


Council Policy

Cemetery Operating



COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2 style="margin: 0;">CEMETERY OPERATING</h2>
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Policy Number:	COM-06
Responsible Department(s):	Property Services
Relevant Delegations:	As per the delegations schedule and as included in this Policy
Other Relevant Policies:	Memorials within Council Cemeteries Policy
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Burials and Cremations Act 2013 & Burials and Cremation Regulations 2014</i> <i>Births Death and Marriages Registration Regulations 2013</i> <i>Work Health and Safety Act 2012 & Work Health and Safety Regulations 2012</i> <i>Local Government Act 1999</i> <i>Heritage Places Act 1993 (SA)</i>
Policies and Procedures Superseded by this policy on its Adoption:	Cemetery Operating, 09/05/2017, 12.3, SP14/17 Cemetery Operating, 24/11/2020, 12.10, 282/20 Cemetery Operating, 22/06/2021, 12.5, 121/21 Cemetery Operating, 24/08/2021, 12.5, 175/21 Cemetery Operating, 20/12/2022, 12.4, 295/22 Cemetery Operating, 09/05/2023, 12.5, 112/23
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Next Review:	No later than June 2027 or as required by legislation or changed circumstances

CEMETERY OPERATING POLICY

1. INTRODUCTION

- 1.1 The *Cemetery Operating Policy* (the Policy) guides management and staff in the day-to-day operation of the cemeteries under the ownership or care, control and management of the Adelaide Hills Council (the Authority). It is a reference point for members of the public seeking guidance on the decision-making process of the Authority.

2. OBJECTIVES

- 2.1 Adelaide Hills Council aims to efficiently and effectively manage and maintain cemeteries with dignity and respect to meet the needs of its community.
- 2.2 To ensure that the interment of bodily remains occurs in accordance with *The Burials and Cremation Regulations 2014*, *The Burials and Cremations Act 2013*, *The Births Death and Marriages Registration Regulations 2013*, *Work Health and Safety Act 2012*, *Work Health and Safety Regulations 2012*, and *Local Government Act 1999*.

3. DEFINITIONS

- 3.1 “**Act**” means the *Burials and Cremations Act 2013*.
- 3.2 “**Authorised**” means a written authority has been issued by the Council.
- 3.3 “**The Authority**” means the Adelaide Hills Council.
- 3.4 “**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 a body that has been cremated.
- 3.5 “**Cemetery**” means any and all cemeteries owned or under the care and control of the Authority.
- 3.6 “**Chief Executive Officer**” means the Chief Executive Officer of the Adelaide Hills Council.
- 3.7 “**Cremated Remains**” means bodily remains that have been cremated.
- 3.8 “**Extended Term**” means each extended duration of the Initial Term of an Interment Right.
- 3.9 “**Grantee**” means a person who is or persons who are the holder of a Right or any other person entitled to exercise the rights of the Grantee under a Right in accordance with the terms of a Right.
- 3.10 “**Human Remains**” means the body or part of the body of a deceased person (including a still born child) and includes Cremated Remains.
- 3.11 “**Initial Term**” means the initial duration of a Right.

3.12 “**Interment**” of human remains includes:

- burial in the earth, a vault or mausoleum
- placement of cremated remains in a columbarium 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.

3.13 “**Interment Right**” means a right for the interment of human remains.

3.14 “**Legitimate Business**” means 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.

3.15 “**Memorial**” means:

- An approved Monument; or
- A plaque; or
- Any other approved structure or physical object used to memorialise a deceased person.

3.16 “**Monument**” means a monument, headstone, tablet, gravestone, kerbing, railing or any other erection to be constructed in a Cemetery, used for the commemorative purposes for a burial site.

3.17 “**Natural burial**” means the process of interment of a body that conforms to the usual or ordinary course of nature and adds to the biodiversity of the area.

3.18 “**Natural Burial Ground**” means a designated area in a Cemetery set aside for the internment of bodies in the soil in a manner that does not inhibit decomposition but allows the body to be naturally recycled.

3.19 “**Plaque**” is a flat tablet of metal, stone or other material which includes text or images used for commemorative purposes.

3.20 “**Pre-need Interment Right**” means an interment right purchased for future use.

3.21 “**Private Cemetery**” means a cemetery held in private ownership.

3.22 “**Regulations**” means the *Burial and Cremations Regulations 2014*.

3.23 “**Right**” means a Burial Right.

3.24 “**Term**” includes the Initial Term and any Extended Terms.

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
- 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, or
- 4.1.1.4 wish to install a Memorial at an interment site.

4.2 Opening Hours

4.2.1 Cemeteries are open to from 7:00am to sunset 7 days per week, 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 Office Hours of Authority

4.3.1 The office of the Authority is open weekdays (Monday to Friday), except public holidays from 8:30am to 5:00pm.

4.4 Fees

4.4.1 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.

4.4.2 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's website.

4.5 Records of Cemeteries

4.5.1 The Authority will maintain records of each Cemetery in the office of the Authority that shows:

- 4.5.1.1 each site at which human remains are interred, and
- 4.5.1.2 each site set aside for the interment of human remains, and
- 4.5.1.3 the number allocated to, or a description of, each site.

