

Corporate Plan Reference:	Theme No. 5. – Excellence – 5.2 Continue to deliver a financially sustainable Council that has the resources now and into the future to achieve its strategic objectives. This will be supported through the introduction of enhanced sustainability reporting and performance indicators, as well as ESG (environment social and governance) accounting practices as guided by statutory requirements.
Endorsed by Council:	18 June 2026
Policy Author:	Community Connection Manager

POLICY STATEMENT

Noosa Shire Council (Council, ‘we’, ‘us’, ‘our’) owns and manages three active public cemeteries located at Tewantin, Cooroy, and Pomona. These non-denominational cemeteries provide burial, ashes interment, and memorial services, while also preserving significant historical, cultural, and environmental values.

This Policy establishes a clear governance framework for the administration and management of unused and historical plot reservations, that have remained unused for 25 plus years. It provides a structured, transparent and consistent approach to the identification, review, and where appropriate, the administrative return of interment rights to Council.

PURPOSE

The purpose of this Policy is to:

- Enable the responsible and sustainable management of limited cemetery land
- Provide clarity and consistency in the administration of long-standing unused burial plot reservations
- Minimise ambiguity, disputes, and administrative risk
- Ensure decisions are made in accordance with principles of good governance, natural justice, and procedural fairness

- Promote transparency by clearly outlining Council's approach to the review and management of unused and historical interment rights

This Policy specifically provides direction for:

- The identification and management of unused, historical or unclaimed plot reservations
- Decision-making relating to the retention or administrative return of interment rights

SCOPE

This Policy applies to the three Council-managed cemetery sites at Pomona, Tewanin and Cooroy.

This Policy applies retrospectively and prospectively to all plot reservations, including both burial and ashes interment sites.

The Policy applies to plot reservations which:

- Were reserved more than 25 years ago; and
- Have remained vacant and unused, that is no interment of human remains has occurred.

The Policy does not apply to:

- Plots where any form of interment has already occurred; or
- Current interment rights where the holder (or their lawful decision maker) has demonstrated ongoing use or intent within the defined notice period.

The Policy provides a framework to determine whether an interment rights holder, or their lawful decision maker, wishes to:

- Retain the interment plot; or
- Relinquish the interment right to Council for future community use.

This Policy applies to:

- Councillors
- Council employees
- Authorised non-Council employees (e.g. contractors)

REVIEW

This Policy will be reviewed once per Council term (every four years) or as required from time to time.

DEFINITIONS

Term	Meaning
Administration Return	The formal cancellation and reversion of interment rights for an unused plot back to Council following notice and absence of a valid claim
Burial	The placement of human remains in a coffin, casket or other approved container into an earth grave.
CEO	Chief Executive Officer of Noosa Shire Council
Councillor	Elected representative, who set the strategic direction for the organisation, monitor performance, liaise with stakeholders and represent our Shire.
Cremation	The act of disposing of a dead person's body by burning.
Executive Team	Council's team of senior executive officers which are led by the CEO and includes five Directors.
Interment	The burial of human remains in the earth, or the placement of human remains or cremated remains in a mausoleum, vault, columbarium, or other structure designed for that purpose.
Interment Rights	The right to use a specific burial plot or place for ashes for the interment of human remains, granted by a cemetery authority in accordance with relevant laws and policies.
Interment Rights Holder	The individual recorded in the cemetery register as the holder of an interment right, being the person who has been granted the right to use a specific interment site and who has authority to determine the interment of human remains or cremated remains in that site, in accordance with the applicable terms and conditions.
Interment Site	A designated place within a cemetery for the interment of human remains, including burial plots and locations for the placement of cremated remains.

Term	Meaning
Lawful Decision Maker	A person who is legally authorised to make decisions in relation to an interment right or interment site. This includes: (a) the interment rights holder; (b) an executor or administrator of a deceased estate; (c) a legally appointed representative (e.g. enduring power of attorney); or (d) a person recognised under applicable legislation or able to demonstrate lawful authority.
Noosa Shire Council	The organisation of the Noosa Shire as established by the <i>Local Government Act 2009</i> in Queensland.
Notice Period	The minimum period of 90 days provided by Council, following written or public notice, within which an interment rights holder or lawful successor may respond before burial rights may be administratively returned to Council.
Plot	A designated location within a cemetery for interment.
Public Notice	A formal notification made publicly available to inform the general community of a matter or action, including via newspapers, Council website, or other appropriate channels.
Reasonable Period	A timeframe considered by Council to be fair and sufficient to enable a response, having regard to the circumstances and method of notification.
Refund	The return, in whole or in part, of fees previously paid for interment rights.
Reservation	Pre-purchased interment rights for a specific burial plot or ash interment site that have not yet been exercised.
Shire	Area within the Noosa Shire that has been established as a local government.
Unused Plot	An interment site where no interment of human remains or cremated remains has taken place.
Written Notice	Written communication provided to specific individuals or parties (such as interment rights holders or lawful decision maker) to inform them of a proposed action or decision and provide an opportunity to respond.

COUNCIL POLICY

To give effect to this Policy, Council adopts the following:

1. Policy Rules

Council will:

- Identify plot reservations that were granted more than 25 years ago
- Apply this Policy only to unused plots where no interment has occurred for a period of 25 years or more
- Make decisions regarding the retention or administrative return of interment rights under delegated authority in accordance with Council's governance framework
- Require that interment rights may only be retained where:
 - the interment rights holder or lawful decision maker responds within the 90-day notice period; and
 - a clear intention to retain the plot is confirmed; and
 - there is sufficient evidence to establish the claimant's identity and entitlement.
- Provide for the administrative return of interment rights to Council where:
 - the interment rights holder or lawful decision maker relinquishes their interment rights;
 - the interment rights holder or lawful decision maker cannot be contacted after reasonable efforts; or
 - no response is received within the 90-day notice period.

