

REGIONAL COUNCIL OF GOYDER

	<h2>CEMETERIES POLICY</h2>	Department:	I& TS
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		Responsibility:	DOITS

1. INTRODUCTION

The management of interments and granting of interment rights in Council's cemeteries is vested in the Council and delegated to its administration.

Council recognises that community cemeteries are the resting place of many district pioneers and respected citizens therefore will efficiently and effectively manage the cemeteries in a caring and equitable manner to meet the needs of its community.

This Policy outlines Council's objectives in respect of Council owned and operated cemeteries and has regard to the Burial and Cremation Act 2013 and the Burial & Cremation Regulations 2014 under which Council cemetery authorities must meet revised requirements for the operation and regulation of cemeteries.

The Act provides Council the statutory framework to use natural burial grounds in addition to conventional cemetery interments if the need arises. The policies outlined within this document refer to both a cemetery and natural burial ground.

2. GENERAL

Council is responsible for the care, control and management of the following cemeteries;

Apoinga	Tothill Belt Rd Sec 460 Hd Apoinga
Australia Plains	Cemetery Rd Lt 883 Hd English
Booborowie	Cemetery Rd Sec 922 Hd Ayres
Bright	Worlds End Highway Lt 194 Hd Bright
Brownlow	Brownlow Rd Lt 706 Hd Brownlow
Bundey	Bundey Church Rd Lt 1 Hd Bundey
Burra	Spring St Lts 4, 93, 111, 112, Pces 94 & 95 Hd Koorunga
Eudunda	Peep Hill Rd Sec468 Hd Neales
Farrell Flat	Farrell Flat Rd Sec 205 & 206 Hd Hanson
Hallett	Mt Bryan East Rd Sec 284 Hd Hallett
Koorunga	Chapel St Lt 211 Hd Koorunga
Terowie	Cemetery Rd Sec 415 Hd Terowie
Whyte Yarcowie	Pigeon Box Rd Sec 441 Hd Terowie
Worlds End	Satchell Rd Sec 50 Hd Bright

Under Section 53 of the Act, Council must maintain and make available to the public a register of records for each cemetery.

The public can access cemetery records through an on-line search function available on Council's website.

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Council may enlarge, improve or enhance any part of the cemetery and take any other action that Council considers necessary or desirable for the proper management and maintenance of the cemetery.

Council must in the establishment, administration, extension or improvement of the cemetery, have due regard to the customs and needs of the various ethnic and religious communities that may use the cemetery, for the disposal of human remains.

For information of the following cemeteries in the council area, please contact the relevant authority;

Bower

Bower Boundary Rd Sec 174D Hd Brownlow
Lutheran Church of Australia

Emmaus

Worlds End Highway Lt 875 Hd English
St Johns Lutheran Church

Emu Downs

Kotz Rd Lots 252 & 253, Hd Apoinga
Russian Molokan Spiritual Christian Leapers and Jumpers

Julia

Julia Rd Lot 11 Hd Julia
Lutheran Church of Australia SA&NT District Holdings LTD

Neales Flat

Stephan Road Lot 117 Hundred of Neales
St Stephan's Lutheran Church

Neales Flat

Neales Road, Lots 722, 723, 724 Hundred of Neales
Neales Flat Lutheran Church Incorporated

Peep Hill

Peep Hill Road Lot 105 Hundred of Neales
St Michaels Lutheran Church

Pt Pass

St Peters Lane Lot 502 Point Pass
Lutheran Church of Australia

Robertstown

Brady Rd Lot 182 Hundred of English, Robertstown
Holy Cross Lutheran Church

Robertstown

Church Street Lot 203 Hundred of English, Robertstown
Holy Cross Lutheran Church

Sutherlands

Railway Terrace Lot 1 Hundred of Neales, Sutherlands
St Johns Lutheran Church

3. OPENING HOURS

All Council cemeteries are open to the public 24 hours a day for the purpose of visiting graves or monuments, conducting or attending a funerals or religious services or for any other legitimate non-commercial purpose.

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If Council has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, Council may require the person to leave the cemetery and a person must not fail or refuse to comply with a requirement of Council.

4. FEES

A schedule of fees for granting interment rights and associated cemetery services are to be listed in Council's *Fees and Charges Policy*.

5. ISSUE OF INTERMENT RIGHTS

Interment rights may be granted by Council in accordance with Section 30 of the Act and for one or more sites within a cemetery on completion of an application and payment of the appropriate fee. The interment right gives the holder the exclusive right to authorise the interment of human remains in the allotted site or the placement of ashes within a niche or allotted site consistent with this policy and the Act.

In considering applications of interment rights, Council will allocate a site on the basis of the next available site in the current marked section of the cemetery which assists with accurate location of interments. Consideration should be given however to a request by the potential interment right holder for another vacant and available site. Council issue interment rights in perpetuity

Council may restrict interments in any part of the cemetery however does not have the authorisation to do anything that may be in breach of the terms of an interment right.

