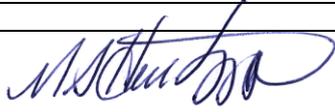


	CEMETERIES & 'NATURAL BURIAL GROUNDS'	Policy #	6.7 / 1
		Issued:	20 April 2016
POLICY		Next review	January 2020

Category:	6. Assets & Infrastructure	Classification:	Public
First Issued:	20 April 2016	Review Frequency:	4 years
Legislation:	Burial & Cremation Act 2013		
Relevant Policies:			
Related Procedures:		Signed:	
Responsible Officer:	Manager Governance		
Adopted on :	20/04/2016		

1. Purpose

This policy outlines Council's objectives in respect of Council owned and operated cemeteries, natural burial grounds and crematoria. It has regard to the [Burial and Cremation Act 2013](#) (the Act) and the [Burial & Cremation Regulations 2014](#) under which Council cemetery authorities must meet revised requirements for the operation and regulation of cemeteries, natural burial grounds and crematoria within the Council area. Council recognises that these community cemeteries are the resting place of many of the district's pioneer and respected citizens and will efficiently and effectively manage them in a caring and equitable manner to meet the needs of its community.

2. Definitions

Words and phrases used in this policy have the same meaning as they do in the [Burial and Cremation Act 2013](#) and/or [the Burial & Cremation Regulations 2014](#).

3. Principles

The policy applies to cemetery and natural burial facilities located, owned or operated by Council in:

- Ceduna
- Smoky Bay
- Denial Bay

All cemeteries and natural burial grounds are overseen by Council

The management of burials and granting of interment rights in Council facilities is vested in the Council and delegated to its administration.

Existing reservations issued by Council prior to the development of this policy will be honoured by Council and renewal of interment rights will have regard to the basis on which the original burial sites have been allocated.

The cemeteries and natural burial grounds will not be segregated into areas based on religion or ethnicity in accordance with section 22 of [the Act](#). Council will have regard to the customs and specific needs of all those who apply for an interment permit.

In considering applications and/or renewal of interment rights Council will have regard to:

- the Cemetery's local historical significance as a burial place for many of the pioneers of the area

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- the need for each cemetery site to be managed and maintained at a standard consistent with its significance and as an important family memorial place
- remaining interment sites available, recognising relatives of people already interred in the cemetery, people with a long association to the area, and those who have made contributions to the well-being and social fabric of the community

4. Issue of interment rights

Interment rights may be granted by Council for one or more sites within a cemetery or natural burial ground on completion of an application and payment of the appropriate fee. The interment right gives the holder the exclusive right to bury or inter human remains in the allotted site. The holder of the interment right may use the site only for interment of human remains consistent with this Policy and the [Burial and Cremation Act 2013](#).

At the Denial Bay Cemetery, due to the lack of historic burial records, and not knowing where and how many people have been buried at this cemetery, Council resolved at the July 2013 General Meeting of Council:

“That Council does not issue any burial/internment rights for the old Denial Bay cemetery, unless the person or family of the person to be interned undertakes at their expense a Geophysical survey of the site identifying all possible grave locations”.

Council will grant interment rights in perpetuity.

Interment rights may be issued for the following:

4.1 Grave sites (for new interments) for a dual depth system of burial.

The site can be used to accommodate family members

4.2 Mausoleum

Council may approve an application for construction of an above ground structure subject to Council specifications.

4.3 Memorial or niche walls

The term of an interment right for ashes, in perpetuity.

4.4 Vaults

Council may on application approve the construction of a water tight vault (distinct from a mausoleum) of either single or dual capacity depth. Approval will be subject to soil and ground water conditions, design and specifications. Construction will be in accordance with the specifications provided and subject to supervision of Council’s building supervisor or a contractor approved by Council. (See section 30 of [the Act](#).)

4.5 Scattering of ashes

No interment right is required for scattering of cremated remains in a cemetery or natural burial ground. However, prior approval of the Council is required. (See section 36 of [the Act](#).)

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5. Renewal or transfer of Interment rights

5.1 Transfer or surrender of interment rights

A person/family holding an interment right for an unused burial site or memorial wall may seek approval of Council to surrender (section 34 of [the Act](#)) or transfer (section 33 of [the Act](#).) the right to another person/family. Council will not unreasonably withhold its approval. However, administrative costs for the surrender, formal transfer and recording in Council's register will be at the cost of the holder of the interment right in accordance with Schedule 1 of [the Regulations](#).

5.2 Lost documentation

Council may issue a replacement (copy) of an interment right upon receipt of a Statutory Declaration by the interment right holder or an authorised person which sets out the circumstances in which the formal documentation was lost.

