

Policy Document

Cemeteries Operating Policy

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References: Local Government Act 1999 Aboriginal Heritage Act 1988 Births, Deaths and Marriages registration Act 1996 Burial and Cremation Act 2013 Burial and Cremation Regulations 2014 Coroners Act 2003 Health Care Act 2008		

1. OBJECTIVE

The District Council of Streaky Bay acknowledges its responsibility as the Cemetery Authority for the cemeteries within its District and the requirements of the *Burial and Cremation Act 2013 and the Burial and Cemeteries Regulations 2014*. Council will endeavour to ensure its administrative practices comply with current legislation and within the best interests of the community.

2. SCOPE

This Policy applies to all cemeteries under the authority of the District Council of Streaky Bay.

3. POLICY STATEMENT

The purpose of this policy is to provide clear guidelines surrounding the management and requirements of Council's cemeteries.

4. DEFINITIONS

Authorised Officer-

- a) a police officer; or
- b) a person appointed by the Minister or a Council as an Authorised Officer under the *Burial and Cremation Act 2013 Act*;

Cemetery – a place set apart for the disposal and memorialisation of human remains, does not include:

- a) a place at which cremated remains are scattered but it not otherwise used for the disposal of human remains; or
- b) an Aboriginal site as defined in the *Aboriginal Heritage Act 1988*; or
- c) a natural burial ground; or
- d) a place which consist of a single interment site where only:
 - i. the remains of 1 deceased person; or
 - ii. the remains of 2 or more members of the same family, are or are intended to be, interred;

Cemetery Authority – the person or body for the time being responsible for the administration of a cemetery;

Certificate as to Cause of Death – a certificate as to the cause of the death of a person given under the *Births, Deaths and Marriages Registrations Act 1996* and the *Coroners Act 2003*, as the case may be;

Council – The District Council of Streaky Bay

Designated Minister – the Minister for the time being responsible for the administration of the *Health Care Act 2008*;

Disposal – of human remains means;

- a) cremation of bodily remains; or
- b) burial of bodily remains (including burial at sea); or
- c) placement of bodily or cremated remains in a mausoleum, vault, columbarium or other structure;

Exhumation – of human remains includes the removal of bodily remains from a mausoleum, underground, vault or other structure;

Funeral director – a person who carries on the business of arranging for the disposal of human remains;

Human Remains – bodily remains and includes:

- a) the remains of a still-born child; and
- b) bodily remains after they have been cremated;

Interment – of human remains means:

- a) the placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains; or
- b) the burial in the earth of human remains (directly in the earth or in a container);

Interment Right – means an interment right issued under the *Burial and Cremation Act 2013* by the relevant authority for a cemetery or natural burial ground;

Interment Site means:

- a) a mausoleum, vault, columbarium or other structure in which human remains are interred; or
- b) a site in which human remains are buried;

Mausoleum – means an above-ground structure erected and designed as a resting place for remains without burial of the remains in the earth, but does not include a structure designed as a resting place exclusively for cremated remains;

Memorial – means:

- a) a gravestone, plaque, cenotaph or other monument; or
- b) any other structure or permanent physical object used to memorialise a deceased person;

Natural Burial – of human remains means burial in the ground:

- a) without preparation of the remains using chemical preservatives; and
- b) by containment of the remains only in a shroud or biodegradable coffin;

Registrar – means:

- a) the Registrar of Births, Deaths and Marriages; or
- b) a Deputy Registrar of Births, Deaths and Marriages, under the *Births, Deaths and Marriages Registration Act 1996*;

Underground Vault Chamber – a walk in structure:

- a) that is designed for the interment of human remains; and
- b) that is designed to hold 1 or more vaults for the interment of non-cremated human remains; and
- c) in which each vault (excluding any memorial attached to the vault) is wholly below the surface of the ground,

but does not include a structure that is designed for the interment exclusively of cremated remains.

5. SPECIFIC PROVISIONS / RESPONSIBILITIES

5.1 Interment Rights

Council shall maintain an Interment Right Register in accordance with the *Burial and Cremation Act 2013* and the *Burial and Cremations Regulations 2014*.

Interment Right applications will be considered differently for Non-Council rate payers or residents to that for residents of the Council.

A rate payer / resident is defined as a person:

- who has, at any time, resided in the Council District for a minimum period of one (1) year; or
- who has purchased an interment right whilst a resident of the Council District; or
- is as registered property owner within the Council District.

