



NARACOORTE LUCINDALE COUNCIL

Cemetery Policy

Policy No: C3
Version: 1

RESPONSIBLE OFFICER:	Chief Executive Officer
RELEVANT DELEGATIONS:	Director Infrastructure & Services
LEGISLATION AND REFERENCES:	Burial and Cremation Act 2013 Burial and Cremation Regulations 2014
RELATED DOCUMENTS	<ul style="list-style-type: none">• Interment Right• Transfer of Interment Right• Naracoorte Lucindale Council Interment Order• Naracoorte Lucindale Council Cemetery Operating Procedure

1. PURPOSE

This policy outlines Naracoorte Lucindale Council's objectives in respect of Council owned and operated cemeteries. It has regard to the *Burial and Cremation Act 2013* (the Act) and the *Burial & Cremation Regulations 2014* under which Council cemetery authorities must meet revised requirements for the operation and regulation of cemeteries within the Council area.

2. DEFINITIONS

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 & Cremation Regulations 2014*.

3. PRINCIPLES

The policy applies to cemetery facilities located, owned or operated by Council in the townships of:

- Naracoorte
- Lucindale

The management of burials and granting of interment rights in Council facilities is vested in the Council and delegated to its administration.

Existing reservations issued by Council prior to the development of this policy will be honoured by Council and renewal of interment rights will have regard to the basis on which the original burial sites have been allocated.

New reservations will be available within the new Lawn Section and Cremation Sections at the Naracoorte and/or Lucindale Cemetery. Pre-payment of burial or cremation fees is required in full for all reservations. Plot allocation is at Council's discretion.

No new plots are available within the Monumental Sections of Naracoorte or Lucindale Cemetery.

In considering applications and/or renewal of interment rights Council will have regard to:

- the Cemetery's local historical significance as a burial place for many of the pioneers of the area
- the need for each cemetery site to be managed and maintained at a standard consistent with its significance and as an important family memorial place
- remaining interment sites available, recognising relatives of people already interred in the cemetery, people with a long association to the area, and those who have made contributions to the well-being and social fabric of the community.

4. ISSUE OF INTERMENT RIGHTS

Interment rights may be granted by Council for one or more sites within a cemetery on completion of an application and payment of the appropriate fee. The interment right gives the holder the exclusive right to bury or inter human remains in the allotted site. The holder of the interment right may use the site only for interment of human remains consistent with this Policy and the *Burial and Cremation Act 2013*.

Interment rights may be issued for the following:

- 4.1** Grave sites (for new interments) for a dual depth system of burial.
The site can be used to accommodate family members and the term of the interment right is in perpetuity.
- 4.2 Mausoleum**
Council may approve an application for construction of an above ground structure subject to Council specifications (Monumental Sections only).
- 4.3 Cremation Sections**
The term of an interment right for ashes, in the cremation section is in perpetuity.
- 4.4 Vaults**
Council may, on application, approve the construction of a water tight vault (distinct from a mausoleum) of either single or dual capacity depth. Approval will be subject to soil and ground water conditions, design and specifications. Construction will be in accordance with the specifications provided and subject to supervision of Council's building supervisor or a contractor approved by Council. (See section 30 of the Act.) (Monumental Sections only).
- 4.5 Scattering of ashes**
No interment right is required for scattering of cremated remains in a cemetery. However, prior approval of the Council is required (See section 36 of the Act.)

5. TRANSFER OF INTERMENT RIGHTS

- 5.1 Transfer or surrender of interment rights**
A person/family holding an interment right for an unused burial site may seek approval of Council to surrender (section 34 of the Act) or transfer (section 33 of the Act.) the right to another person/family. Council will not unreasonably withhold its approval. However, administrative costs for the surrender, formal transfer and recording in Council's register will be at the cost of the holder of the interment right in accordance with Schedule 1 of the Regulations.
- 5.2 Lost documentation**

Council may issue a replacement (copy) of an interment right upon receipt of a Statutory Declaration by the interment right holder or an authorised person which sets out the circumstances in which the formal documentation was lost.

6. DISPOSAL OF HUMAN REMAINS

6.1 Council Cemetery

All applications for a right to inter bodily remains in a Council cemetery must be accompanied by appropriate documentation in accordance with section 12 of the Act and Regulation 9 of the Regulations.

