

Cemetery Management Policy

Policy Number	E5
Responsible Officer(s)	Manager Strategic Asset Planning.
Policy Adopted	July 2023
Next Review Date	July 2027
Minutes reference	2023/07-13
Applicable Legislation	<i>Burial and Cremation Act 2013; Burial and Cremation Regulations 2014.</i>

1. POLICY PRINCIPLE

Wakefield Regional Council recognises cemeteries as places of remembrance, and should be managed professionally, with care and in a way that is respectful of the deceased and their families. We also recognise their historical significance to the region.

2. POLICY OBJECTIVE

- To outline guidelines for cemetery operation in Council's capacity as a Cemetery Authority.
- To ensure appropriate management of all Council cemeteries under the management of Wakefield Regional Council being: Alma South, Balaklava, Barunga Gap (Percyton), Beaufort, Blyth, Brinkworth, Hamley Bridge, Hoyleton (Hoyles Plains), Lochiel, Owen, Port Wakefield, Salt Lake, Snowtown (Condownie), Kybunga (White Well) and Whitwarta Cemeteries.

3. DEFINITIONS

<i>Authorised Officer</i>	A person appointed by Council as an Authorised Officer under the <i>Burial & Cremation Act 2013</i> .
<i>Contractor</i>	A Person or organisation external to that of a Council Officer or representative of Council.
<i>Council</i>	Wakefield Regional Council, as the Cemetery Authority.
<i>Exhumation</i>	The lawful removal of human remains from the registered location within the cemeteries under the care and control of Wakefield Regional Council.
<i>Interment of human remains</i>	The burial in the earth of human remains (directly in the earth, or in a container), or the placement of human remains, including cremated remains, in a mausoleum, vault, columbarium or other structure designed for the placement of such remains.
<i>Interment right</i>	An interment right issued under the relevant legislation by Council for a cemetery to which this policy applies.
<i>Interment site</i>	A site in which human remains are buried, or a mausoleum, vault, columbarium niche or other structure in which human remains are interred.
<i>Memorial</i>	A gravestone, plaque, cenotaph or other monument, or any other structure or permanent physical object used to memorialise a deceased person that has been allowed by Council.

4. POLICY DETAIL

4.1 Hours of Operation

- 4.1.1 Council cemeteries are open daily from dawn to dusk. Only a Council Officer or contractor authorised by Council will be permitted to enter the cemetery at any other time. The hours for burial are Monday to Friday 9am to 3pm (excluding public holidays).
- 4.1.2 All activities within Council's cemeteries will be undertaken in strict accordance with the *Burial and Cremation Act 2013* and *Burial and Cremation Regulations 2014*.

4.2 Name plates

- 4.2.1 The funeral director will inform Council of relevant certification for the burial and ensure that the nameplate matches the burial notification.

4.3 Visiting a Cemetery

- 4.3.1 A person must not remove, damage, deface or interfere with:
- Any property, memorial, other fixture or structure in a cemetery;
 - Any part of the cemetery grounds including trees, shrubs, plants or flowers, lawn, vases or wildlife.
- 4.3.2 A person whilst within the cemetery grounds is not permitted to:
- Disturb a funeral service, cause a nuisance or breach the peace;
 - Advertise, promote or trade any type of business;
- 4.3.3 Only a Council Officer or contractor of Council are permitted to cultivate any portion of the soil within a cemetery for the purposes of planting lawn, flowers, trees or shrubs.
- 4.3.4 A tent or marquee may be erected in a cemetery for the purposes of a funeral service, but must be removed immediately after the conclusion of the service. Council will require reimbursement of costs to repair any damaged area or underground services.
- 4.3.5 Council will take reasonable care to protect the property and property rights of owners within the cemetery from loss and damage, but disclaims responsibility for loss or damage caused beyond Council's control.
- 4.3.6 Illegal activities will be reported to SA Police. This includes damaging or defacing monuments, vegetation, structures, etc. and/or affixing anything to such structures.

4.4 Floral Tributes

- Glass receptacles are prohibited from Council cemeteries and may be removed by a Council Officer or contractor of Council;
- Any receptacle considered to be of value to the owner will be noted by Council and will be placed in storage for a period of three months, and thereafter may be disposed of by Council.
- Council will take every precaution to ensure that floral tributes on memorials or monuments will remain intact whilst in good condition but will have the right to remove any tribute if it is or has become unsightly.

