


# *Council Policy*

## Memorials within Council Cemeteries



# COUNCIL POLICY

 <p><b>Adelaide Hills</b> COUNCIL</p>	<b>MEMORIALS WITHIN COUNCIL CEMETERIES</b>
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<b>Policy Number:</b>	COM-26
<b>Responsible Department(s):</b>	Property Services
<b>Relevant Delegations:</b>	As per the Delegations Register and as detailed in this Policy
<b>Other Relevant Policies:</b>	<i>Cemetery Operating Policy</i>
<b>Relevant Procedure(s):</b>	Nil
<b>Relevant Legislation:</b>	<i>Burial and Cremation Act 2013 Burial &amp; Cremation Regulations 2014 Work Health and Safety Act 2012 (SA) Work Health and Safety Regulations 2012 (SA) Work Health and Safety Codes of Practice Heritage Places Act 1993 (SA)</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	23/11/2021, 249/21, Item 12.3
<b>Adoption Authority:</b>	Council
<b>Date of Adoption:</b>	9 May 2023
<b>Effective From:</b>	16 May 2023
<b>Minute Reference for Adoption:</b>	Item 12.5, 112/23
<b>Next Review:</b>	No later than May 2026 or as required by legislation or changed circumstances

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## Version Control

<b>Version No.</b>	<b>Date of Effect</b>	<b>Description of Change(s)</b>	<b>Approval</b>
0.1	24/08/2021	Draft for Council consideration for public consultation	Council
0.2	07/12/2021	Final adopted by Council	Council

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## MEMORIALS IN COUNCIL CEMETERIES POLICY

### 1. INTRODUCTION

- 1.1 Council (the Authority) recognises that many of its cemeteries have historical significance as the resting place of many of the district's pioneers and respected citizens and will efficiently and effectively manage them in a respectful manner to meet the needs of the community. The policy provides Council and its Administration with principles and guidelines relating to the installation of memorials at its cemeteries.
- 1.2 This Policy is to be read in conjunction with other relevant Council policies, including Council's *Cemetery Operating Policy*. The development of this Policy has taken into account requirements of the *Burial and Cremation Act 2013* (the Act) and the *Burial & Cremation Regulations 2014* (the Regulations).

### 2. OBJECTIVES

- 2.1 The aim of this Policy is to set out the requirements and process required by Council, in its capacity as cemetery authority (the Authority) in relation to the supply and management of memorials within its cemeteries.

### 3. SCOPE

- 3.1 This Policy applies to all cemetery facilities owned or operated by Council.

### 4. DEFINITIONS

- 4.1 **"Act"** means the Burial & Cremation Act 2013
- 4.2 **"Authorised"** means a written authority has been issued by the Council.
- 4.3 **"The Authority"** means the Adelaide Hills Council.
- 4.4 **"CCASA"** means Cemeteries & Crematoria Association of South Australia
- 4.5 **"Interment"** is the placement of either human remains being the bodily remains of a human body buried into the earth; or cremated remains placed in either a columbarium or into the earth.
- 4.6 **"Interment Right"** means a Right for the Interment of Human Remains.
- 4.7 **"Interment Right Holder"** is the person issued the Interment Right by Council in accordance with its specified terms and conditions.
- 4.8 **"Ledger Slab"** is a rigid solid covering generally of stone lying either on top or within the monument kerbing.

4.9 **“Memorial”** means:

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

4.10 **“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.

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

4.12 **“Site”** is a plot or space that is used for the purpose of a burial or the interment of cremated remains.

## 5. POLICY STATEMENT

### 5.1 Memorial Applications

The following conditions apply to all standard applications for memorials:

5.1.1 All Memorials require approval from the Authority prior to erection within a cemetery.

5.1.2 Monumental Masons (or contractors applying to carry out works) are to provide to the Authority the following documentation:

- Details of company name, address and key personnel
- The names of the Officers as defined by the *Work Health and Safety Act 2012 (SA)*
- Copies of public liability insurance for \$20M
- Copies of Return to Work SA currency
- Full name of each employee who will possibly work in Council’s cemeteries
- Copies of construction white cards for all employees who may work in Council’s cemeteries
- Copies of certification of load shifting equipment eg. truck mounted cranes
- Copies of WHS policies (every three years or as updated)
- Copies of relevant *Safe Work Instructions/Safe Work Method Statements/Job safety Analysis*

5.1.3 Applications will only be accepted on the Cemeteries & Crematoria Association of South Australia Inc. (CCASA) *Application for a Headstone or Memorial Form* or The Authority’s *Application for a Headstone or Memorial Form (Appendix 1)*.

