

Cemetery Policy

First Approved	December 2014
Review Frequency	4 yearly or as required
Status	LGA Recommended
Last Reviewed	1 August 2016 (resolution Ref: ACM16263) 16 March 2020 (Administration Update – Ref ACM20528) 16 October 2023 (resolution Ref: C23407)
Next Review Due	July 2027
File Number	18.63.001 / PL2023183
Responsible Division	Infrastructure / Community
Related Documents	Alexandrina Council Cemetery Management Guidelines Alexandrina Council Fees and Charges Schedule Alexandrina Council By-Law No.2 – Local Government Land
Applicable Legislation	<i>Burial and Cremation Act 2013 (the Act)</i> <i>Burial & Cremation Regulations 2014 (the Regulations)</i> <i>Local Government Act 1999</i> <i>Planning, Development and Infrastructure Act 2016</i> <i>The Burra Charter 2013 (The Australia ICOMOS Charter for Places of Cultural Significance)</i> <i>Heritage Places Act 1993</i> <i>Unclaimed Goods Act (SA) 1987</i>

1. Purpose

- 1.1 The policy outlines Alexandrina Council's aim to effectively and efficiently manage the operation of cemeteries under the ownership, management, care or control of the Alexandrina Council in accordance with the *Burial and Cremation Act 2013 (the Act)* and the *Burial & Cremation Regulations 2014*.
- 1.2 To ensure that the interment of bodily remains occurs in accordance with relevant legislation and that the Council keeps appropriate registers, records and plans that are available for perusal by the public.
- 1.3 In addition, Council recognises that many of these community cemeteries also have important historical significance as the resting place of many of the district's pioneers and respected citizens. Council will efficiently and effectively manage them in a respectful manner to meet the needs of the community.

2. Definitions

Act means the *Burials and Cremations Act 2013*

Authorised means a written authority has been issued by the Council

The Authority means the Alexandrina Council

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 part of the a body that has been cremated

Cemetery means any and all cemeteries owned or under the and control of Alexandrina Council

Cremated Remains means bodily remains that have been cremated

Human Remains means the body or part of the body of a deceased person (including a still born child) and includes Cremated Remains

Interment of human remains includes:

- Burial in the earth, vault or mausoleum
- Placement of cremated remains in a columbarium niche wall or other structure designed as a repository for human remains
- Burial in the earth of cremated remains (with or without a container)

But does not include the scattering of cremated remains

Internment Right means a right for the interment of human remains, previously known as cemetery lease

Memorial means:

- An approved Monument; or
- A plaque; or
- Any other approved structure or physical object used to memorialise a deceased person; and
- Includes fixtures such as flower holders, photographs, emblems, vigil lights and other items permanently fixed to an interment site

Monument means a monument, headstone, tablet, gravestone, kerbing, railing or any other erection to be constructed in a cemetery, used for commemorative purposes for a burial site.

Plaque means a flat tablet of metal, stone or other material which includes text or images used for commemorative purposes

3. Scope

3.1 This policy applies to the following eight operating cemetery facilities owned or operated by Council:

- Currency Creek Cemetery, Peel Road, Currency Creek
- Hindmarsh Island Cemetery, Randell Road, Hindmarsh Island
- Langhorne Creek Cemetery, Lee Road, Langhorne Creek
- Milang Cemetery, Landseer Road, Milang
- Mount Compass Cemetery, Arthur Road, Mount Compass
- Port Elliot / Middleton Cemetery, Lines Road, Port Elliot
- Strathalbyn Cemetery, Parker Avenue, Strathalbyn
- Woodchester Cemetery, Meechi Road, Woodchester.

4. Principles

4.1 Compliance with Cemetery Policy

4.1.1 A person must comply with the Act, the Regulations and this Policy and associated Cemetery Management Guidelines where:

- They wish to inter human remains in the Cemetery;
- They wish to re-open an interred grave;
- They wish to remove remains from the Cemetery; or
- Undertake any monumental work within a cemetery.