6. Reuse of Interment sites

In the event that a right of interment is not renewed Council will take reasonable steps, in writing, to advise a holder of the right of the impending expiration of the right twelve months prior to its expiration. If the holder of the right does not renew the interment right by the expiration date:

- for a burial site: the interment site is deemed to have expired and Council has the right to reuse the site in accordance with the legislation
- for an ashes interment site: the holder of the interment right may:
 - instruct the Council to move the interment remains to an unmarked location in the cemetery, or
 - collect the remains for private disposal, and
- Council has the right to reuse the site in accordance with the legislation

7. Disposal of Human Remains

7.1 On rural land

In accordance with sub-section 8(2) of [the Act](#), the Council will receive applications and may grant permission for a burial on private land outside "metropolitan Adelaide" and outside the boundary of a township. The request must be made on the application supplied by Council.

7.2 Documentation

All applications for a right to inter bodily remains in a Council cemetery or natural burial ground must be accompanied by appropriate documentation in accordance with section 12 of [the Act](#) and Regulation 9 of the Regulations. Council cannot allow disposal of human remains without seeing (and recording the details of):

- a certificate of identification for the body; and
- a partial certificate of cause of death; or

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- a disposal authorisation; or
- an authorisation to dispose of human remains granted by the Minister or the Registrar under section 12 of [the Act](#).

All interments in Council owned/operated cemeteries or natural burial grounds are to be approved by Council on the application form appended to this Policy. Interments are to be undertaken by the funeral company specified on the Burial Authority. Preparation of the interment site is to be undertaken by Council or a contractor authorised by the Council.

7.3 Register/Records & Plans

Under section 53 of [the Act](#), the Council as the “relevant authority” must maintain, and make available to the public, documentation for each cemetery or natural burial ground.

Copies of the registers and plans of the cemetery are available for inspection by members of the public during Council office hours.

7.4 Access to an interment site

A holder of an interment right (including those who have existing Interment Rights) is required to comply with [the Act](#) and the approval given by Council, prior to:

- interment of human remains in a cemetery or natural burial ground,
- reopening an interment site containing bodily remains,
- removing or relocating human remains.

The process of excavating and/or modification of a site must be undertaken by a Council employee or a contractor approved by the Council. Confirmation of a burial site must be verified by Council’s Administration prior to any excavation or other work on the site

8. Memorials

8.1 Headstones or Plaques

Headstones or plaques are not to exceed the dimensions of individual plots whether single or joint. Monuments may encompass a maximum of two adjacent sites.

If a larger plaque or headstone size is required, application may be made to Council for approval. Council may issue approval, subject to specific conditions.

8.2 Identification Numbers

All monuments must display Council’s Plot Identification Number on the back of the monument. Minimum size of all lettering and numbers is: 10mm high.

8.3 Installation of headstones or plaques

Only Council staff or a contractor approved by Council shall install a headstone or plaque.

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8.4 Ornaments

All memorabilia requires to be securely affixed to the site / plot. Ornaments, vases, aged flowers and wreaths may be removed from sites, if Council deems that the items have deteriorated to the extent that they are unsightly.

8.5 Lighting

Solar powered lights or spikes on individual sites are prohibited.

8.6 Ownership and maintenance of memorials

The ownership of plaques, monuments and other approved structures remains with the Interment right holder. The Council is not responsible for the upkeep, repair or maintenance of any memorial.

In accordance with section 41 of [the Act](#), the Council may issue a notice on the owner of a memorial requiring repairs, removal or reinstatement of the memorial.

Council may act to remove any structure that it deems to be unsightly, in poor condition or dilapidated or repair it consistent with section 41 of [the Act](#) at the owner's cost.

8.7 Power to dispose of unclaimed memorials

Council may, after giving notice in accordance with section 42 of [the Act](#), remove and dispose of the memorial.

8.8 Monuments and memorials in natural burial grounds

In natural burial grounds, permanent memorials will not be installed on individual interment sites. However Council will allocate a small area of the natural burial ground for installation of approved memorabilia.

9. Service fees and charges

Council will annually determine a "Schedule of fees and Charges" for services provided at cemeteries and natural burial grounds as part of its budget process.

10. Neglected cemeteries and natural burial grounds

If Council is of the opinion that a cemetery or natural burial ground within its area is in a neglected condition or fails to comply with the requirements of [the Act](#) the Council may, by notice in writing, require the governing body to remedy the conditions of neglect or non-compliance. If those remedial works are not undertaken in accordance with [the Act](#) the Council may undertake the work and recover the costs from the governing body or Interment right holder. (See section 46 of [the Act](#).)

The Authority on which the notice is issued can apply to the District Court for a review of the decision.

11. Authorised Officers

Council may appoint authorised officers to ensure administration and enforcement of section 59 of [the Act](#).

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12. Further information

This policy will be formally reviewed every two years, or following amendment to the legislation. Minor variations can be approved by Council at any time following consideration of a recommendation and report from the Chief Executive Officer.

This policy and the Register of Cemeteries and Natural Burial Grounds will be available for inspection at the Council offices listed below during ordinary business hours. The policy is available to be downloaded, free of charge, from Council's internet site: www.ceduna.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Manager Governance of Council.