

Cemeteries Management Policy

Reference Number:	Section 8 No. 13
Responsible Department:	Infrastructure & Environment
Related Policy/Procedure:	8.09 Cemetery Memorials Policy 8.10 Cemetery Interment Rights Policy
Date of Adoption:	24 November 2020
Current Review Date:	October 2021
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Version Number:	Amendment 1
Applicable Legislation:	Burial and Cremation Act 2013 Burial and Cremation Regulations 2013 Local Government Act 1999 Work Health and Safety Act 2012 Work Health and Safety Regulations 2012
Next Review Date:	January 2025
Review Frequency:	4 yearly

1. INTRODUCTION

The Operating Policy is not one single policy but a combination of policies aligning to Council's Cemetery Management Plan 2019-2025, which guide management and staff in the operation of the cemeteries under the ownership or care, control and management of the Light Regional Council (the Authority). It is a reference point for members of the public seeking guidance on the decision-making process of the Authority.

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

- Kapunda Cemetery – 208 Tarlee Road, Kapunda
- Freeling Cemetery – Borrow Street, Freeling
- Greenock Cemetery – Bevan Street, Greenock
- Buchfelde Cemetery – 1753 Two Wells Road, Buchfelde
- Loos Cemetery – 1907 Two Wells Road, Buchfelde
- Schoenfeld Cemetery – Muster Road, Freeling
- Kangaroo Flat – 12 Lucas Road, Kangaroo Flat
- Magdala Cemetery – 352 Roenfeldt Road, Magdala
- Templers Cemetery – 1145 Horrocks Highway, Templers

2. OBJECTIVES

Light Regional Council aims to efficiently and effectively manage and maintain the cemeteries with dignity and respect to meet the needs of its community, inclusive of the achieving the outcomes contained within the Light Regional Council Cemetery Management Plan 2019-2025 and its successor plans.

To ensure that the interment of bodily remains occurs in accordance with The Burial and Cremation Regulations 2014, The Burial and Cremation Act 2013, Work Health and Safety Act 2012, Work Health and Safety Regulations 2012, and Local Government Act 1999.

3. DEFINITIONS

Act	the Burial and Cremation Act 2013
Authorised	a written authority has been issued by the Council
Authority	the Light Regional Council
Bare Site	a site with no memorial but may or may not contain human remains (predominantly within a historic location)
Bodily Remains	means the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated
Cemetery	any and all cemeteries under the control of the Authority
Cemetery Authority	the person or body for the time being responsible for the administration of the cemetery.
Chief Executive Officer or CEO	the Chief Executive Officer of the Light Regional Council
Expiry Date	the date of expiry of the Initial or Renewed Term of the Interment Right
Extended Term	each extended duration of the Initial Term of a Burial Right
Historic Sites	refers to sites; <ul style="list-style-type: none"> • Over 100 years old; or • With significant architecture; or • Where a person with historical significance or prominence to the region has been interred, or • Where sites relate to a Significant Event • As identified within the Cemetery Management Plan, or • As defined within the Light Regional Council Development Plan
Human Remains	the body or part of the body of a deceased person and includes cremated remains
Initial Term	the initial duration of an Interment Right
Interment	of Human Remains includes: <ul style="list-style-type: none"> • burial in the earth, a vault or mausoleum • placement of cremated remains • burial in the earth of cremated remains
Interment Right	formerly known as a Lease or Grant. An Interment Right is a document written in plain english, forming a binding agreement between the Authority and Interment Right Holder over a site within a cemetery and is issued under the Act.
Interment Right Holder	is the person issued the Interment Right by Council in accordance with its specified terms and conditions

Legitimate Business	attendance in a cemetery to undertake an activity relating to the interment of Human Remains, installation of a memorial or plaque, or visiting the grave or memorial site in order to pay respects to a deceased person
Memorial	means: <ul style="list-style-type: none"> • An approved gravestone or other monument; or • A plaque; or • Any other approved structure or physical object used to memorialise a deceased person.
Memorial Right	a right for the memorialisation without human remains
Monument	means a monument, tombstone, tablet, gravestone, kerbing, railing or other erection to be constructed in a Cemetery, used for the commemorative purposes for burial sites
Regulations	the Burial and Cremation Regulations 2014
Renewed Term	a term of 50 years commencing from a date determine by the Authority in accordance with this policy.
Right	an Interment Right or a Memorial Right
Significant Event	events of cultural, regional or local importance, scale or magnitude that had an impact on the region, (eg wars, pandemics, natural disasters)
Term	includes the Initial Term and any Extended Terms of an Interment Right.