4.6 Landscaping

4.6.1 No person, except a person authorised by the Authority, may landscape or change the landscaping of any portion of a Cemetery.

4.6.2 Any unauthorised landscaping may be removed by the Authority without notice, at the Interment Right holders cost.

4.6.3 The Authority is not responsible for any damage or loss caused by unauthorised activity in a Cemetery.

4.6.4 All plants and trees in a Cemetery remain the property of the Authority.

4.6.5 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 , at the Interment Right holders cost.

4.6.6 The Authority will plant and maintain lawn on lawn burial sites.

4.6.7 The Authority may alter or transfer any landscaping, memorial or memorial garden bed as it may determine in consultation with any affect Interment Right holders.

4.7 Traffic Regulations

4.7.1 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.

4.7.2 A speed limit of 5 km per hour applies in all Cemeteries. All other general road rules apply within a Cemetery.

4.7.3 A person must not drive a motor vehicle within a Cemetery in a dangerous or careless manner or without reasonable consideration for others.

4.7.4 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.

4.8 Public Right of Way

4.8.1 A Cemetery is not a public right of way.

4.8.2 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.

4.8.3 The Authority will ensure that a Cemetery is securely fenced at all times, in a manner that is deemed suitable, taking into account the location and topography of individual cemeteries.

4.9 Control of Animals

4.9.1 A person must not ride, drive or exercise animals (other than dogs) in a Cemetery except with the prior approval of the Authority.

4.9.2 All dogs in a Cemetery must be kept under effective control and be on a leash. All dog faeces must be removed by the person in control of the dog.

4.10 General Conduct in a Cemetery

4.10.1 A person must not cause any nuisance or breach the peace in a cemetery.

4.10.2 A person must at all times conduct themselves in a manner that respects the rights and safety of others visiting a cemetery.

4.10.3 A person must not without the prior written approval of the Authority:

- 4.10.3.1 sell or buy anything
- 4.10.3.2 erect a temporary shelter or canopy
- 4.10.3.3 carry on a business or advertise the same (with the exception of acknowledgement of the Mason on a Memorial)
- 4.10.3.4 distribute or display any advertisement
- 4.10.3.5 organise or take part in a meeting
- 4.10.3.6 disturb a funeral service
- 4.10.3.7 discharge a firearm (except at a military funeral)
- 4.10.3.8 cut, break, deface or write or fix a bill on any fixture or landscaping in the cemetery, or
- 4.10.3.9 take, injure or interfere with trees, shrubs, flowers, vases, labels, fish, birds, animals or other property.

4.11 Filming and Photography

4.11.1 Private and Personal Use

Photography for private and personal use in the Authority's cemeteries is permitted. However, where the Authority identifies that photographs of its cemeteries have been inappropriately used in the public domain, the Authority may seek to have these images removed or amended.

Inappropriate use includes but is not limited to:

- Cemetery images that do not treat the deceased with dignity and respect;
- Cemetery images that may cause distress to families, loved ones and in the broader community;
- Cemetery images which identify individual memorials and/or inscriptions without the prior permission of the interment right holder;
- The use of cemetery photographs for commercial or personal gain without the permission of the Authority; and
- Any unauthorised filming or photography.

4.11.2 Commercial Use

In the interests of safety, dignity and respect for the deceased and their families, the Authority's written approval is required for filming and photography of a commercial or educational nature.

4.12 Risk of Fire

All naked flames, including candles and incense, are strictly prohibited in Cemeteries due to the risk of fire.

5. INTERMENT RIGHTS

5.1 Authority to Grant Interment Rights

5.1.1 The Authority may grant an Interment Right in relation to one or more sites in a Cemetery where:

- 5.1.1.1 A "Plain English Statement" form recording the burial and memorial sites interment rights and responsibilities is signed by the proposed Interment Right holder
- 5.1.1.2 An application, in the form contained at Appendix 1 or in a form that the Authority may determine having regard to the Regulations is received and approved, and
- 5.1.1.3 the applicant pays the appropriate fee.

5.1.2 Interment Right applications will be considered differently for residents and non-residents of the Adelaide Hills Council area.

5.1.2.1 A non-resident fee will apply if the person to be buried is not a resident of the Adelaide Hills Council area.

5.1.2.2 A resident is defined as a person:

- who resides in the Adelaide Hills Council area;
- who purchased a lease whilst a resident of the Council area; or
- is a registered property owner within the Adelaide Hills Council area.

5.1.2.3 Where individuals are non-residents at their time of death, families can apply to be considered under the resident fee structure if:

- the deceased was a resident of an aged care home outside the area, but their previous address was in the Adelaide Hills Council area; or
- the deceased was a resident of the Adelaide Hills Council area for at least 50% of their life.
- Council is provided with documented proof of previous residency.

5.1.2.4 Where a pre-need interment right is purchased, the applicants current residential address will be taken to be the relevant address.

5.1.2.5 Non-resident fees are non-refundable.

5.1.3 The Authority may at its complete discretion refuse an application for an Interment Right or renewal or limit the number of Interment Rights granted to any one person.