4.5 Interment

- 4.5.1 Council may, upon the payment of the relevant fee as set down in the Register of Fees and Charges, grant an interment right for the exclusive right of burial in a section of the cemetery as allocated by Council.
- 4.5.2 An Authorised Officer has the right to refuse any application for an interment right or renewal and, to limit the number of interment rights to four (4) for any one person.
- 4.5.3 The holder of an interment right or responsible person must notify Council of any change in mailing address. A notice sent to a holder of an interment right or responsible person, at the last address on file in the office of Council will be considered sufficient and proper legal notification in relation to any matter pertaining to an interment right.
- 4.5.4 The transfer of interment rights is permitted between living persons subject to the approval of an Authorised Officer and the completion of Transfer of interment rights form available from Council.
- 4.5.5 An interment right holder and any other person(s) nominated by the holder of an interment right, or their executor(s), will have the exclusive right to the interment site. In the event of the death of an interment right holder, it is the responsibility of the estate of the interment right holder to transfer the interment rights to the next of kin, beneficiary or other appropriate person.
- 4.5.6 Interment rights are for a 99-year period from the date of authorisation and payment. Interment rights over a site are for the purpose of an interment, and cannot be used for the purpose of a memorial site alone.
- 4.5.7 Council will allocate interment sites at the Lochiel Cemetery that are not affected by the high water table. This information can be sought by contacting Council.
- 4.5.8 Any maintenance to a site, ornaments, plantings, monuments and structures is the responsibility of the interment right holder or responsible person.
- 4.5.9 An interment is not permitted in a cemetery until an application has been approved, and particulars of the deceased person have been recorded by an Authorised Officer.
- 4.5.10 A maximum of two coffin interments will be buried in the same interment site.
- 4.5.11 An interment site will not be reused, other than for the purpose of the placement of ashes or where the placement of a second interment can be achieved without disturbing any remains already interred.
- 4.5.12 War grave interment sites will be subject to a perpetual interment right.
- 4.5.13 Cemetery graves will only be dug by Council Officers or contractors of Council.

4.6 Niche Wall

- 4.6.1 An interment will be scheduled by the relevant contractor or funeral director for placement of cremated remains within a niche wall at the allotted interment site (niche) in accordance with the interment rights.
- 4.6.2 Maintenance to a niche, ornament(s), etc. is the responsibility of the interment right holder or responsible person.
- 4.6.3 Council will issue the next available niche interment site and interment rights to avoid 'gaps' being left in the niche wall.

4.7 Memorial

- 4.7.1 A memorial in any section within the cemetery shall not be installed or altered without the written approval of the interment right holder for the site on which the memorial is placed.
- 4.7.2 Applications to construct a memorial above a height of 1.2 metres must have planning approval and provide drawings of footings to prove stability and security of the structure. Memorial structures above a height of 2.4 metres will not be permitted.
- 4.7.3 Ornaments are not to be secured to a memorial without the approval of an Authorised Officer. A memorial is not to be removed without the written consent of an Authorised Officer.
- 4.7.4 The interment right holder shall keep memorials in good repair and proper condition.
- 4.7.5 Council may realign or alter the position of memorials after consultation with the interment right holder, only after a period of three months has elapsed from the time of notification and consultation. A memorial deemed unsightly or unsafe, must be repaired or replaced by the interment right holder within eight weeks of the notification by Council. If the memorial is not repaired or replaced by the interment right holder within three months of notification by Council, Council may remove the memorial and hold for a period of six months, prior to disposal.
- 4.7.6 Council is not responsible for any damage to memorials through acts of vandalism, ageing, deterioration or reopening of interment sites. Repair of damaged memorials is the responsibility of the interment right holder.

5. REVIEW

This Policy shall be reviewed every 48 months, or more frequently if required by legislation or Council.

Document history:

Version	Adopted	Description of Change
1.0	November 2008 – Min 112	New Policy
	Mar 2011 - Min 203	Minor addition relating to certification and nameplates & remove triple depth burials and floral tributes form sect.7.
2.0	Jul 2014 - Min 25	Update policy to suit new Burial & Cremation Act & Regulations.
	November 2014	Policy Numbering System Changed and inclusion of this Document History Table.
3.0	Sept 2016 - Min 70	Policy objective heading added. Removal of weekend and public holiday burials. Times of burials permitted altered to 3pm.
4.0	May 2019	New format, legislation removed, rewording to simplify, renaming of policy and greater accuracy around Council responsibilities.
5.0	July 2023	Inclusion of clause to accommodate perpetual war grave interment sites; inclusion of clause prohibiting glass receptacles from Council cemeteries.