



# Application for Licence to Work in Council Cemeteries

Maitland City Council  
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 Maitland NSW 2323  
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V.2023

## TYPE OF LICENCE (Please tick)

<input type="checkbox"/>	Monumental Mason	\$145.00
<input type="checkbox"/>	Grave Digger	\$145.00
<input type="checkbox"/>	Funeral Director	\$145.00

Please phone for credit card payments or if by cheque make payable to Maitland City Council and attach to this application form.

Please note: the application will not be processed until payment and correct documentation is received.

## APPLICANT DETAILS

Company Name:	
Contact Name:	
Postal Address:	
Business Address:	
Phone:	
ABN:	
Email:	

## DOCUMENTATION UPLOADED TO \*VAULT (✓) to show this has been completed

	Public Liability Insurance – Schedule of Insurance (\$20 million) or if Sole Trader – Personal Accident Cover
	Workers Compensation Insurance – Certificate of Currency
	Comprehensive Vehicle Insurance – Certificate of Currency
	Construction Induction Card (White Card) for all employees entering MCC Sites.
	Toolbox Checklist
	Safe Work Method Statements
	Site Risk Assessment

## SIGNATURES (To be signed by Company Owner)

I declare that the information I have supplied in this application is complete, true, and correct and I have read and understand the terms and conditions outlined in this agreement for requirements for works in Maitland City Council Cemeteries.

Signature:

Date:

### PRIVACY AND PERSONAL INFORMATION PROTECTION NOTICE:

**Purpose of collection:** Statutory requirement under the Public Health Regulation 2012

**Intended Recipients:** This document will form part of a public record that Council may use and or make available in accordance with the Privacy and Personal Information Protection Act 1998 and the Government Information (Public Access) Act 2009.

**Consequences of non-provision:** A consequence of non-provision may result in burial plot not being allocated

**Storage:** Council will take all reasonable steps to protect the personal information it holds from misuse, unauthorised access and modification

**Retention Period:** Council will retain your personal information for a period that is in accordance with the State Records General Authority 39 (GA39)

## OFFICE USE ONLY (payment code: 30403 BCI)

Amount Paid:	Date:	Receipt No:
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\* See attached Contractor VAULT Information Sheet

## 1. REQUIREMENTS FOR WORKS WITHIN COUNCIL CEMETERIES BY EXTERNAL AGENTS

<b>DESCRIPTION</b>	<b>1.1</b>	<p>Council has a responsibility to ensure that all activities conducted within its cemeteries comply with the requirements of the Work Health &amp; Safety Act 2011 and the Work Health &amp; Safety Regulation 2017 <i>and associated legislation</i>.</p> <p>This Guideline sets out Council's requirements when those activities are carried out by external agents, their employees or subcontractors employed by them.</p> <p>An Agent must be able to prove compliance to these requirements and will be issued with a Permit to carry out works when they do so.</p>
<b>THE WORK PERMIT</b>	<b>1.2</b>	<p>Council requires all agents who wish to work within Council's cemeteries to have a Permit to Work. Council's requirements for the Permit are specified in Section 2.0</p> <p>The permit will be reissued annually on application by the Agent and subject to audit by Council's Representative.</p> <p>Operational requirements for works within Council's Cemeteries are specified in Section 3.0 &amp; shall be complied to maintain the Permit.</p>
<b>RESPONSIBILITY</b>	<b>1.3</b>	<p><b>Council's Designated Representative</b> (Council's Representative) is responsible for:</p> <ul style="list-style-type: none"> <li>(a) Managing Council's cemeteries with safety and consideration.</li> <li>(b) These Guidelines.</li> <li>(c) The issue of work permits subject to the applicant satisfying the requirements of these Guidelines.</li> <li>(d) Auditing and assessing the activities of the applicant at nominated periods.</li> <li>(e) Endorsing or voiding the permit depending on the results the assessment.</li> <li>(f) The maintenance of the site other than when an agent is carrying out their activities.</li> <li>(g) Monitoring activities on the site.</li> </ul> <p><b>The Service Provider</b> shall be responsible for:</p> <ul style="list-style-type: none"> <li>(a) Making application for the permit and providing sufficient conforming data to allow its issue.</li> <li>(b) Maintaining a management system capable of ensuring continuous maintenance of the Guidelines requirements.</li> <li>(c) Providing insurances, labour and equipment that conform to these requirements</li> <li>(d) Informing Councils Designated Representative of their intention to enter and carry out activities on the Site.</li> <li>(e) Managing the Site and carrying out the work in compliance to this document and any Acts or Regulations pertaining to the works, particularly the Work Health &amp; Safety Act 2011 and the Work Health &amp; Safety Regulation 2017, Australian Standards &amp; Codes of Practice.</li> <li>(f) Maintaining documented proof of that compliance</li> <li>(g) Report to Council any concerns that they have or find relative to either their own safety or the safety of others.</li> </ul>