Applicants who do not meet these criteria will not be allowed to lease more than four (4) sites.

Plots for in ground burials shall be lease for a period of ninety nine (99) years. Niches in Columbarium's (ashes) shall be leased for a period of fifty (50) years.

Maintenance associated with an interment right site is the responsibility of the interment right holder from the date the interment right is signed. Responsibility for the site will remain the responsibility of the interment right holder until the expiration or termination of the interment right.

Following a two (2) year period after the expiration of an interment right, Council may write to the interment right holder or relatives of the family members (if the interment right holder cannot be contacted) asking them to extend the interment right period or remove the memorial / headstone.

5.2 Plot Types and Locations

Interment Rights are available for:

- In Ground Burials – includes natural burials; and
- Wall Columbarium's.

A list of Cemetery Locations can be found at (Appendix 1).

5.3 Fees

Fees associated with Cemeteries shall be set annually in conjunction with Council's budget and are available in Council's Schedule of Fees and Charges on Council's website www.streakybay.sa.gov.au

5.4 Interments

Council shall maintain an Interment Register in accordance with the *Burial and Cremation Act 2013* and the *Burial and Cremations Regulations 2014*.

Council must received a completed interment authorisation form and cemetery booking form before an interment can occur within a cemetery.

5.4.1 Interment of Bodily remains

Will only occur under the direction of a funeral director in accordance with the relevant Acts and regulations.

Council shall engage a suitable qualified contractor to prepare graves.

In the interests of every ones safety and legislative compliance members of the public, including relatives of the deceased are not permitted to dig / prepare graves.

Prepared graves shall be covered by suitable materials to prevent persons deliberately or accidentally entering graves.

Where indicated to Council by the Interment right Holder a Temporary Grave marker will be supplied by Council.

5.4.2 Interment of Cremated remains

Cremated remains may only be placed in a grave site or columbarium by a Council Contractor or funeral director.

5.5 Removal & Reinstatement of Ledgers & Monuments

Removal and reinstatement of headstones and marble, granite or other types of ledgers is the responsibility of the funeral director or a monumental mason.

All grave ornaments (e.g. flowers, urns, vases etc) are to be removed a minimum of forty eight (48) hours prior to the commencement time of the funeral to permit digging of the grave.

5.7 Prohibition on the Use of Glass Receptacles

In the interest of public health and safety glass receptacles are not permitted to be used in Council cemeteries. The use of plastic receptacles for flowers is encouraged. A weather resistant note will be left at any site where a glass receptacle is removed informing visitors to the site of why it has been removed and the requirement to use plastic alternatives together with details on where and when they can recover the original item (where it has some economic or possible sentimental value) from the Council.

5.8 Transportation of human remains

A person must not transport non cremated human remains within a Council cemetery unless the remains are contained in a coffin or other approved rigid container. Where the remains are being transported on a rigid base they must be contained in a shroud or other securing wrapping where no offensive odours, gases or liquids can escape.

5.9 Cemetery grounds

- no person / organisation / company will conduct any filming of any nature within a Council cemetery where that filming is not part of a service,
- no person, except a person authorised by Council may landscape or change the landscaping of any portion of a Council cemetery;
- all plants and trees in Council cemeteries remain the property of Council;
- Council may alter any landscaping within a cemetery as it sees fit;
- speed limits within Council cemeteries shall be indicated by appropriate signage posted at the entrance to each site;
- no person shall drive or park any form of vehicle within a cemetery in a dangerous or careless manner or without reasonable consideration to others;
- any person while in charge of a motor vehicle within a cemetery must comply with any lawful directions of the Council as to driving or parking vehicles on the site;
- all vehicles must remain on and only use designated roadways;
- a person must not remove, damage , deface or interfere with;
 - o any building, memorial, fixture or structure in a cemetery;
 - o any part of the grounds of a cemetery, including a tree, shrub, plant, flowers or lawn, or a stake or label on or near any such thing;

- a person, within the cemetery grounds, is not permitted to:
 - sell or buy anything unless authorised by Council;
 - carry on any business or advertise the same unless authorised by Council;
 - organise or take part in a meeting without being authorised by Council;
 - disturb a funeral service, cause a nuisance or breach of the peace;
 - discharged a firearm (except military service); or
 - consume excessive alcohol.

Council may:

- remove from an interment site in the cemetery any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and
- prune, cut down or remove any plant on an interment site in the cemetery that is, in the opinion of Council, unsightly, overgrown or poses a risk to health and safety.