No new interment rights will be granted for the following cemeteries,

- Apoinga
- Burra (section within the walled area)
- Kooringa
- Worlds End

The historical record keeping and age of the following cemeteries listed, along with the lack of available plots make it extremely difficult to issue interment rights for these sites, however Council may consider issuing an interment right on a case by case basis where the applicant can demonstrate a direct family association with other persons interred at the sites, if a suitable plot location can be identified.

- Australia Plains
- Bright

For all other Council managed cemeteries, interment rights may not be granted to persons who cannot demonstrate that they have been a resident in the Regional Council of Goyder council area.

Scattering of Ashes

No interment right is required for scattering of cremated remains in a cemetery or on Council owned land however prior approval of Council is required which may be refused.

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6. INTERMENTS

Documentation

All applications for a right to inter bodily remains in a Council cemetery must be accompanied by appropriate documentation in accordance with Section 12 of the Act and Regulation 9 of the Regulations.

All interments in Council cemeteries are to be approved by Council in writing by completing the relevant application form.

The interment site is to be marked out by Council staff prior to the excavation of the site to ensure the correct site has been allocated.

Interments are to be undertaken by the funeral company specified in the Burial Authority and preparation of the interment site is to be undertaken by Council or a contractor authorised by Council.

Burial of human remains on private property

The Burial and Cremation Act 2013 requires human remains to be buried within a lawfully established cemetery or approved natural burial ground.

Burial on private property may be permitted only if the property is located outside of Metropolitan Adelaide or a township. Burial on private property is subject to the approval of Council and the permission of the land owner. The burial is subject to the requirements of the Burial and Cremation

Regulations 2014. Bodily remains are not permitted to be disposed of by burial at sea, without the approval of the Attorney-General.

There are no Environment Protection Authority codes or guidelines to abide by in relation to the scattering of cremated remains.

7. TRANSFER OF INTERMENT RIGHTS

Transfer / Relinquishment

A person/s holding an interment right for an unused burial site or niche may seek approval of Council to relinquish their right (Section 34 of the Act) or transfer (Section 33 of the Act) their right to another person/s. Council will not unreasonably withhold its approval however administrative costs for a relinquishment will be at the cost of the interment right holder in accordance with Schedule 1 of the Regulations. The request to transfer must be by completed application form or a relinquishment by a request in writing and both will require proof of identity by way of Drivers Licence or similar photo identification and proof of payment of interment right.

Lost documentation

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

8. REUSE OF INTERMENT SITES

Interment rights are issued in perpetuity and therefore Council does not reuse interment sites

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9. DISPOSAL / EXHUMATION / REMOVALS & RE-INTERMENT OF HUMAN REMAINS

An interment right holder is required to comply with the Act and the approval given by Council prior to:

- a. Reopening an interment site containing bodily remains
- b. 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 Council. Confirmation of a burial site must be verified by Council's administration prior to any excavation or other work on the site.

Exhumation of human remains is only permitted without Attorney - General approval when;

- a) Only cremated remains are interred at the site; or
- b) Additional human remains can be interred without disturbing bodily remains; or
- c) A lift and deepen procedure is carried out in accordance with 'Part 2 (11) Lift and Deepen Procedure' of the Regulations.

10. GENERAL CONDUCT IN THE CEMETERIES

A person must not remove, damage, deface or interfere with;

- a) Any building, memorial, other fixture or structure in a cemetery; or
- b) Any part of the cemetery grounds including a tree, shrub, plant, flower or lawn.

In addition a person whilst within the cemetery grounds is not permitted to;

- a) Disturb a funeral service, cause a nuisance or breach the peace; or
- b) Discharge a firearm (except at an armed services funeral); or
- c) Consume alcohol other than as part of a funeral service, as authorised by Council; or
- d) Deposit refuse except in receptacles provided for the purpose.

A person must not cause any nuisance and must at all times conduct themselves in a manner that respects the rights and safety of others.

A person must seek Council approval before erecting any structure in the cemetery such as a shelter or Niche wall.

All visitors, contractors or other persons in a cemetery are subject to the direction and supervision of Council. A person must not refuse to comply with direction or supervision of Council otherwise they may be required to leave the cemetery.

All children entering the cemetery must be under the supervision of an adult.

11. MAINTENANCE

Council will maintain the area of the cemetery including pathways, roadways, plants, fencing and structures and may reposition any tribute that impedes the maintenance of the surrounds of the interment site.

For the safety and security of the general public, workers and the environment, landscaping of cemetery grounds, niche walls and memorial sites is not permitted by the public.

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Council may remove from an interment site any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers. Council may prune, cut down or remove any plant on an interment site in the cemetery that is, in the opinion of Council, unsightly or overgrown.

In the event the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, Council may cause the site to be filled up to that level.

12. TRANSPORT OF BODILY REMAINS WITHIN THE CEMETERY

A person must comply with the provisions of the Regulations relating to the handling, storage and transport of bodily remains.