## 2. PERMIT REQUIREMENTS

	2.1	<p>The Permit;</p> <ul style="list-style-type: none"> <li>Authorises persons to undertake works within a Cemetery where applicable, the grantee or agent engaged to undertake work on their behalf, must hold a specific permit issued by Council to undertake that activity (such as right of burial, monumental mason permit, exhumation permit).</li> <li>Will be reissued annually on application by the Agent and subject to audit by Council's Representative.</li> <li>May be suspended or cancelled by Council for non-compliance to these Council's requirements. Five days' notice in writing will be given.</li> </ul>		
		<b>ASPECT</b>	<b>COUNCIL'S REQUIREMENTS</b> <i>All required records are to be available for inspection by Council's Representative on request.</i>	<b>Required</b>
<b>PERSONNEL</b>	2.2	Contractor, employees & subcontractors	<ul style="list-style-type: none"> <li>Record of Construction Induction Card (white card).</li> <li>Record of training, tickets &amp; certification for each appropriate to duties.</li> </ul>	Available on request Licences and tickets must be maintained at worksites by holders
<b>INSURANCES</b>	2.3	Workers Compensation Insurance as per <i>Workers Compensation Act 1987</i>	<ul style="list-style-type: none"> <li>Certificate of Currency.</li> <li>Statutory Declaration stating that Worker's Comp premiums and payments to Supplier staff &amp; subcontractors will be maintained. <b>Or</b></li> <li>If Sole Trader, then the applicant must provide evidence of a Personal Accident insurance policy.</li> </ul>	Submitted with Permit application
		Public Liability Insurance \$20,000,000	<ul style="list-style-type: none"> <li>Schedule of Insurance.</li> <li>Insurance against the death or injury to any third party or parties or loss of or damage to any property including loss of use of property whether it is damaged or not whatsoever caused during the course of the service provision.</li> </ul>	Submitted with Permit application
		Motor vehicle/mobile plant insurance limit of liability to \$20,000,000	<ul style="list-style-type: none"> <li>Certificate of Currency.</li> <li>In the case of any motor vehicle used in the performance of the contract, a Motor Vehicle Insurance covering accidental damage, fire, and theft. The policy shall be for a sum not less than the full market value of the vehicle. In addition, where such vehicles are: <b>Registered Vehicles</b> <ol style="list-style-type: none"> <li>Insurance against any injury to any third party or parties under a Compulsory Third Party Insurance as required by the <i>NSW Motor Accidents Act 1988</i>; and</li> </ol>                     Insurance against loss of or damage to any property whatsoever caused by the use of the vehicle when being driven by the Service Provider, its employees or any person not employed by the Service Provider. The policy shall have a limit of indemnity of not less than \$20,000,000.</li> </ul>	Submitted with Permit application
		Unregistered plant	Proof of cover either as part of motor vehicle or public liability cover.  <b>Note: Any damage arising as a result of the plant being used as a "tool of trade" is to be covered by either an extension of the Service Provider's Comprehensive Motor Vehicle Insurance or the liability endorsed onto the Service Provider's Public Liability Insurance.</b>	Submitted with Permit application

