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	Policy Number: ING006	Last Review: 3 rd May 2023 Resolution No.: C143:0523
	Version Number: 3	Next Review: May 2026
CEMETERY MANAGEMENT POLICY		

Policy Statement

Cemeteries are an important community asset and provide essential infrastructure and services to the community. The Cemetery Management Policy (Policy) assists in the administration and management of cemeteries within the Copper Coast Council (Council) area within the guidelines of the Cemetery Management Plan.

1. Introduction

- 1.1. Council is the authority of four (4) cemeteries located in Kadina, Moonta, Wallaroo and Greens Plains.
- 1.2. Council is responsible for the care, control and management of these cemeteries, including the Interment Rights for burial purposes.
- 1.3. Council has set apart portions of the cemeteries for the burial of persons of particular religious denominations. Requests for burial in a particular section will be obliged where practicable. Council will not deny burial rights based on religious denomination or sect.

2. Scope

- 2.1. This Policy applies to all cemeteries which is under the care, control and management of the Copper Coast Council.

3. Legislation

- 3.1. The following legislation applies to this Policy:
 - Burial and Cremation Act 2013
 - Burial and Cremation Regulations 2014
 - Australian Standard 4202 (Headstones & Cemetery Monuments) 1994.
- 3.2. This Policy is not a mandatory requirement but essential for good governance.

4. Integration with Corporate Objectives

- 4.1. This Policy supports Council's Strategic Plan 2019 - 2029
 - 4.1.1. Environmental Objective – Sustainability

Goal 2 - To responsibly manage the natural and built environment to ensure its sustainability and diversity to the community.

2.16 Public Facilities and Council Property – To facilitate continual improvement of Council assets and maintenance of Council property.

5. Related Council Policies and Documents

- 5.1. This Policy is also designed to operate in conjunction with other Council policies, including but not limited to:
- Public Interest Disclosure Policy
 - Freedom of Information Policy
 - Complaints Policy
 - Fraud and Corruption, Misconduct and Maladministration Policy

6. Definitions

For the purposes of this Policy, 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 and Cremation Regulations 2014.

In addition, the following definitions also apply:

- 6.1. **Authorised Officer** is defined as an Authorised person delegated authority under section 44 of the Local Government Act 1999.
- 6.2. **Chief Executive Officer (CEO)** means the appointed Chief Executive Officer under section 96 of the Local Government Act 1999 and includes any person acting or delegated by the Chief Executive Officer's under sections 100 and 101 of the Local Government Act 1999.
- 6.3. **Council** means the Copper Coast Council and any delegate of the Council.

7. Application

7.1. Notice of Burials

- 7.1.1. A funeral director or person wishing to effect an interment must give notice to Council no later than 10.00 am at least two (2) working days prior to the proposed burial date.
- 7.1.2. Hours of burial will be conducted between 9.00 am to 3.30 pm Monday to Friday (excluding public holidays). Burials outside of these hours may be arranged and will incur additional charges as detailed in the adopted Register of Fees and Charges.
- 7.1.3. A Cemetery Interment Details form must be completed and submitted to Council prior to an approval for interment being granted.
- 7.1.4. Should an Interment Right not currently cover the proposed burial site, Council will allocate a plot within the preferred section of the Cemetery.
- 7.1.5. A funeral director or other person presenting remains of a deceased person for interment, shall make the interment under Council direction and will be charged accordingly as detailed in the adopted Register of Fees and Charges.
- 7.1.6. Funeral directors are responsible for providing appropriately trained and competent/experienced staff to undertake all necessary arrangements and manage foreseeable occurrences associated with the Regulation of a burial service.
- 7.1.7. Funeral directors must hold a current license and provide Council with a copy of the current Certificate of Currency for public liability insurance.

- 7.1.8. Plots will be prepared, backfilled and consolidated by Councils employees or Council appointed Contractors. Families who wish to backfill a plot as part of a funeral service, must request Council permission prior to the service.
- 7.1.9. Cremated remains may be placed within the grounds of a cemetery and Council offer a number of options, including but not limited to; a burial plot; rose gardens; niche walls; or general cemetery grounds within.
- 7.1.10. To place cremated remains within a cemetery, require a Cemetery Interment Details form to be completed and lodged and relevant approval must be received prior to interment or scattering.
- 7.2. Exhumations
- 7.2.1. Exhumations of non-cremated human remains will only be permitted the written consent of the South Australian Attorney-General or a warrant issued under the *Coroners Act 2003*.
- 7.3. Burial Register
- 7.3.1. Council will maintain a physical and electronic Burial Register which all interments will be recorded.
- 7.3.2. The Burial Register can be inspection by members of the public at its principal office during office hours, at no charge. A photocopy of an entry will incur payment of the fee set out in Councils' adopted Fees and Charges Register.
- 7.3.3. The electronic Burial Register can be accessed via Councils' website www.coppercoast.sa.gov.au.
- 7.4. Cemeteries, Location and Plot Types, Sizes
- 7.4.1. Kadina - Russack Road, Kadina
- Lawn
 - General
 - Church of England (Anglican)
 - Catholic
 - Jewish
 - Cremation Rose Garden
 - Cremation Wall
- 7.4.2. Moonta - Retallick Road, Moonta
- General
 - Catholic
 - Church of England (Anglican)
 - Jewish
 - Cremation Wall
 - Cremation End of Row
- 7.4.3. Wallaroo - Spencer Highway, Wallaroo
- General
 - Catholic
 - Church of England (Anglican)
 - Cremation Rose Garden
 - Cremation Wall
- 7.4.4. Greens Plains - New Holland Road, Paskeville
- General
 - Cremation Wall