4.2 Opening Hours

- 4.2.1 Council owned and managed cemeteries within the Alexandrina Council district are open daylight hours every day, or as the Council may otherwise determine.
- 4.2.2 A person must not, without the approval of Council, be in the cemetery at any other time.

4.3 Service Fees and Charges

- 4.3.1 Each financial year, the Council will review costs for services provided at cemeteries and fix fees and charges for services provided at the cemeteries.
- 4.3.2 The costs are documented in the Alexandrina Council Fees and Charges Schedule, available on the Council website www.alexandrina.sa.gov.au

4.4 General Conduct within Cemeteries

- 4.4.1 A person must, whilst within the cemetery grounds conduct themselves in a manner that respects the rights and safety of others.
- 4.4.2 A person must not:
- cause any nuisance, or disturb any funeral service or breach the peace at any grave whether by working in the area, visiting the cemetery or otherwise;
 - discharge a firearm (except at a military services funeral);
 - damage, deface or interfere with any building, memorial, other fixture or structure within the cemetery; and
 - take or injure any of the plants, flowers, shrubs or other vegetation with the cemetery.

5. Interment Rights

- 5.1 The Council may grant an Interment Right for one or more sites in the Cemetery, upon payment of a fee as determined by the Council.
- 5.2 Interment rights will be issued for a period of 50 years for any burial and cremation sites.
- 5.3 All existing interment reservations previously issued by Council will be honoured and renewal of interment rights will have regard to the basis on which the original burial sites have been allocated.

6. Memorial Ownership

- 6.1 An Interment Right holder, has for the term of the Interment Right, the exclusive right to erect an approved monument on the site allotted.

6.2 A memorial to a deceased person in a cemetery is the personal property of the person who holds the Interment Right in respect to the interment site where the memorial is situated pursuant to section 39(1) of the *Burial and Cremation Act 2013*

6.3 The Council has the power to require repair, removal or reinstatement of a memorial in pursuant to section 41 of the *Burial and Cremation Act 2013*.

7. Exhumations, Removals and Re-Interments

7.1 The right to exhume non-cremated human remains must comply with the requirements of the *Burial and Cremation Act 2013*.

8. Landscaping

8.1 The Council may alter or transfer any landscaping, memorial or memorial garden bed as it may determine.

8.2 A person, must not, without the approval of Council, landscape or change any landscaping of any portion of a cemetery.

9. Neglected Cemeteries

9.1 Pursuant to section 46 of the *Burial and Cremation Act 2013*, if the Council is of the opinion that any non-Council (e.g. church or private) cemetery within the Council 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 cemetery governing body to remedy the conditions of neglect or non-compliance.

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

10. Burials on Private Land

10.1 The burial of human remains on private property is regulated and permitted only under certain circumstances.

10.2 Council will receive written applications and may grant permission for a burial on private land, located outside the boundary of a township.

10.3 Pursuant to section 8(2)(a)(i) of the *Burial and Cremation Act 2013* and the requirements of the *Burial and Cremation Regulations 2014*, burials on private land are subject to the approval of council and the permission of the landowner.

11. Authorised Officers

Council may appoint authorised officers to ensure administration and enforcement of section 58(2) of the *Burial and Cremation Act 2013*.

12. Documentation

To assist in demonstrating that above processes are fair, transparent, accountable, cost effective and meet community needs, all decisions made, procurement undertaken and other related

correspondence in relation to the management of Council cemeteries and memorials will be documented and recorded into Council's Information Management System.

13. Delegations

Council acknowledges that the Chief Executive Officer may sub-delegate matters related to this Policy to staff or other persons employed or engaged by council.

14. Availability of Registers and Plans

Copies of the registers and plans of the cemeteries are available for inspection by members of the public at the Council offices during normal business hours.

15. Availability of Policy

This Policy will be available for inspection on the Council's website www.alexandrina.sa.gov.au. Copies can also be provided upon payment of a fee in accordance with Council's Schedule of Fees and Charges.