5.1.4 An Interment Right Holder has for the term of the Interment Right:

5.1.4.1 an exclusive right to bury or inter human remains in the site allocated to the maximum number permitted by the Authority

5.1.4.2 the sole right to request and advise the Council as to who may be interred at a site and regarding the placement of Memorials

5.1.4.3 an exclusive use of foundations provided by the Authority (if any) to erect an approved memorial

5.1.4.4 the obligation to notify the Authority of any change of mailing address, and

5.1.4.5 use of the ground allocated for the purposes set out in this clause and not for any other purpose.

5.1.5 The minimum initial term of an Interment Right is determined by the Authority from time to time and is the period specified on the Interment Right as one of the following:

5.1.5.1 in perpetuity (for burial plots and rose gardens only), or

5.1.5.2 100 Years, or

5.1.5.3 50 Years, or

5.1.5.4 in accordance with a resolution of the Authority for an individually agreed period for a specific site.

5.1.6 The term of an Interment Right commences from the date of issue.

5.1.7 Unless otherwise specified on the Interment Right, the Initial Term of an Interment Right is in accordance with the below table:

Cemetery	Prior to Relevant Date	Relevant Date	Subsequent to Relevant Date
Houghton	99yr	1/1/1957	50yr
Birdwood	99yr	1/6/1996	50yr
Charleston	99yr	1/6/1996	50yr
Cudlee Creek	99yr	1/6/1996	50yr
Gumeracha	99yr	1/6/1996	50yr
Kersbrook	99yr	1/6/1996	50yr
Mt Torrens	99yr	1/6/1996	50yr
Montacute	99yr	1/6/1996	50yr
Mt Lofty	99yr	1/6/1996	50yr
Norton Summit	99yr	1/6/1996	50yr
Summertown	99yr	1/6/1996	50yr
Stirling	100yr	1/1/1988	50yr
Scott Creek	100yr	1/1/2000	50yr

5.1.8 Any notice sent to an Interment Right holder at the last address recorded on the Authority's register of Interment Rights will be considered sufficient and proper notification in relation to any matter pertaining to an Interment Right.

5.2 Sites without an Interment Right

5.2.1 For sites where an Interment Right has not been issued, however burials or cremated remains have been interred into the site, an interment right may be issued, in accordance with Section 5.12 **Claimants to Interment Rights** and will commence from the date of the first recorded burial or interment into that site for a term as per the table in 5.1.7.

5.3 Interment Rights Issued in Perpetuity

5.3.1 Interment Rights issued for the purpose of the interment of human remains (not including created remains) that are issued and extended for a total of 250 years will be deemed to have been issued in perpetuity.

5.3.2 Interment Rights issued for the purpose of the interment of cremated remains or for the memorialisation without human remains that are issued and extended for a total of 150 years will be deemed to have been issued in perpetuity.

5.4 Authority to renew Interment Rights

5.4.1 It is the responsibility of the Interment Right holder, or, in the event of their death or legal incapacity, their executor or administrator or successor, to renew or extend an Interment Right.

- 5.4.2 The Authority must renew or extend an Interment Right for an additional period or periods in accordance with the Act and Regulations where:
- 5.4.2.1 an application in the form contained at Appendix 1 or in a form that the Authority may determine having regard to the Regulations is received to do so, and
 - 5.4.2.2 the appropriate fee is paid.
- 5.4.3 An extension of the term of an Interment Right shall be for a period no less than 5 years in any one transaction or such time as may be specified in the Regulations. Fees for extensions to Interment Rights will on a pro-rata basis of the current 50 year fee, eg an extension of 5 years would equal one tenth of the current 50 year fee.
- 5.4.4 The Authority must, at least 12 months before an Interment Right is due to expire, take reasonable steps to give the Interment Right Holder written notice which informs the Interment Right holder:
- 5.4.4.1 of the Interment Right holder's entitlement to renew or extend the Interment Right and the cost of renewing or extending the Interment Right
 - 5.4.4.2 that if the Interment Right is not renewed or extended and there is a Memorial to the deceased at the interment site, the person who held the interment right immediately before its expiry may reclaim the Memorial from the Authority.
 - 5.4.4.3 That if the Interment Right is not renewed the Authority is entitled to re-use the Interment Site.
- 5.4.5 The Authority may renew a lapsed Interment Right from the date of expiry of the relevant term for a further term(s) provided:
- 5.4.5.1 The application is received in writing by the Authority within two (2) years of the Interment Right lapsing, and
 - 5.4.5.2 The appropriate fee is paid by any interested person.
- 5.4.6 If no application is received within the time frame set out in the Act and Regulations to renew or extend the Interment Right, then the Interment Right will expire according to its terms.
- 5.4.7 Where an Interment Right has lapsed but is subsequently renewed in accordance with the Act, Regulations and this policy, the Interment Right will be deemed to have been extended under the same Interment Right with any previous terms of that Interment Right as at the date of lapse, as if the Interment Right has not lapsed.

5.5 Expired Interment Rights

- 5.5.1 Prior to any re-use of an Interment Site the Authority will:
- 5.5.1.1 give notice of its intention to re-use the Interment Site by public advertisement in a newspaper circulating throughout South Australia; and
 - 5.5.1.2 take reasonable steps to give written notice of its intention to re-use the Interment Site to the Interment Right holder or any personal representative of the deceased or one or more relatives of the deceased.