Where Council has a reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery Council shall request that person to leave the cemetery.

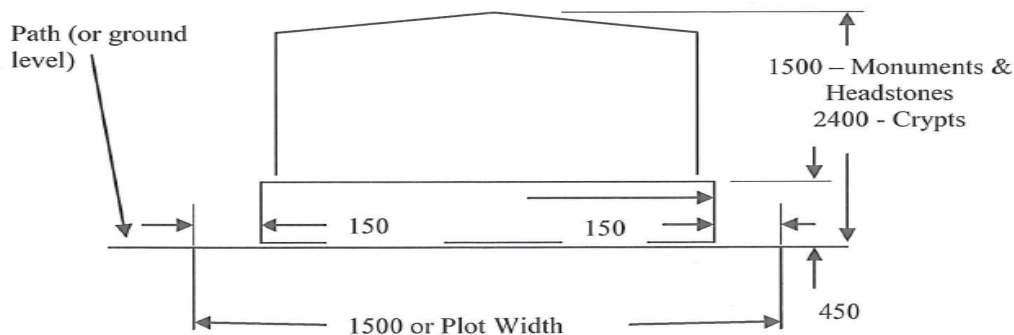
All visitors, contractors or other persons in a Council cemetery are subject to the direction of Council employees. Children under the age of twelve (12) years must be accompanied by an adult and remain under the control of an adult at all times.

5.10 Control of Animals

All dogs within a cemetery must be kept on a leash of no more than two (2) metres in length and held by a person capable of controlling the dog and preventing it from becoming a nuisance or danger to others. It is the dog owners responsibility to collect dog faeces and dispose of them off site.

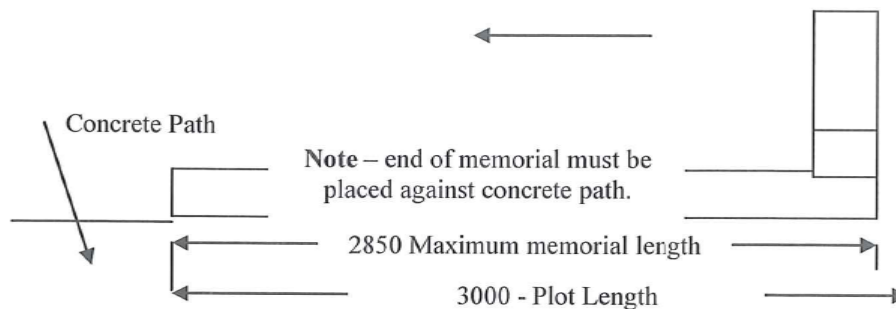
5.11 Memorials / Headstones

Monuments, memorial masonry and headstones for in ground burial plots must not exceed the dimensions detailed below:-



Standard Dimensions of Memorial Masonry

(All dimensions in mm. Not to scale)



All memorials must be approved by the Cemetery Authority.

5.12 Opening of Interment Sites – Double Depth gravesites

Where the re-interment or opening of an interment site is for the purpose of the provision of an additional burial this will be conducted in accordance with relevant legislation;

5.13 Lift and Deepen

Lift and deepens will only be used where Council exercise their right to issue new interment rights over expired rights.

5.14 Exhumation

Where an exhumation is being conducted this must be authorised with written approval of the Attorney-General. Council will pass all costs incurred on to the parties involved.

5.13 Cemetery security

All Council cemeteries will remain open to pedestrian access. Where vehicle access is available this access will remain secure and may only be opened following a Cemetery Booking request being submitted to Council.

6. Related Documents

DCSB 16 Form 05 Transfer of an Interment Right
DCSB 16 Form 06 Interment Right Certificate
DCSB 16 Form 07 Application for Interment Right
DSCB 16 Form 09 Application for interment Authorisation
DCSB 16 Form 13 Cemetery booking Request

Council's Interment Right, Interment and memorial Registers

Schedule of Fees and Charges

7. Records Management

All documents relating to this Policy will be registered in Council's Record Management System and remain confidential where identified.

8. Document Review

This policy will be reviewed periodically to ensure legislative compliance and that it continues to meet the requirements of Council its activities and programs.

9. Further Information

Members of the public may inspect this Policy free of charge on Council's website at www.streakybay.sa.gov.au or at Council's Principal Office at:

29 Alfred Terrace,
Streaky Bay SA 5680

On payment of a fee, a copy of this policy may be obtained.

Any queries in relation to this Policy must be in writing and directed to Council