2. Principles

Council will administer this Policy in a manner that is:

- Respectful of community expectations and the sensitive nature of interment rights
- Transparent and consistent in decision-making
- Fair and reasonable, applying principles of natural justice and procedural fairness
- Sustainable, supporting the long-term availability of cemetery land
- Evidence-based, supported by documented records and communication efforts.

3. Contact and Notification Process

Council will use all reasonable efforts to contact interment rights holders or their lawful decision makers.

This includes:

a) Direct Contact

- Written correspondence to the last known contact details held by Council
- Use of available information to locate updated contact information

b) Public Notification (where contact cannot be established)

- Publication of a public notice in a newspaper circulating within the local government area; and
- Publication on Council's website.

4. Notice Requirements

Council will provide 90 days' written notice prior to any administrative return of interment rights.

Two stages of notice will apply:

1. Direct Notice (where a contact is known):
 - a. Issued to the interment rights holder or lawful decision maker
 - b. Outlines Council's review and available options
2. Public Notice (where contact cannot be confirmed):
 - a. Issued where Council is unable to locate or verify an interment rights holder
 - b. Provides an opportunity for any lawful claimant to come forward

Where no response is received within the 90-day notice period, Council may proceed with the administrative return of the interment right.

5. Decision-Making Considerations

In making decisions under this Policy, Council will consider:

- Whether the plot is vacant and unused
- The length of time the plot has remained unused
- The availability and reliability of Council records
- Whether reasonable notice has been provided
- Whether any response or claim has been received
- Any information provided by an interment rights holder or lawful decision maker
- Broader operational and community impacts

All decisions will be made transparently and supported by documented reasons.

6. Records Management

Council will:

- Maintain accurate and up-to-date cemetery records
- Retain documentation relating to contact attempts, notices issued, and decisions made under this Policy
- Support effective contact with interment rights holders
- Reduce the risk of future administrative uncertainty and disputes through documentation of decisions and communication with interment rights holders

7. Late Claim Following Administrative Return

Where interment rights have been administratively returned to Council in accordance with this Policy, Council may consider late claims from persons asserting they are the interment rights holder or lawful decision maker, received after the expiry of the notice period.

In considering a late claim, Council will:

- Require sufficient evidence to establish the claimant's identity and entitlement
- Consider whether the plot has:
 - remained unused; and
 - not been reallocated, resold or utilised.

Where the plot remains available, Council may, at its discretion:

- Reinstate the interment right to the claimant; or
- Offer an alternative comparable plot, where appropriate

Where the plot has already been reallocated, resold, or utilised, Council:

- Will not reinstate the original interment right; and
- May, at its discretion, offer:
 - an alternative plot; or
 - a refund of the original fee (where supported by available records)

All decisions relating to late claims will be made in accordance with principles of procedural fairness, available evidence, and Council's obligations to the broader community.

8. Refunds

Council may consider a refund of reservation fees associated with interment rights where the original interment rights holder, or their lawful decision-maker, is living and submits a request supported by sufficient evidence of the original payment and claimant's identity.

ROLES AND RESPONSIBILITIES

Councillors

- Adopt Council's *Legacy Plot Reservation Management Policy*.
- Provide strategic oversight and policy direction for cemetery governance.

Chief Executive Officer (CEO) and Executive Team

- Support the implementation of this Policy and ensure appropriate governance, resources, and oversight are in place.
- Ensure compliance with this Policy, relevant legislation, and Council frameworks.

Community Connection Branch

- Administer Burial Rights and cemetery operations in accordance with this Policy and delegated authority.
- Ensure decisions, actions and communications under this Policy are appropriately documented.

Community Connection Manager

- Provide oversight of policy implementation and periodically review the Policy to ensure it remains effective and fit for purpose.
- Provide advice and guidance to staff and the community in relation to the application of this Policy.

Authorised Non-Council employees (e.g. contractors)

- Comply with this Policy when undertaking cemetery-related activities on behalf of Council.

RELEVANT LEGISLATION

- *Local Government Act 2009 (Qld)*
- *Land Act 1994 (Qld)*
- *Cremations Act 2003 (Qld)*
- *Public Health Act 2005 (Qld)*
- *Births, Deaths and Marriages Registration Act 2003 (Qld)*
- *Burial Assistance Act 1965 (Qld)*
- *Coroners Act 2003 (Qld)*
- *Aboriginal Cultural Heritage Act 2003 (Qld)* and *Torres Strait Islander Cultural Heritage Act 2003 (Qld)*

ASSOCIATED DOCUMENTS

- *Council Privacy Policy*
- *Council Human Rights Policy*

HUMAN RIGHTS STATEMENT

In developing this Policy, the subject matter has been considered in accordance with the requirements of the Queensland *Human Rights Act 2019*. It is considered that the subject matter does not conflict with any human rights and supports a human rights approach to decision making by Council.

Council representatives will endeavour to act and make decisions under this policy in a manner that is compatible with human rights. Representatives will endeavour to:

- Identify relevant human rights which may be affected by the action or decision
- Give proper consideration to the impact of its actions and decisions on human rights; and
- Ensure that any conduct or decision by Council which limits an individual's human rights is reasonable and justifiable.

This Policy should be read in conjunction with Council's *Human Rights Policy*.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create new Policy		Council Ordinary Meeting	18/06/2026