## 2. PERMIT REQUIREMENTS

<b>SITE</b>	<b>2.4</b>	Site specific induction	Records of Site Inductions for each site for each employee/sub-contractor and when there is a change of activity or conditions.	Available on request on site
<b>WORKS &amp; SERVICES</b>	<b>2.5</b>	<p>The digging, preparation &amp; filling of graves</p> <p>The conducting of services at the grave site including management of mourners</p> <p>The site preparation and erection of monuments</p> <p>Construction &amp;/or maintenance of landscaping &amp; infrastructure</p> <p>Construction &amp; maintenance of structures (buildings etc.)</p>	<p>Compliance to the Specifications set out in Section 3.0.</p> <p>Risk Assessments, Procedures &amp;/or Safe Work Method Statements or equivalent that demonstrate identification, assessment &amp; controls of hazards affecting the site, plant, personnel, the public and the activity.</p> <p>&amp;/OR</p> <p>System documentation and samples that demonstrate on-site Risk Assessment &amp; Controls.</p>	<p>By audit</p> <p>Submitted with Permit application</p>
<b>WASTE &amp; SURPLUS DISPOSAL</b>	<b>2.6</b>	Any possible waste or surplus materials generated by works are identified & their transport & disposal nominated.	Statement detailing possible waste/surplus & it's safe transport & disposal.	Submitted with Permit application

### 3. SPECIFICATIONS FOR WORKS IN CEMETERIES

	<b>3.1</b>	<p><b>COUNCIL DOES NOT DIRECTLY ENGAGE FUNERAL INDUSTRY STAFF TO UNDERTAKE WORK IN ITS CEMETERIES.</b></p> <p>Typically:</p> <p>(a) The grantee of a Right of Burial engages Funeral Industry professionals as an agent (contractor) to undertake services and work on their behalf on Council land; then</p> <p>(b) The agent provides services or undertakes work on Council land. The agent, their employees and sub-contractors are subject to Council's requirements.</p>
<b>GENERAL CONDITIONS FOR INTERMENT</b>	<b>3.2</b>	<p>(a) Except as otherwise agreed to in writing by Council, interments may only take place at any burial site between 7.00am and 5.00pm weekdays.</p> <p>(b) The Permit holder shall notify the responsible officer of any activity proposed including times of commencement and completion.</p> <p>(c) Forty eight hours' notice is required for a burial in any of Maitland City Council's cemeteries. This requirement may be waived in special circumstances by application to the responsible officer.</p> <p>(d) Human remains may only be interred at any burial site with the written permission of Council, confirming the location of a reserved or existing site or the allocation of a new site.</p> <p>(e) All procedures involved with the burial process and transporting of human remains are in accordance with Public Health Act 2010 and Regulations 2012 and the Work Health &amp; Safety Act 2011, Work Health &amp; Safety Regulations 2017 &amp; associated legislation.</p>
<b>BURIAL SERVICES</b>	<b>3.3</b>	<p>The Agent shall ensure that any persons attending a service at the burial site does not:</p> <p>(a) Damage any part of the cemetery, including but not limited to any burial site or monument in the vicinity of the service;</p> <p>(b) Place any floral or other tribute in a location not specifically approved in the subject burial license;</p> <p>(c) Bring to the cemetery any animal (other than a guide dog);</p> <p>(d) Park a vehicle on any known burial site, verge of plantation, or in a manner that is likely to impede traffic.</p>
<b>GRAVE DIGGING</b>	<b>3.4</b>	<p>The Agent shall ensure that all persons engaged to undertake grave digging:</p> <p>(a) Implement effective safety measures as developed by the risk assessment. This may include the erection of barricades, protective restrains or reinforced covers to limit access to site to ensure public and worker safety, and the installation of internal shoring of an approved type.</p> <p>(b) Dig graves within the specifications of 1.2m x 2.4m.</p> <p>(c) Dig graves to double depth where possible– all new burial plots are sold as suitable for double depth unless specified otherwise.</p> <p>(d) Install external support of an approved type to ensure safety around grave site for every occurrence of activity.</p> <p>(e) Ensure suitable persons are available to assist funeral staff in maintaining safe conditions around the grave site.</p>
<b>COMPLETING AN INTERMENT</b>	<b>3.5</b>	<p>That on completion of an interment at the grave site the agent shall ensure that:</p> <p>(a) All planks, building equipment, protective coverings and soil are removed from adjoining burial sites or monuments, ensuring all such burial sites and monuments are cleaned thoroughly and washed if necessary.</p> <p>(b) The burial site, adjoining land, adjoining burial sites and monuments in the vicinity of the burial site are left in a neat and tidy condition.</p> <p>(c) All flowers and cards relating to the interment are either removed from the cemetery or placed on the grave mound within the grave site.</p> <p>(d) Any excess soil is placed to an area designated by Council within the cemetery by Council for that purpose, or from the cemetery.</p> <p>(e) Place a marker or cross bearing the deceased's name.</p> <p>(f) Ensure any dislocated slabs are replaced on the grave site within fourteen days of the completion of the interment.</p>
<b>MONUMENTAL WORKS</b>	<b>3.6</b>	<ul style="list-style-type: none"> <li>• Council controls the design, erection, and maintenance of monuments in its Cemeteries by the issue of a Monumental Permit.</li> <li>• Council will only grant a monumental permit with the consent of the grantee of the burial licence. The granting of a monumental permit confers no burial right in respect of any burial site.</li> </ul>