- 5.5.2 If the Interment Right is not renewed or the Interment Right holder, personal representative or a relative of the deceased has informed the Authority that there is no objection on the part of relatives to the re-use of the Interment Site then, in accordance with the Act, Regulations and this policy, the Interment Right is deemed to have expired and the Authority is entitled to re-use the site in accordance with the Act, Regulations and this policy.
- 5.5.3 The Authority will not make a site available for re-use until at least two (2) years have passed since the lapsing of an Interment Right, and the Interment Right has not been renewed during that period, pursuant to the Act, Regulations and this policy.
- 5.5.4 Where an Interment Site is available for re-use the Authority may grant a new Interment Right for the site to any person upon such terms and conditions as the Authority may determine consistent with the Act and the Regulations and this policy and the former Interment Right Holder acknowledges that upon such event the Authority may do whatever is necessary to prepare the site for the new Interment Right Holder.
- 5.5.5 Any Memorial may be reclaimed by the Interment Right holder, or if unclaimed will be disposed of by the Authority in accordance with the Act and the Regulations.

5.6 Disposition of Cremated Remains

- 5.6.1 If an Interment Right Holder advises the Authority that an extension or renewal of an Interment Right for a site designated for cremated remains only will not be sought, the Interment Right Holder may instruct the Authority on a preferred method of final disposition of the cremated remains by:
- 5.6.1.1 interment in an unmarked location, or
 - 5.6.1.2 collection for private dispersal.
- 5.6.2 Where no instructions are given by the Interment Right Holder upon termination of an interment right for a site containing cremated remains as to the final disposal of the cremated remains, then such remains will be dealt with in accordance with the Act, Regulations and the Authority's policies and procedures.

5.7 Surrender of Interment Right

- 5.7.1 An Interment Right holder has the right to surrender an unexercised Interment Right to the Authority in accordance with the Act and Regulations. On surrender the rights granted under the Interment Right are discharged.
- 5.7.2 Partial refunds are available in accordance with the Act and Regulations for unused sites.
- 5.7.3 Unused sites that are surrendered may be dealt with by the Authority in its absolute discretion.

5.8 Transfer of Interment Rights

- 5.8.1 The Authority may permit a transfer of an Interment Right in the form contained in Appendix 2 or in a form that the Authority may determine having regard to the Act and Regulations.
- 5.8.2 An application to transfer an Interment Right must be executed by or on behalf of the Interment Right holder and the transferee and be accompanied by the relevant fee and evidence to the Authority that it may require to show that the Interment Right holder can effect the transfer.

- 5.8.3 The Authority may decline to register a transfer without giving reasons.
- 5.8.4 Where the Authority approves a transfer, the name of the transferee must be entered into the register of Interment Rights as the owner of the Interment Right.
- 5.8.5 The transfer will not take effect until it is recorded by the Authority in its register of Interment Rights. A transferor remains the holder of the Interment Right until the transfer is registered and the name of the transferee is entered in the Register of Interment Rights.

5.9 Register of Interment Rights

- 5.9.1 The Authority must keep a register of Interment Rights in accordance with the Act and Regulations that contains the following information:
- 5.9.1.1 the number of the Interment Right
 - 5.9.1.2 the locality and number of the interment site over which the Interment Right is issued
 - 5.9.1.3 whether the Interment Right is for the interment of human remains (bodily or cremated remains) or memorialisation without human remains
 - 5.9.1.4 the full name, address and date of birth of the Interment Right holder
 - 5.9.1.5 the name of any person or persons identified on the Interment Right whose remains may be interred pursuant to the Interment Right
 - 5.9.1.6 the date that the Interment Right was granted or transferred to the Interment Right holder
 - 5.9.1.7 the date of each renewal and the expiry of each renewal term of the Interment Right
 - 5.9.1.8 the name of each deceased interred at the site including the date of each interment and the depth at which the interment took place, and
 - 5.9.1.9 the date of erection, subsequent inscriptions and description of any Memorial that has been erected at the interment site in accordance with the Act and the Regulations and these operating policies.

5.10 Instructions from Interment Right Holders

- 5.10.1 The Authority may choose not to comply with a request or direction by an Interment Right holder where an Interment Right issued for multiple interments is not presented for a second or subsequent interment.

5.11 Interment Rights issued in two (2) or more names

- 5.11.1 Where an Interment Right is currently registered in the names of two (2) or more persons, it will be delivered to the person first named in the register of Interment Rights.
- 5.11.2 All Interment Right holders have the responsibility to keep the Authority informed of their current contact details. Failure to do so will result in the Authority, after reasonable notice, accepting instructions from the other Interment Right holder (if any) without their input.
- 5.11.3 Notice will be deemed given if the Interment Right holder is sent a letter, facsimile or email to the person's last known contact details. Failure by the Interment Right holder to respond within 90 days will constitute abandonment of his or her right to give instructions and the Authority may act in accordance with the instructions of the other Interment Right Holders (if any) who are contactable.

5.11.4 With effective date of the signing of this Operating Policy all new Interment Rights will be issued to one person only.

5.12 Claimants to Interment Rights

5.12.1 As the devolution of Interment Rights is governed by legislation, the Authority will not recognise or register an expressed, implied or constructive notice of authority.