4. GENERAL OPERATING POLICIES

4.1 Compliance with Operating Policies

4.1.1 A person, including Right holders must comply with the Act, the Regulations and these operating policies where they:

4.1.1.1 wish to inter human remains in a Cemetery managed by the Authority

4.1.1.2 wish to re-open an interment site containing human remains

4.1.1.3 wish to remove human remains from a Cemetery managed by the Authority, or

4.1.1.4 wish to install a Memorial at an interment site managed by the Authority

4.1.1.5 are excavating an interment site within a Cemetery managed by the Authority. Excavating must be completed by:

4.1.1.5.1 an employee of the Authority, or

4.1.1.5.2 a contractor engaged by the Authority to do so on its behalf, or

4.1.1.5.3 a contractor engaged by a funeral director and approved by the Authority.

4.2 Cemetery Opening Hours

- 4.2.1 Cemeteries are open to the public from sunrise to sunset, or as the Authority may determine.
- 4.2.2 No person, except a person authorised by the Authority, may be in a Cemetery at any other time.

4.3 Fees

- 4.3.1 The Authority will publish a scale of fees for granting Rights and all other services and may change the scale of fees as it may determine.
- 4.3.2 The scale of fees will be reviewed, at a minimum, on an annual basis. An up-to-date copy of the scale of fees will be made available to any person on request and be available for download from the Authority website. The fees will be recorded within Council's Schedule of Fees and Charges.

4.4 Records of Cemeteries

- 4.4.1 The Authority will maintain records of each Cemetery that shows:
 - 4.4.1.1 each site at which human remains are interred, and
 - 4.4.1.2 each site set aside for the interment of human remains, and
 - 4.4.1.3 the number allocated to, or a description of, each site.

4.5 Landscaping

- 4.5.1 No person, except a person authorised by the Authority, may landscape or change the landscaping of any portion of a Cemetery.
- 4.5.2 Any unauthorised landscaping may be removed by the Authority without notice.
- 4.5.3 The Authority is not responsible for any damage or loss caused by unauthorised activity in a Cemetery.
- 4.5.4 All plants and trees in a Cemetery remain the property of the Authority.
- 4.5.5 If the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, the Authority may cause the site to be filled up to the natural surface level.
- 4.5.6 The Authority may plant and maintain lawn on interment sites.
- 4.5.7 The Authority may alter or transfer any landscaping, memorial or memorial garden bed as it may determine in consultation with any affected Right holders.

4.6 Traffic Regulations

- 4.6.1 A person must, while in charge of a motor vehicle within a Cemetery, comply with any lawful directions of the Authority as to the driving and parking of the vehicle.
- 4.6.2 A speed limit of 5 km per hour applies in all Cemeteries. All other general road rules apply within a Cemetery.
- 4.6.3 All vehicles must keep strictly to the roadways already established in a cemetery.
- 4.6.4 A person must not drive a motor vehicle within a Cemetery in a dangerous or careless manner or without reasonable consideration for others.
- 4.6.5 A person may park a motor vehicle within a Cemetery with reasonable consideration for others and in accordance with general road rules unless it is clearly marked to the contrary.

4.7 Public Right of Way

- 4.7.1 A Cemetery is not a public right of way.
- 4.7.2 Entry to a Cemetery is restricted to employees or agents of the Authority and to people having legitimate business or as the Authority may determine.

4.8 Control of Animals

- 4.8.1 A person must not ride, drive or exercise animals in a Cemetery except with the prior approval of the Authority.
- 4.8.2 All dogs in a Cemetery must be kept under control and on a leash. All dog faeces must be removed by the person in control of the dog.

4.9 General Conduct in a Cemetery

- 4.9.1 A person must not cause any nuisance or breach the peace.
- 4.9.2 A person must at all times conduct themselves in a manner that respects the rights and safety of others.
- 4.9.3 A person must not without the prior written approval of the Authority:
 - 4.9.3.1 sell or buy anything
 - 4.9.3.2 erect a temporary shelter or canopy
 - 4.9.3.3 carry on a business or advertise the same (with the exception of acknowledgement of the Mason on a Memorial)
 - 4.9.3.4 distribute or display any advertisement
 - 4.9.3.5 organise or take part in a meeting
 - 4.9.3.6 disturb a funeral service
 - 4.9.3.7 discharge a firearm (except at a military funeral)
 - 4.9.3.8 cut, break, deface or write or fix a bill on any fixture or landscaping in the cemetery, or
 - 4.9.3.9 take, injure or interfere with trees, shrubs, flowers, vases, labels, fish, birds, animals or other property.

4.10 Tributes

- 4.10.1 Tributes may be placed only in unbreakable containers or as the Authority may determine. Glass, porcelain, terracotta and ceramic objects which are easily broken are not permitted as they may impact on the safety of visitors and staff.
- 4.10.2 The Authority may remove and dispose of any tribute when it is deemed unsightly, offensive, and breakable or that is a risk to public safety.
- 4.10.3 Unauthorised planting of vegetation on a burial or memorial site is prohibited and will be removed upon detection.
- 4.10.4 All tributes must be kept within the confines of the burial or memorial location on which they are placed and must not be fixed to surrounding trees, plants or shrubs. Any tribute that is not kept within the confines of the burial or memorial location may be removed at the absolute discretion of the Authority.
- 4.10.5 All naked flames, such as candles and incense, are strictly prohibited in Cemeteries due to the risk of fire.
- 4.10.6 Over time, tributes will wither, weather and deteriorate, affecting their presentation. Families and visitors are encouraged to remove these items before they become unsightly.