5.1.4 Applications shall be signed by the Interment Right Holder or a person duly authorised in writing by the Interment Right Holder.

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- 5.1.5 A memorial shall not be installed on any site unless the relevant Interment Right for the site has been paid in full.
  - 5.1.6 A memorial shall not be installed on any site if the remaining term of the Interment Right relating to that site is less than ten years
  - 5.1.7 A memorial may be installed on a site where the deceased has not been interred, providing the interment right is current and the application is signed by the interment right holder or a person duly authorised in writing by the Interment Right Holder.
  - 5.1.8 Applications shall include a sketch of the memorial showing all dimensions, type of memorial, name(s) inscribed and any epitaphs or other inscriptions on the memorial.
  - 5.1.9 Applications shall be submitted for approval by the Authority prior to any memorial work being undertaken or any memorial being removed by an authorised contractor or Interment Right Holder.
  - 5.1.10 Applications will be processed within five (5) business days from the time of receipt unless otherwise agreed by the Authority.
  - 5.1.11 At least three (3) business days' notice is required for Pegging;
  - 5.1.12 A Memorial Permit will be forwarded to the Monumental Mason and must be obtained before any work is carried out.

Where these conditions are not met, it may result in applications for permits being refused, delayed or new applications needing to be lodged.

## **5.2 Design of Memorial**

- 5.2.1 The Authority must approve the design and proposed inscription of all Memorials before any work is carried out.
- 5.2.2 The Authority may refuse any design for a Memorial as it may determine.
- 5.2.3 Unless otherwise approved by the Authority, the name affixed on the Memorial must accord with the name shown on valid proof of the deceased's identity produced to the satisfaction of the Authority.
- 5.2.4 The maximum height permitted for memorials in all cemeteries will be no greater than 900mm high, unless otherwise approved by the Authority.
- 5.2.5 Memorials erected on lawn burial allotments shall consist of a headstone only or a headstone and base, and not exceed a height of 900mm, a depth of 300mm and a width of 1300mm.
- 5.2.6 Plaque dimensions will vary from site to site as determined by the Authority.

### 5.3 Installation of Memorials

- 5.3.1 All Memorials for a burial interment site must be constructed, altered and installed by a Monumental Mason or other person who is authorised by the Authority to undertake such work.
- 5.3.2 Plaques installed by the Authority will be at the Interment Right Holder's cost.
- 5.3.3 A permit to work on the site is granted subject to the Monumental Mason and their sub-contractor complying with the following conditions whilst on site:
- Design and installation of Memorials must be in accordance with *Australian Standard AS 4204 – 2019 Headstones and Cemetery Monuments*;
  - The area around the grave site is clean and tidy at the completion of the work and that all waste and surplus material is removed from the cemetery (this does not include excess soil left from a burial);
  - Any damage done within a Cemetery must be repaired to the satisfaction of the Authority;
  - Comply with the *Work Health and Safety Act 2012 (SA)*, *Work Health and Safety Regulations 2012 (SA)* and *Work Health and Safety Codes of Practice* and any other legislative requirements;
  - All vehicles are registered and overhead cranes/lifting devices have current inspection certification; and
  - No work is carried out in close proximity to any funeral service.

Failure to comply with any of these conditions may result in Monumental Masons or their sub-contractors being asked to leave the grounds and could lead to having their permit reviewed or rescinded. In addition to this, Monumental Masons and/or their contractors will be held liable for any costs incurred.

- 5.3.4 Upon installation, a clear photograph is to be provided to The Authority of the completed memorial.