5.12.2 Where there is one or more joint Interment Right holders, and one of the Interment Right holders dies, the Authority will recognise the surviving Interment Right holder or holders as the only person or persons having title to an Interment Right.

5.12.3 The Authority will recognise the claim of an executor or administrator of a deceased Interment Right holder as having title to an Interment Right registered in the name of a deceased person.

5.12.4 Where a sole Interment Right holder remains in respect of an Interment Right, the rights granted to the Interment Right holder may be exercised upon the death or legal incapacity of the Interment Right holder by any one of the following people in descending order of entitlement:

5.12.4.1 in the case of the legal incapacity of the Interment Right holder, by a person acting under the authority of an enduring power of attorney granted by the Interment Right holder or by a duly appointed manager or guardian of the Interment Right holder.

5.12.4.2 in the case of the death of the Interment Right holder by:

5.12.4.2.1 the executor of the estate of the deceased person, or

5.12.4.2.2 if there is more than one executor, one of the executors acting with the permission of all the other executors, or

5.12.4.2.3 the administrator of the estate of the deceased person, or

5.12.4.2.4 by the spouse or domestic partner of the Interment Right holder, or

5.12.4.2.5 if there is no living spouse or domestic partner — by the eldest living relative of the Interment Right holder in the following descending order of priority:

- a child
- a grandchild or great-grandchild
- a brother or sister
- a parent
- a grandparent
- an aunt or uncle
- a nephew or niece
- a cousin
- any other blood relative.

5.12.5 For the purposes of this clause "domestic partner" has the same meaning ascribed to it under the Family Relationships Act 1975 (SA).

5.12.6 The substituted right envisaged in this clause may be devolved to one person in succession in the event of the subsequent death or legal incapacity of such person.

5.12.7 A person claiming ownership of an Interment Right must, if necessary, prove their ownership to the Authority.

6. BURIALS

6.1 Burial & Interment Hours

6.1.1 Burial and interment hours are:

- 6.1.1.1 between 9:00 am and 5:00 pm Monday to Friday
- 6.1.1.2 as the Authority may determine.

6.2 Authorisation of Burials & Interments of Cremated Remains

6.2.1 No Burial or Interment of Cremated Remains will take place in a Cemetery unless:

- 6.2.1.1 a written application for the burial in the form contained at Appendix 3, or 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 in the case of a burial, identifying information on all 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 the Interment Right relating to the site is less than ten years.

6.2.3 Unless otherwise stipulated on the Interment Right, a maximum of three (3) burials and ten (10) cremated remains may be interred on any one burial site. Additional burials may be considered on application to Council and will be subject to the conditions of Section 6.7.3.

6.3 Grave Digging

6.3.1 Every interment site within a Cemetery must be excavated:

- 6.3.1.1 by an employee of the Authority, or
- 6.3.1.2 a contractor engaged by the Authority to do so on its behalf, or
- 6.3.1.3 a contractor engaged by a funeral director and approved by the Authority

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 Bodily Remains may be interred in a Cemetery.

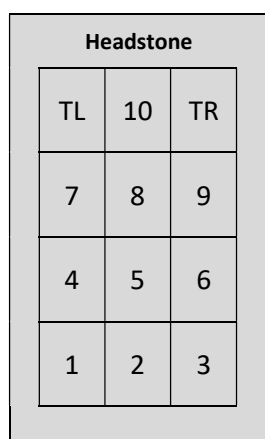
6.5 Depths of Cremated Remains

6.5.1 Cremated Remains will be interred at a maximum depth of 61cm.

6.6 Placement of Cremated Remains into Burial Plots

6.6.1 The Authority will not remove top stones erected as part of a memorial for the interment of cremated remains. Removal arrangements must be made through a stone mason. Removal costs of top stones will be the responsibility of the Interment Right Holder. Council will only cut into and reinstate cement or gravel tops.

6.6.2 Unless otherwise instructed, the placement of **Cremated Remains** into burial plots will be as follows:



6.7 Opening of interment sites, exhumation and re-interment

6.7.1 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.

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

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

6.7.3.1 there have been previous interments in a grave, and

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

6.7.3.3 at least six years have elapsed since the most recent burial.

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

6.7.5 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.

