board;*
 - k) *convening and regulating meetings of a Board;*
 - l) *for the conduct of funerals, including the conduct of funerals by a Board;*
 - m) *prescribing the procedures of a Board with respect to applications for and issue of licences, permits and permissions;*
 - n) *regulating the entry to and use of vehicles in a cemetery;*
 - o) *regulating the manner of payment and the receipt of fees and charges;*
 - p) *providing that contravention of a local law or by-law constitutes an offence and providing for penalties not exceeding a fine of \$500 and if the offence is a continuing one to a further fine not exceeding \$20 for every day or part of a day during which the offence has continued;*
 - q) *prescribing offences for the purposes of sections 63 and 64 by setting out the offences or by reference to the provisions contravention of which constitutes the offences and in respect of each such offence prescribing the modified penalty, or different modified penalties according to the circumstances by which the offence is attended, applicable if the offence is dealt with under those sections, but so that no such modified penalty exceeds \$50; and*
 - r) *generally for the doing of all such acts and things as are or may be necessary or convenient for the effective administration of a cemetery.*

Comment: Parts a), b), c), d), e), f) and l) in particular relate to what is permissible for Council to include or amend in the Shire of Denmark Cemetery Local Law if it were to provide for natural earth burials.

In short there is nothing in current Legislation that prevents Council from pursuing the provision of natural earth burials.

Sections of the Shire of Denmark Cemetery Local Law that relate are as follows;

5.1 *Requirements for Funerals and Coffins*

A person shall not bring a dead body into the cemetery unless:

- a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this Local Law;*
- b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid;*

and

- c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.*

Comment: Natural earth burials require the body to be in a chemical free biodegradable coffin which, at the discretion of the Board, could still comply under this section however a shroud would not.

6.1 *Depth of Graves*

- 1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is -*
 - a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or*
 - b) in any circumstances less than 600mm.*
- 2) The permission of the authorised officer in sub-clause (1) (a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission*

Comment: Natural earth burials state that ideally the body is buried to a depth of 1 metre where micro-organisms live to allow natural decomposition.

7.10 *Plants and Trees*

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

Comment: The above section would require amendment or removal should provision for natural earth burials be something that the Committee decides to recommend to Council.

7.14 *Tree May be Planted in Remembrance*

A person may plant a tree of a variety authorized by the Board, in a section of the Cemetery set aside for the purpose, in remembrance, subject to the approval of the CEO.

Consultation:

Information contained in this report has been obtained from the following sources;

- *The Natural Earth Burial Society website.*
- *“Saying a Green Goodbye” by Julia Carlisle.*
- *“What Green Burial still needs to figure out” by Thomas Friese.*
- *Reports contained in the Australia Cemeteries & Crematoria Association monthly news magazine.*

Statutory Obligations:

- *Cemeteries Act 1986.*
- *Shire of Denmark Cemetery Local Law.*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no budget or financial implications associated with this report, however should a natural earth burial area be provided within the Shire then there would be financial implications associated with the initial set up costs involved and costs involved in amending the Shire of Denmark Cemetery Local Law.

Strategic Implications:

There are no known significant strategic implications relating to the report or the officer recommendation.

Sustainability Implications:

➤ **Environmental:**

The concept of natural earth burials is based around environmental issues as detailed within this report.

➤ **Economic:**

There could be a perception that a natural earth burial would be less expensive than a traditional burial however currently the Denmark Cemetery fees are being reviewed to ensure a 'user pays' approach. The cost to set up a new section or a new site would most likely need to be recovered (or at least in part) from users which would in fact (at least initially) make it a more expensive option. This notwithstanding, families would not be paying for headstones, plaques and the like.

Ongoing maintenance and associated costs with a natural burial site could be less depending on whether or not the site was 'open' for the public to walk around. It is a given that fire breaks and other fire related hazards associated with the site would still need to be addressed.

➤ **Social:**

Council needs to consider whether or not the creation of a natural earth burial area (whether within the existing Cemetery or at an alternative site) would be something that the Denmark community would utilise as an alternative resting place.

As stated previously within the report, there could be negative emotional impacts on Council staff servicing a natural earth burial.

Voting Requirements:

Simple majority.

COMMITTEE & OFFICER RECOMMENDATION

ITEM 10.1

That Council write back to the Natural Earth Burial Society advising that as there has only been one request for this type of burial received in the last 30 years, at this point in time it does not consider that there is a need for the provision of a natural earth burial site neither within the current Cemetery or at an alternative site within the Shire of Denmark.

CR HINDS'S RECOMMENDATION

ITEM 10.1

That the Cemetery Advisory Committee & Officer Recommendation be not dealt with at this time and the matter be referred to a Council Briefing Meeting to which interested and expert parties would be invited to present their views.

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| COUNCIL | RESOLUTION | & | ALTERNATE | OFFICER | ITEM 10.1 |
| RECOMMENDATION | | | | | |
| MOVED: CR PLOWMAN | | | SECONDED: CR RICHARDSON-NEWTON | | |
| That the Cemetery Advisory Committee & Officer Recommendation relating to Natural Earth Burials, not be dealt with at this time and the matter be deferred pending a community forum where interested and expert parties would be invited to present their views on the subject with the following guiding invitation list; | | | | | |
| <ol style="list-style-type: none">1. Cemetery Advisory Committee Members;2. Councillors;3. Interested Staff;4. Members of the public (via a general advertisement in the Denmark Bulletin);5. Natural Earth Burial Society; and6. Local Licensed Funeral Directors. | | | | | |
| CARRIED: 10/0 | | | Res: 120809 | | |