7.4.5. Plot Sizes

- Grave sizes – General 2.70m x 1.40m; Lawn 2.40m x1.35m
- Burial depths – Triple interment 2.40m, Double Interment 2.10m, Single Interment 1.80m
- Cremations depth - 0.30m
- Maximum - Three (3) non-cremated burials and/or ten (10) cremation burials in a standard grave, subject to access permitting.
- One cremation burial only in each cremation plot. Exception – where the cremation burial is at end of row plots in the Moonta cemetery and can accommodate two (2) cremation burials.

7.5. Burial and Cremation Interment Rights

- 7.5.1. Council will, on payment of the required fees and charges, issue Interment Rights over a designated site in a cemetery for a period of fifty (50) years.
- 7.5.2. Each Interment Right must record the holder identity and contact details and clearly identify the site and period of the Interment Right.
- 7.5.3. Only the Interment Right holder has the right to relinquish the right. The holder may relinquish the right anytime except where the grave contains a burial. Notice of the act of relinquishing a right must be made in writing to the Chief Executive Officer. A refund may be made for any time remaining on the original interment right term. Refunds on interment rights can only be approved under Regulation 31 and Schedule 1 of the Regulations.
- 7.5.4. Extensions of the Interment Right is fifty (50) years. The right to extend an Interment Right is perpetual. The Interment Right may be renewed beyond the initial term at any time after the remaining term is less than **five (5)** years, upon application of the Interment Right holder and payment of the relevant fee.
- 7.5.5. A transfer can be affected at any time while the Interment Right is current. To affect a transfer a “Transfer of Cemetery Interment Right” form is to be completed and returned to Council.
- 7.5.6. If there is no *personal representative*, one of the following persons entitled to exercise the rights granted to the interment right holder upon their death or legal incapacity, as defined in the *Burial and Cremation Regulations 2014*, then the *surviving spouse or surviving domestic partner (as defined in the Family Relationships Act 1975)*.
- 7.5.7. If there is no surviving spouse or domestic partner, the eldest living and legally capable relative of the deceased interment right holder in the following descending order of priority;
 - A child of the interment right holder;
 - A grandchild or great-grandchild;
 - A brother or sister;
 - A parent;
 - A grandparent;
 - An aunt or uncle;
 - A nephew or niece;
 - A cousin;
 - Any other blood relative.

7.6. Monuments

- 7.6.1. No monument, headstone, plaque, slab or border can be installed unless the appropriate application form has been completed, lodged and there is an Interment Right over the plot.
- 7.6.2. Any amendments, repairs and/or maintenance, require the appropriate form to be completed and lodged with Council prior.
- 7.6.3. All monuments, headstones and plaques must comply with Australian Standard 4202 (Headstones and Cemetery Monuments) 1994, which are available from Councils principal office during normal office hours.
- 7.6.4. All monuments and slabs are required to be first grade granite, marble or other durable natural material.
- 7.6.5. All plaques and crosses are required to be made of durable material or if made of metal material, to be a non-ferrous material.
- 7.6.6. Ornamental gravel may be installed on a plot where there is a solid border installed.
- 7.6.7. The removal and reinstatement of slabs and gravel for second and third interments will be undertaken by Council.
- 7.6.8. Plaque dimensions for cremation plots
- Kadina Rose Garden - 150mm wide by 110mm high
 - Greens Plains Niche Wall - 150mm wide by 110mm high
 - Wallaroo Old Niche Wall - 150mm wide by 110mm high
 - Kadina Niche Wall - 150mm wide by 100mm high
 - Wallaroo Rose Garden - 150mm wide by 100mm high
 - 125mm wide by 145mm high – Moonta Old Niche Wall
 - 170mm wide by 200mm high – Moonta New Niche Wall
 - 205mm wide by 160mm high – Wallaroo New Niche Wall
- 7.6.9. Monument dimensions for Kadina lawn section
- 1250mm wide by 500mm high by 300mm deep
- 7.6.10. Memorial plaques may be placed without cremated remains being interred.
- 7.6.11. Inscriptions are valuable for identification and future information; and should be indelible and legible. Consideration should be given to the following suggestions when designing a monument, headstone or plaque;
- Full name
 - Date of birth
 - Date of death and age at death
 - Other family members names (parents, siblings, partner, offspring)
 - Appropriate verse
- 7.6.12. Approval for the relocation of family monuments from other cemeteries to plots within Councils cemeteries may be given if there is a current right covering the site. Applications to relocate a monument must be made in writing to the Chief Executive Officer.