6.8 Natural Burials

- 6.8.1 Natural burials must comply with all legislative and regulatory requirements.
- 6.8.2 Interment Rights in Natural Burial Grounds will be for a period of 100 years.
- 6.8.3 A maximum of one (1) burial may take place in a natural burial site.
- 6.8.4 Bodily remains will be buried at Level 1 and so that any of the remains are at a depth of not less than 1 metre from the surface of the ground, as required by the Act and Regulations.
- 6.8.5 Material that can be used:
 - 6.8.5.1 Caskets made of sustainably grown timber, or
 - 6.8.5.2 Wicker or willow caskets or shrouds made of natural fibres (legislation permitting)
 - 6.8.5.3 Casket fittings and contents shall be made of sustainable natural biodegradable materials only. Name plate should be of a durable material.
- 6.8.6 Material that cannot be used:
 - 6.8.6.1 Non-biodegradable material inside or outside the casket, including:
 - 6.8.6.2 Any types of plastic or metal fittings (exclusive of nails and screws),
 - 6.8.6.3 PVC, glass, ceramic, metal, treated varnished timber, toxic glues or plastic sheeting inside the casket.
- 6.8.7 Acceptable shrouds:
 - 6.8.7.1 Shrouds made of natural materials such as silk, cotton or wool, with a solid base are acceptable. The solid base assists with the lowering into the ground and can be made of sustainable natural timber and contained within the shroud.
 - 6.8.7.2 Contents of shrouds must be fastened to a solid base to prevent movement to one side.
 - 6.8.7.3 Shrouds without a solid base are acceptable if used in conjunction with a suitable industry recognised transport and lowering system.
 - 6.8.7.4 Shroud preparation and burial procedures involving shrouds must comply with all local rules and regulations of the day.
- 6.8.8 Unacceptable casket or shroud:
 - 6.8.8.1 with Cardboard, PVC or synthetic coverings
 - 6.8.8.2 with varnish and plastic or metal fittings
 - 6.8.8.3 with leaking fluids
 - 6.8.8.4 Caskets having obnoxious smells.
- 6.8.9 Acceptable clothing and casket Items:
 - 6.8.9.1 The deceased should be dressed in natural fibre clothing or wrapped in a shroud, with no undue additional synthetic substances.
- 6.8.10 Chemicals:
 - 6.8.10.1 No embalming fluids are permitted.
 - 6.8.10.2 The body may be sanitised.

6.8.11 Natural Burial Location

- 6.8.11.1 Natural burials may be in areas of a cemetery set aside specifically for the purpose of natural burials.
- 6.8.11.2 All plots will be allocated by the Cemetery Authority, on a next available basis, at the time of the burial.
- 6.8.11.3 Plot location will be recorded using GPS/GIS technology or other accurate recording system.
- 6.8.11.4 A cemetery plan of natural burial grave/plot locations will be recorded by the Cemetery Authority.

6.8.12 Memorials in Natural Burial Grounds

- 6.8.12.1 No memorials, ornamentation or planting will be allowed on burial plots other than that prescribed for the site by The Authority.

6.8.13 The Cemetery Authority shall be responsible for maintaining and managing the natural burial site.

6.8.14 Unless stated in this section, all other sections of this policy apply to Natural Burials and Natural Burial Grounds.

7. **PRIVACY**

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

8. **REGISTERS**

8.1.1 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:

- 8.1.1.1 the full name and address of the holder of an Interment Right; and
- 8.1.1.2 the address of the last place of residence of the deceased person before his or her death.

9. PRIVATE CEMETERIES

- 9.1 There a number of Private Cemeteries in the Adelaide Hills Council district. At times, the Authority receives requests to assume ownership or administration of a Private Cemetery. These requests need to be assessed to fully understand the community and financial impacts of the proposal.
- 9.2 Each proposal will be assessed on its own merits and that assessment needs to consider the risks and impacts both at the time the proposal is received as well as into the future. At a minimum, the following information needs to be provided as part of the assessment process:
- The reason and purpose of the request
 - Ownership details
 - Details of what interment and burial records are available
 - Is land ownership proposed
 - Full details of any trusts that exist over the cemetery
 - The remaining capacity of the cemetery
 - The current and future maintenance requirements for the cemetery
 - What, if any, financial contribution is proposed to be made to the Authority
 - Is there a State or Federal authority that should provide assistance to the Private Cemetery authority in the first instance.
- 9.3 When assessing any proposal, consideration should be given to any Authority owned or administered cemeteries in the area that provide a service to that section of the community.
- 9.4 All formal requests are to be presented to Council for consideration and a decision.

10. DELEGATION

- 10.1 The Chief Executive Officer has the delegation to:
- Approve, amend and review any procedures that shall be consistent with this Policy; and
 - Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

11. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

12. APPENDICES

- Appendix 1: Application for New/Renewal Interment Right
Appendix 2: Application for Transfer of Interment Right
Appendix 3: Application for Burial or Interment of Cremated Remains

Appendix 1

Application for New/Renewal Interment Right



APPLICATION FOR NEW/RENEWAL INTERMENT RIGHT

Application Start Date *(office use only)*: _____

Applicant Details (for NEW interment rights this person will be the Interment Right Holder unless otherwise specified)

First Name: _____ Middle Name/s: _____

Last Name: _____ Date of Birth: _____

Address: _____

City: _____ State: _____ Postcode: _____

Mobile Phone: _____ Other Phone: _____

Email: _____

Location Details

Name of Cemetery: _____

Area: Burial Plot Lawn Plot Niche Wall Plot Garden Plot

Plot Number: _____ Section: _____ Row: _____

Term of New Interment Right or Renewal Period

50 years 100 years In Perpetuity Other (for renewal only): _____

Interment Right Details (for renewal only)

I/R Number: _____ Commenced: _____ No. of Years: _____

Please sign and return the completed form to:

Adelaide Hills Council, PO Box 44, Woodside SA 5244, Ph: 8408 0400, Email: mail@ahc.sa.gov.au

SIGNATURE: _____ DATE: _____

OFFICE USE ONLY

Location Code:		Start Date:	
Interment Right Sent: <input type="checkbox"/>	Signed PES returned: <input type="checkbox"/>	Entered: CMS <input type="checkbox"/>	MAPS <input type="checkbox"/>

Invoice to:				<input type="checkbox"/> Invoiced
<input type="checkbox"/> Interment Right	No. of plots:	@ \$	Term:	\$
<input type="checkbox"/> Application for Interment Right (new or renewal)				\$

Appendix 2

Transfer of Interment Right – Declaration Form



Transfer of Interment Right Declaration

Cemetery: _____ Type of Interment Site: _____
Interment Right No: _____ Term: _____ Date Commenced: _____
Current Interment Right Holder(Full legal Name): _____

Please select and complete all details for either A (current interment right holder/s) or B (authorised Person) below and sign in front of a JP on page 2.