### 5.4 Ornaments and Tributes

- 5.4.1 Flowers and wreaths may be placed on burial sites.
- 5.4.2 All naked flames, such as candles and incense, are strictly prohibited in cemeteries due to the risk of fire.
- 5.4.3 Ornaments or tributes made of plastic or other unbreakable materials may be placed on sites. Breakable materials such as glass, porcelain, terracotta and ceramic are not permitted to be placed on sites due to the risk to public safety. Materials such as Majolica ware, glass plaques and ceramic photographs are permitted if installed by a Monumental Mason and affixed to a headstone.
- 5.4.4 All ornaments or tributes must remain within the confines of the burial or memorial site on which they are placed and must not be fixed to surrounding trees, plants or shrubs.
- 5.4.5 Any ornaments or tributes that is not kept within the confines of the burial or memorial site may be removed at the discretion of the Authority.

- 5.4.6 The Authority is not responsible for the safety of ornaments or tributes and will not repair or replace them should they become damaged or stolen.
- 5.4.7 Families and visitors are encouraged to remove ornaments or tributes that have reached the end of their useful life, prior to these items become unsightly.
- 5.4.8 The Authority may remove and dispose of any ornaments or tributes when deemed unsightly, offensive, breakable or a risk to public safety. Where a removed item may be of some value to the Interment Right Holder, the Authority will endeavour to return the item to the Interment Right Holder. If contact is unable to be made, after a period of three (3) months from the date of removal, the ornament or tribute will be disposed of at the Authority's discretion.

## **5.5 Alcohol Containers**

- 5.5.1 Alcohol beverages and/or containers (full or empty) are not permitted to be placed on sites within the cemetery grounds.

## **5.6 Plantings**

- 5.6.1 No plantings on memorials or within the cemetery shall take place, without the prior consent of the Authority.
- 5.6.2 Authorised plantings must not exceed 900mm high, or the width of the site, when fully grown.
- 5.6.3 It is the responsibility of the Interment Right Holder to maintain any authorised plantings erected on a grave site during the term of the interment right.
- 5.6.4 The Authority is not responsible for the safety of any plantings and will not repair or replace plantings should they become damaged or stolen.
- 5.6.5 The Authority has the right to remove any plantings deemed to be unsightly, unsafe, overgrown, in poor condition or a risk to public safety.
- 5.6.6 Unauthorised planting of vegetation on a burial or memorial site will be removed upon detection.

## **5.7 Lighting**

- 5.7.1 Solar powered lights or spikes on individual sites are prohibited, unless of cultural significance in which case The Authority may approve upon application

## **5.8 Ownership and Maintenance of memorials**

- 5.8.1 In accordance with Part 3, Division 4 of the Act, a memorial to a deceased person is the personal property of the person who holds the interment right for the site where the memorial is situated..
- 5.8.2 It is the responsibility of the Interment Right Holder to maintain any memorial in a safe condition during the term of the interment right.



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- 5.8.3 Any restoration work on a memorial is subject to the terms of a Memorial Application.
  - 5.8.4 The Authority does not accept any responsibility for damage to Memorials through acts of vandalism, ageing or deterioration. Repair of damaged Memorials is the responsibility of the Interment Right Holder.
  - 5.8.5 In accordance with Section 41 of the Act, the Authority may issue a notice on the owner of a memorial requiring repairs, removal or reinstatement of a memorial within 8 weeks of notification by the Authority.
  - 5.8.6 If the Interment Right Holder fails to act following a written request from the Authority, the Authority may either remove the memorial or carry out the repairs and recover the reasonable cost from the Interment Right Holder in accordance with Section 41 of the Act.
  - 5.8.7 If a memorial becomes unsafe and urgent action to repair, remove or reinstate the memorial is considered necessary by the Authority, the Authority may, instead of giving a notice, have the work carried out and recover the reasonable cost from the Interment Right Holder.
  - 5.8.8 A removed Memorial will be held for a period of six (6) months after notification, prior to disposal.
  - 5.8.9 While the Authority is not responsible for the upkeep, repair or maintenance of memorials, the Authority may upgrade, renew or maintain historical or locally significant memorials at its discretion.