7.7. Exceptional Circumstances

- 7.7.1. Council is committed to preserving the history of our area. Kadina and Moonta Cemeteries are both SA State Heritage Listed and many graves within all four of our cemeteries have local heritage value.
- 7.7.2. Council facilitates the biennial “Dressing of the Graves” conducted during the Cornish festival by providing advice, equipment, staff and location maps. The ceremonies are held to draw attention to the pioneers of this region.
- 7.7.3. Descendants wishing to maintain, renovate or install a monument on a grave of their ancestor may do so by applying for a “Special Memorial Authority”. A Special Memorial Authority does not require payment nor does it entitle the holder the right to interment. Details of the work proposed are to be provided to Council on an “Application for a Headstone or Memorial” form prior to commencement of work.

7.8. Maintenance

- 7.8.1. It is the rights holders’ responsibility to maintain the plot and any fixture thereon.
- 7.8.2. Council will maintain the surrounding area including pathways, plants, fencing and structures.
- 7.8.3. No person, except an officer of the Council, may landscape or change the landscaping of any portion of the cemetery. All plants and trees in the cemetery remain the property of the Council.
- 7.8.4. If the surface of any interment site in the cemetery sinks below the level of the natural surface on the grounds, the Council may cause the site to be levelled
- 7.8.5. Council may remove from a plot any broken masonry, empty flower containers, decayed wreaths or dead flowers if deemed unsightly.
- 7.8.6. A person must not remove damage or interfere with any structure, memorial or plant in the cemetery.
- 7.8.7. If a Council Authorised Officer has reason to believe that a person has committed, is committing or about to commit an offence in the cemetery, they may require the person to leave the cemetery. Non-compliance with a directive from Councils’ Authorised Officer may result in expiation.

7.9. Burial of Human Remains on Private Property

Section 8(2) of the Burial and Cremation Act 2013 states;

A person may inter bodily remains in a prescribed area on land outside a cemetery or natural burial ground with the permission of the owner of the land and—

(a) in the case of land within a council area—

(i) with the approval of the council for the area in which the land is situated; and

(ii) in accordance with the regulations; or

(b) in any other case—in accordance with the regulations.

7.9.1. Applicants must abide by all regulations and guidelines from SA Health, Environment Protection Authority and Council.

7.9.2. Council will require:

- Letter of request and Property owner approval
- Copy of Certificate of Title
- Consulting Engineers report (Percolation Test)
- Ground Water Data Search to identify any wells, bores, dams or watercourses.
- Detailed site plan to scale including details of fencing.
- GPS co-ordinates
- After burial - confirmation of depth, backfill, containment and name plate.

7.9.3. The private burial plot does not have the status of a cemetery and therefore has no preservation rights. Subsequent owners of the land are not obliged to preserve the plot and may choose to build over it or request exhumation as a condition of sale (Attorney-General approval required). The family of the deceased will have no right of visitation unless granted by the new owners.

7.10. Community Memorial Sites

7.10.1. Council manages over 100 parks, reserves and other areas of public open space. These areas often hold a special significance for those that live near them, use or have involvement in their management or maintenance. This results in Council receiving many requests for the placement of commemorative plaques, seats and memorials in public open space. Council will consider the balance between the desire to commemorate events or individuals and the ongoing enjoyment of natural, uncluttered open areas before any decision is made. Any existing plaque, seat or memorial cannot be taken as a precedent for future approvals.

7.10.2. A request for placement a memorial structure should be made in writing to Council, outlining details of the proposed memorial and location. Council reserves the right to refuse an application for memorial structures.

8. Complaints

8.1. Complaints under this Policy must be in writing to the Chief Executive Officer and lodged in accordance with Council's Complaints Policy.

9. Council Delegation

9.1. Pursuant to Section 44 of the Local Government Act 1999, Council has delegated to the Chief Executive Officer authority to administer Council's policies.

9.2. In terms of this Policy, the Chief Executive Officer sub delegated to the Director of Corporate and Community Services.

10. Adoption and Review

10.1. This Policy shall be reviewed every four (4) years, or more frequently, if legislation or Council requires by the Department of Instructure and/or the Department of Corporate and Community Services and a report shall provide to Council for consideration and adoption.

11. Records Management

11.1. Official records will be managed in accordance with Council’s Records Management Policy pursuant to Section 125 of the Local Government Act 1999.

12. Availability of Policy

12.1. Policies will be available for inspection without charge at Council’s Principal Office and on Council’s website www.coppercoast.sa.gov.au.

12.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils’ Register of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	14th June 2023	