13. MEMORIALS (includes plaques, monuments and other approved structures) AND TRIBUTES

Council must first be notified in writing of the intention to install a memorial in the cemetery and approval given to proceed with the installation.

Any plaque placed on a memorial wall/garden in any of Council's cemeteries must have an Interment Right.

All works must be carried out by a registered member of the Monumental Masons Association Inc. in accordance with the provisions of Australian Standard AS4204-1994. These standards ensure that memorials and stone work are manufactured in accordance with Australian standards ensuring structural integrity and a high level of workmanship is maintained.

Plaques placed on a niche wall in any of Council's cemeteries must be attached by a registered member of the Monumental Masons Association Inc. or a Funeral Director.

The design and wording of all memorials will be tasteful and in keeping with the existing ambience of Council managed cemeteries. If a proposed memorial and/or memorial wording is significantly different, a discussion with the Property Tenure Officer on a case by case basis can be arranged on request.

Ownership of memorials remains with the interment right holder.

Tribute containers are to be non-breakable unless they are purpose designed receptacles which are a permanent feature of a monument.

Maintenance of Graves, Plaques, Monuments and Structures

The ownership of plaques, monuments or other structures installed or constructed is deemed to be with the Interment Right Holder (or their heirs and successors).

The Interment Right Holder is responsible for the upkeep, maintenance, repair etc of any plaques, monument or structure.

The Council may act to remove any structure that has become dilapidated, unsafe or unsightly. Except in circumstances where there is a risk to the safety of persons or damage may be imminent

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to nearby sites, Council will take reasonable steps to contact the Interment Right Holders to provide an opportunity to take required actions to remedy the interment site.

In accordance with Section 42 of the Act Council may also dispose of any structure or tribute that it deems to be unsightly, offensive, breakable, in poor condition or dilapidated.

14. LANDSCAPING

No person, except an officer of Council may landscape or change the landscaping of any portion of the cemeteries.

All plants and trees in the cemeteries remain the property of the Council.

15. TRAFFIC REGULATIONS

All South Australian general road rules apply within the cemetery.

As stated in the Regulations, a person must not drive a motor vehicle within the cemetery in a dangerous or careless manner without reasonable consideration for others.

16. DRIVERS TO COMPLY WITH DIRECTIONS OF COUNCIL

A person must, while in charge of a motor vehicle within a cemetery, comply with any lawful directions of Council as to the driving or parking of vehicles.

All motor vehicles must remain on the designated roadways unless otherwise directed by Council.

Council may issue parking fines under Regulation 24 of the Regulations.

17. ESTABLISHING A NEW CEMETERY

Subject to the Act, any person may establish a cemetery, natural burial ground or crematorium. Refer to Part 2 Division 1 of the Act for further information.

Council may set apart any part of a cemetery as a natural burial ground or may set any part of the cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion.

18. CLOSURE AND CONVERSION OF CEMETERIES

For requirements refer to Part 3 Division 2 of the Act and Regulation 28 of the Regulations.

19. STATE HERITAGE REGISTER

The interment sites at Burra (old section within the walled area) and Koorunga Cemeteries are listed on the State Heritage Register and require new headstones / memorial and alteration work to be approved by an appointed Heritage Advisor.

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20. CEMETERY GRAVE AND HEADSTONE RESTORATION

Council support cemetery conservation works proposed by community groups on the basis of 50% contribution to any funds raised from grants or other private funding from families or others to a maximum annual Council budget amount of \$7,500. (\$7,500 Council \$7,500 grants/gifts).

21. WAR GRAVES

The Office of Australian War Graves (OAWG) is committed to maintaining official memorials in perpetuity.

Where a full monument is required the OAWG will provide and maintain the headstone with a bronze plaque which may also include an optional religious emblem and personal inscription. The memorials are concrete with a rendered finish.

The plaque placed on a wall niche of a memorial garden site will be arranged by the OAWG and be inscribed in a standard format.

22. NEGLECTED CEMETERIES AND NATURAL BURIAL GROUNDS

If Council is of the opinion that a cemetery or NBG within its area is in a neglected condition or fails to comply with the requirements of the Act, Council may, by notice in writing, require the governing body to remedy the conditions of neglect or non-compliance in accordance with Section 46 of the Act

23. RECORDS

All records should be treated in accordance with Local Government GDS40.

24. REVIEW AND EVALUATION

This document shall be reviewed by the Council every two (2) years (or on significant change to legislation or aspects included in this policy that could affect the health and safety of workers).

25. REVIEW HISTORY

Document History	Version No:	Issue Date:	Description of Change:
	1.0	21/07/97	Minute 328/97
	1.0	21/06/05	Minute 232/05
	1.1	24/06/14	Minute 101/14
	1.2	19/07/16	Revised. NCOR72016-7247
	1.3	27/09/17	No Change
	1.3	17/10/17	215/17 Adopted with no change
	1.3	15/10/19	Adopted with no change refer 221/19
	2.0	21/09/21	Major upgrade, adopted refer minute 143/21