A. I, the CURRENT REGISTERED INTERMENT RIGHT HOLDER, do solemnly and sincerely declare that:

I, Full Name _____ Date of Birth _____
of Address _____
Telephone _____ Mobile _____
Email _____
(And) I, Full Name _____ Date of Birth _____
of Address _____
Telephone _____ Mobile _____
Email _____

do hereby authorise the transfer of my rights, title and interest in this interment right.

OR

B. I, the AUTHORISED PERSON, do solemnly and sincerely declare that:

I, Full Name _____ Date of Birth _____
of Address _____
Telephone _____ Mobile _____
Email _____

Being a person having the right to exercise a Power of Attorney for the interment right holder. (Please attach a copy of the Power of Attorney)

Being a person entitled to exercise the rights granted to the interment right holder upon the interment right holder's death, and being the highest ranking person in the following descending order of entitlement (select one only) in relation to the deceased interment right holder:

- | | |
|---|--|
| <input type="checkbox"/> 1. <i>Executor/s or Administrator of estate</i> | <input type="checkbox"/> 7. <i>The eldest living grandparent</i> |
| <input type="checkbox"/> 2. <i>The spouse or domestic partner</i> | <input type="checkbox"/> 8. <i>The eldest living aunt or uncle</i> |
| <input type="checkbox"/> 3. <i>The eldest living child</i> | <input type="checkbox"/> 9. <i>The eldest living nephew or niece</i> |
| <input type="checkbox"/> 4. <i>The eldest living grandchild or great-grandchild</i> | <input type="checkbox"/> 10. <i>The eldest living cousin</i> |
| <input type="checkbox"/> 5. <i>The eldest living brother or sister</i> | <input type="checkbox"/> 11. <i>The eldest living blood relative</i> |
| <input type="checkbox"/> 6. <i>The eldest living parent</i> | |

and having providing proof of my identity (The Authority has the right to determine the criteria to determine the relationship and entitlement of any person claiming a substituted right as above)

do hereby request the interment right be transferred to the new interment right holder as detailed on Page 2.

This section must be completed and signed in front of a Justice of the Peace or Commissioner of Affidavits.

I, the **CURRENT INTERMENT RIGHT HOLDER/S OR AUTHORISED PERSON**, understand that the said Interment Right is unencumbered and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936.

Signed by current interment right holder or authorised person/s: _____


To be completed by the Justice of the Peace or Commissioner of Affidavits

Declared and subscribed at
this _____ day of _____ year _____
Before me _____ (Full Name)
A Justice of the Peace or
Commissioner for Affidavits _____ (Signed JP/Commissioner)


Persons completing Section B: Please provide full copies (not an extract) of documents to show next of kin relationships to the current Interment Right Holder, eg. Marriage Certificate, Birth Certificates, Power of Attorney, Will (listing you as the Executor)

Complete details of the NEW Interment Right Holder (you may be the new Interment Right Holder or can allocate it to another person of your choice)

NEW INTERMENT RIGHT HOLDER – 1 NAME ONLY (please insert full details)

 Title _____ Full Name _____
of _____
_____ Postcode _____ Date of Birth _____
Telephone _____ Mobile _____
Email _____

NEW INTERMENT RIGHT HOLDER TO SIGN (not required to be witnessed by a JP)

 I _____ (full name of new Interment Right holder)
Signed _____ Date _____
hereby accept the transfer of the above interment right to my name.

Transfer of an Interment Right

An interment right can be transferred by the current Interment Right holder, or on behalf of the current Interment Right holder. In all cases, a Transfer of Interment Right Declaration form will need to be completed.

1. In the case of a current Interment Right holder wishing to assign their Interment Right to another person.
 - Complete a Transfer of Interment Right Declaration, **starting at Section A** and then sign over the page in front of a Justice of the Peace. Once done, you are able to complete the next section transferring the Interment Right to another person.
2. In the case of the legal incapacity of the Interment Right holder, by a person acting under the authority of an enduring power of attorney granted by the Interment Right holder or by a duly appointed manager or guardian of the Interment Right holder.
 - Complete a Transfer of Interment Right Declaration, **starting at Section B** and ticking the box relating to Power of Attorney. Then sign over the page in front of a Justice of the Peace. Once authorised by a JP, complete the next section transferring the Interment Right into the name of the 'New Interment Right Holder' or you may choose to allocate the Interment Right to another person.
3. In the case of the death of the Interment Right holder by one of the following people in descending order of entitlement:
 1. Executor /s or administrator of estate
 2. The spouse or domestic partner
 3. The eldest living child
 4. The eldest living grandchild or great-grandchild
 5. The eldest living brother or sister
 6. The eldest living parent
 7. The eldest living grandparent
 8. The eldest living aunt or uncle
 9. The eldest living nephew or niece
 10. The eldest living cousin
 11. The eldest living blood relative
 - Complete a Transfer of Interment Right Declaration, **starting at Section B** and selecting the appropriate boxes relating to descending order. Then sign over the page in front of a Justice of the Peace. Once authorised by a JP, complete the next section transferring the Interment Right into the name of the 'New Interment Right Holder' or you may choose to allocate the Interment Right to another person.