Council cannot allow disposal of human remains without seeing (and recording the details of):

- a certificate of identification for the body; and
- a partial certificate of cause of death; or a disposal authorisation; or an authorisation to dispose of human remains granted by the Minister or the Registrar under section 12 of the Act.

All interments in Council owned/operated cemeteries are to be approved by Council on the application form Naracoorte Lucindale Council Interment Order.

Interments are to be undertaken by the funeral company specified on the Interment Order. Preparation of the interment site is to be undertaken by Council or a contractor authorised by the Council.

6.2 Register/Records & Plans

Under Section 53 of the Act, the Council as the “relevant authority” must maintain, and make available to the public, documentation for each cemetery.

Copies of the registers and plans of the cemetery are available for inspection by members of the public during Council office hours.

6.3 Access to an interment site

A holder of an interment right (including those who have existing Interment Rights) is required to comply with the Act and the approval given by Council, prior to:

- interment of human remains in a cemetery
- reopening an interment site containing bodily remains
- removing or relocating human remains.

The process of excavating and/or modification of a site must be undertaken by a Council employee or a contractor approved by the Council. Confirmation of a burial site must be verified by Council's Administration prior to any excavation or other work on the site.

6.4 Private Land

In accordance with sub-section 8(2) of the Act, the Council will receive applications and may grant permission for a burial on private land outside “metropolitan Adelaide” and outside the boundary of a township. The request must be made in writing.

7. MEMORIALS

7.1 Headstones or Plaques

Plaques which do not exceed the dimensions below do not require specific Council approval.

- Standard and Dual Conversion Plaques: The dimensions for a standard or dual conversion Burial plaque are 381mm x 279mm
- Full Lawn Size: The dimensions for a full lawn plaque are 381mm x 279mm. A single full lawn plaque is permitted per plot.
- Cremation Plaques: The dimensions for a cremation plaque are 279mm x 184mm
- Neonatal Plaques: On application subject to Council approval.

All headstones or larger plaque sizes, application may be made to Council for approval – within the monumental sections only. Council may issue approval, subject to specific conditions.

7.2 Installation of headstones or plaques

Only Council staff or a contractor approved by Council shall install a headstone or plaque.

7.3 Ornaments

Breakable ornaments or tributes placed on a plinth adjacent to a site shall not exceed 30cm in height. Ornaments, vases, aged flowers and wreaths may be removed from sites, if Council forms the opinion that the items have deteriorated to the extent that they are unsightly, dangerous or causing a safety issue. Council accepts no responsibility for loss or damage to ornaments placed within the cemetery.

7.4 Lighting

Solar powered lights or spikes on individual sites are prohibited.

7.5 Ownership and maintenance of memorials

The ownership of plaques, monuments and other approved structures remains with the Interment right holder. The Council is not responsible for the upkeep, repair or maintenance of any memorial [unless the interment right holder has separately contracted with the Council for this purpose].

In accordance with section 41 of the Act, the Council may issue a notice on the owner of a memorial requiring repairs, removal or reinstatement of the memorial.

Council may act to remove any structure that it deems to be unsightly, in poor condition or dilapidated or repair it consistent with section 41 of the Act at the owner's cost.

7.6 Power to dispose of unclaimed memorials

Council may, after giving notice in accordance with section 42 of the Act, remove and dispose of the memorial.

8. SERVICE FEES AND CHARGES

Council will determine a "Schedule of Fees and Charges" for services provided at cemeteries.

10. AUTHORISED OFFICERS

Council may appoint authorised officers to ensure administration and enforcement of section 59 of the Act.

11. FURTHER INFORMATION

This policy will be formally reviewed every four (4) years, or following amendment to the legislation.

This policy and the Register of Cemeteries will be available for inspection at the Council Office during ordinary business hours. The policy is available to be downloaded, free of charge, from Council's website www.naracoortelucindale.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

12. ADOPTION AND AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

<i>Date</i>	<i>Authorised by</i>	<i>Minute Reference</i>
26 July 2022	Council	Policy Adopted - Resolution
19 April 2011	Council	Policy Reviewed - Resolution 483 / 11
24 February 2009	Council	Policy Adopted - Resolution 345 / 09