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<b>WORK RESTRICTIONS</b>	<b>3.6.1</b>	<p>No person shall construct, erect , inscribe or remove any monument in a cemetery unless:</p> <ul style="list-style-type: none"> <li>(a) An application to Council for the issue of a monumental permit has been made on the appropriate form and accompanied by sketches, drawings, specifications, and other particulars that clearly demonstrate the design of the proposed monument; and</li> <li>(b) Council has issued a written monumental permit. The Permit is issued on application by Council's authorised officer.</li> <li>(c) The agent only carries out work at the site and cemetery designated in the issued Permit.</li> <li>(d) The monument is of a size and type approved by Council.</li> <li>(e) Work is limited to that described in the permit and must be undertaken by qualified tradesmen in accordance with Monumental &amp; Headstones in Cemeteries (1994) AS4204, the Work Health &amp; Safety Act 2011 &amp; Work Health &amp; Safety Regulation 2017.</li> <li>(f) The Service Provider accepts responsibility for the immediate and effective repair of any damage to other monuments, burial sites or Council property while carrying out work in the Cemetery.</li> <li>(g) Does not park a vehicle on any known burial site, verge of plantation, or in a manner that is likely to impede traffic.</li> </ul>
<b>REQUIREMENT</b>	<b>3.6.2</b>	<ul style="list-style-type: none"> <li>(a) Council reserves the right to order removal of or remove offending, unauthorised or non-conforming work without notice.</li> <li>(b) Council will not be liable for the future care, maintenance, preservation, conservation, or restoration of the construction, erected or placed over the grave.</li> <li>(c) Except as otherwise agreed to in writing by Council, installations may only take place at any burial site between 7.00am and 5.00pm weekdays.</li> <li>(d) 24 hours' notice for access is given.</li> </ul>
<b>GRAVES OVER 50 YEARS OLD</b>	<b>3.6.3</b>	<p>Where a grave site is over 50 years old, it is subject to the Heritage Act 1977. Council will not issue a monumental permit in respect of a burial site, which is over 50 years unless the proposed works conform to the requirements of the National Trust.</p>

#### 4. INCIDENT & ACCIDENT REPORTING

The Service Provider must immediately advise the Council's Cemeteries Representative of:

- (a) any accident involving the death of or personal injury to any person;
- (b) any dangerous occurrence as prescribed by the Work Health & Safety Act 2011 and the Work Health & Safety Regulation 2017 (whether or not injury is sustained) requiring the notification to SafeWork NSW; - The Service Provider is to be aware of the notifiable matters;
- (c) any accident involving loss of time or incident with accident potential such as equipment failure, slides, cave-in and the like;
- (d) any safety breaches/improvement notices/prohibition or infringement notices/ issues by SafeWork NSW;
- (e) any safety dispute between the Service Provider and its employee's agents or subcontractors; and
- (f) any damage to Council property, or other graves, headstones, monumental work.

If requested, the Service Provider must furnish a written report in the form directed by the Council's Representative. The Service Provider must, as soon as practicable after notification of any safety breach or hazard, take all measures necessary to remedy that breach or hazard.