5. INTERMENT RIGHTS

Interment rights are outlined in policy 8.10 - Cemetery Interment Rights Policy, which can be found on Council's website.

6. BURIALS

6.1 Burial Hours

- 6.1.1 Burial hours are.
 - 6.1.1.1 between 9:00 am and 4:00 pm Monday to Friday
 - 6.1.1.2 by arrangement with the Authority on Saturdays, Sundays and Public Holidays except Good Friday and Christmas Day, or
 - 6.1.1.3 as the Authority may determine.

6.2 Authorisation of Burials

- 6.2.1 No Burial will take place in a Cemetery unless:
 - 6.2.1.1 a written application for the burial in a form that the Authority may determine having regard to the Act and Regulations, is lodged at the offices of the Authority, and
 - 6.2.1.2 an Interment Right or duplicate Interment Right is produced to the Authority upon request, and
 - 6.2.1.3 the Authority receives reasonable notice of a request for the burial; and
 - 6.2.1.4 all relevant fees are paid to the Authority, and
 - 6.2.1.5 identifying information on all of the following has been checked and found to correspond:

- the partial certificate of cause of death or disposal authorisation, as the case may be
- the certificate of identification
- the name plate affixed to the coffin or placed on top of the bodily remains, as the case may be.

6.2.2 No Bodily Remains will be interred in an interment site if the remaining term of an Interment Right is less than ten years or at least two years for cremated remains.

6.2.3 Unless otherwise stipulated on the Interment Right, or in this or related policies:

6.2.3.1 a maximum of three burials and four cremated remains may be interred in any burial site.

6.2.3.2 a maximum of one cremated remains may be interred in each memorial garden lease and each niche wall lease.

6.2.4 If, at the same time as a burial is taking place, the Interment Right holder wishes to place cremated remains within the coffin or the open grave. An Interment Right holder must provide the Authority with the full name, date of birth and date of death of the cremated remains. This interment of cremated remains will not incur additional fees.

6.3 Historic Sites

6.3.1 No burials of bodily remains may take place on a site, deemed to be a historic site by the Authority

6.3.2 The Authority may refuse interments to sites that they deem to be a historic site

6.4 Depths of Coffins

6.4.1 Coffins must be interred at least:

6.4.1.1 at the minimum depth required by the Act and Regulations; or

6.4.1.2 a minimum depth greater than the Act and Regulations as the Authority may determine.

6.4.2 The Authority may determine the maximum depth of a grave in which a body may be interred in a Cemetery.

6.5 Opening of interment sites, exhumation and re-interment

6.5.1 At all times the Authority will comply with Part 2, Division 3 of the Act and the Regulations when dealing with the opening of interment sites, exhumation, and re-interment of Human Remains.

6.5.2 All excavation to re-open, exhume or re-inter must be undertaken by the Authority or by their approved representative.

6.5.3 An Interment Right holder can arrange with the Authority for extra space to be made in an interment site though a lift and deepen procedure in accordance with the Act and Regulations where:

6.5.3.1 there have been previous interments in a grave, and

6.5.3.2 earlier interments were at an insufficient depth for further burials, and

6.5.3.3 at least six years have elapsed since the most recent burial, and

6.5.3.4 on payment of any fee fixed by the Authority

6.5.4 The interment site must be covered as soon as practicable on the same day as the interment.

6.5.5 No human remains may be removed from a burial or memorial site except in accordance with the Act and Regulations and with the prior approval of the Authority.

7. MEMORIALS

Information regarding memorials are outlined in policy 8.09 – Cemetery Memorials Policy, which can be found on Councils website.

8. PRIVACY

The Authority will abide by the freedom of information legislation and the spirit of privacy legislation in addition to the requirements of the Burial and Cremation Act and Regulations to protect the details of all living persons.

9. REGISTERS

9.1 The registers kept by the Authority under the Act must be made available for inspection by members of the public during ordinary office hours and on payment of any fee fixed by the Authority, however the following information is specifically excluded by the Regulations from being made available in the registers:

9.1.1 the full name and address of the holder of an Interment Right; and

9.1.2 the address of the last place of residence of the deceased person before his or her death.

10. COMPLAINTS

All complaints received by Council concerning the operation of this Cemetery Memorials Policy shall be managed in accordance with Council Policy 6.12 Complaints Handling Policy or is successor policy or procedural document.

11. HISTORY

11.1 Policy adopted at the Ordinary Council Meeting held 24 November 2020, Refer Item GAP9.2.2/2020, Page Reference 2020/208

11.2 Amendment No 1 adopted at the Ordinary Council meeting held 26 October 2021, Minute Reference GAP11.1/2021, Page Reference 2021/221