In all of the above cases, you must provide supporting documentation to prove your authority to act on behalf of the Interment Right holder and/or your entitlement to the Interment Right, eg. a copy of the power of attorney or the page in the will showing you as the executor, copies of full marriage certificate/s, birth certificate/s, etc.

Send the completed form and supporting documents, by post or email to: P O Box 44, Woodside SA 5244 or mail@ahc.sa.gov.au.

If you have any questions regarding the above, please contact Council's Cemeteries Officer on 8408 0400.

Appendix 3

Application for Burial or Interment of Cremated Remains



Adelaide Hills
COUNCIL

APPLICATION FOR BURIAL OR INTERMENT OF CREMATED REMAINS

Application Start Date *(office use only)*:

Name of Cemetery:		Graveside Service: <input type="checkbox"/> Yes
Burial Day/Date:	Burial Time:	

Deceased Persons Details

Full Legal Name:		
Last Known Address:		
City:	State:	Postcode:
Date of Birth:	Date of Death:	Gender: <input type="checkbox"/> M <input type="checkbox"/> F

Authorised Persons Details

Full Legal Name:		
Address:		
City:	State:	Postcode:
Phone:	Email:	

Location / Interment Right Details

<input type="checkbox"/> A. Adelaide Hills Council to allocate location (complete Application for New Interment Right)
<input type="checkbox"/> B. Family to select new location (complete Application for New Interment Right & contact Council)
<input type="checkbox"/> C. Existing Interment Right (minimum 10 years remaining or extension will be required)

Plot:	Section:	Row:	Code <i>(office use only)</i> :
Interment Right No:	Start Date:	Term:	Extension Req: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Interment Right Holder:			
Authorised Person is Holder of Right (for existing): <input type="checkbox"/> Yes <input type="checkbox"/> No (Contact Council - Transfer may be required)			
Deceased to be buried at: <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3			Ashes position:
Previous Interment/s: <input type="checkbox"/> Yes <input type="checkbox"/> No		Depth: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> Ashes	
Name:			Date:

Company Details

Funeral Company:	Contact Person:
Phone:	Email:
Gravedigger:	Phone: <input type="checkbox"/> Booked: <input type="checkbox"/>
Funeral Director Signature:	Date:

OFFICE USE ONLY

<input type="checkbox"/> Partial Certificate of Cause of Death <input type="checkbox"/> Certificate of Identification of Deceased <input type="checkbox"/> Name Plate sighted Initial:			
BURIAL	Gravedigger Booked: <input type="checkbox"/>	Pegging: <input type="checkbox"/> Yes <input type="checkbox"/> No	Lawn restore: CASE: <input type="checkbox"/> Calendar
ASHES	Family attending: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Ashes to Council <input type="checkbox"/> On the day	Excess: <input type="checkbox"/> Return <input type="checkbox"/> Garden <input type="checkbox"/> N/A
	<input type="checkbox"/> Standard Container <input type="checkbox"/> Other	Ashes position (for burial plots): 1 2 3 4 5 6 7 8 9 10 TL TR	
	<input type="checkbox"/> Plaque ordered: DATE:	Curator Booked: CASE:	<input type="checkbox"/> Calendar
ENTERED	CMS <input type="checkbox"/> MAPS <input type="checkbox"/> PES signed <input type="checkbox"/>	Invoice to:	<input type="checkbox"/> Invoiced



APPLICATION FOR BURIAL OR INTERMENT OF CREMATED REMAINS

OFFICE USE ONLY

<input type="checkbox"/>	Interment Right	No. of plots:	@ \$	Term:	\$
<input type="checkbox"/>	Application for Interment Right (new or renewal)				\$
<input type="checkbox"/>	Application for transfer or surrender of Interment Right				\$
<input type="checkbox"/>	Application for a Burial				\$
<input type="checkbox"/>	Attendance at a burial: Monday to Friday				\$
<input type="checkbox"/>	Pegging				\$
<input type="checkbox"/>	Application for an Interment of Ashes				\$
<input type="checkbox"/>	Interment of ashes & plaque install: Monday to Friday				\$
<input type="checkbox"/>	Cutting & reinstatement of concrete floor (if required)				\$
<input type="checkbox"/>	Installation of plaque only (no ashes interment)				\$
<input type="checkbox"/>	Plaque				\$
<input type="checkbox"/>	Pedestal				\$
<input type="checkbox"/>	Bud Vase (for niche wall)				\$
<input type="checkbox"/>	Other:				\$
TOTAL					\$

NOTES