## **5.9 Removal of Ledger Slabs for interment purposes**

- 5.9.1 The Authority will not remove a Ledger Slab erected as part of a memorial for the interment of cremated remains. Removal arrangements must be made through a Monumental Mason or other person who is authorised by the Authority to undertake such work at the Interment Right Holder's cost. The Authority will cut into and reinstate cement or gravel tops.

## **5.10 Removal of Memorials**

- 5.10.1 The removal of a Memorial must be undertaken by a Monumental Mason or other person who is authorised by the Authority to undertake such work, and will be at the expense of the Interment Right Holder.
- 5.10.2 The Authority may remove or alter any Memorial or erase any inscription that breaches these operating policies and recover, as a debt, the expense of removal or alterations of a Memorial from the Interment Right Holder.
- 5.10.3 Where an Interment Right Holder fails to remove a Memorial within two years of an Interment Right lapsing and the procedure outlined in the Act and Regulations has been followed, the Memorial becomes the property of the Authority and may be removed and disposed of in accordance with the Act and Regulations.

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**5.11 Power to dispose of unclaimed memorials**

- 5.11.1 The Authority may, after giving notice in accordance with Section 42 of the Act, remove and dispose of unclaimed memorials.
- 5.11.2 The person who held the interment right immediately before its expiry may reclaim a removed Memorial at any time before disposal.

**5.12 Heritage Listed Memorials**

- 5.12.1 Any heritage listed memorials in cemeteries under the control of the Authority are to be maintained by Interment Right Holders in accordance with the required statutory processes, and any guidelines established by the Authority for the purpose of protecting historical memorials.

**5.13 Temporary Grave Markers**

- 5.13.1 Temporary burial interment site markers, including wooden crosses, may only be used for a maximum period of six (6) months following which they must be removed and replaced with a Memorial or the burial site left unmarked.
- 5.13.2 Temporary burial interment site markers, including wooden crosses, removed by the Authority will be returned to the Interment Right Holder, or if contact is unable to be made, after a period of three (3) months from the date of removal, the temporary marker will be disposed of at the Authority's discretion.

**5.14 Memorial Seats**

- 5.14.1 The Authority provides seats in many of its Cemeteries across the district and these seats may be used to memorialise a person by attaching a memorial plaque to the seat.
- 5.14.2 Memorial seats provided by The Authority will not be limited to an exclusive plaque, eg. seats will be available for multiple memorial plaques.
- 5.14.3 Applications for the installation of a plaque must complete an application form (Appendix 2) and submit to the Authority, detailing:
- the name of the person(s) to be memorialised
  - the proposed inscription/text to be used on the plaque
  - the preferred location of the plaque
- 5.14.4 Approved applicants will be responsible for the cost and installation of the plaque and a memorial fee as determined by the Council.
- 5.14.5 Approvals will be for a period of 25 years.
- 5.14.6 The plaque will be sourced through the Authority's plaque supplier to ensure consistency across the district. The Authority reserves the right to approve or amend the proposed inscription and the location of the plaque, in consultation with the applicant.

- 5.14.7 When a seat reaches the end of its useful life, The Authority will replace the seat providing it is still deemed to be a suitable location. If less than 25 years has expired since approval, the memorial plaques on the expired seat will be reinstalled on the replacement seat. If 25 or more years have expired since approval, the Authority will attempt to return the memorial plaque to the Applicant or if contact is unable to be made, after a period of three (3) months from the date of removal, the plaque will be disposed of at the Authority's discretion.
- 5.14.8 Personal items are not to be placed on or fixed to the memorial seat.
- 5.14.9 If the plaque is vandalised or damaged, the Authority will not take responsibility for the damage.
- 5.14.10 The Authority reserves the right to remove a memorial seat and/or plaque at any time, if the seating is situated in an area to be redeveloped or the site changes significantly in character and the item is not deemed suitable for the site, in consultation with the applicant. The Authority will endeavour to relocate the seat and/or memorial plaques to another suitable location within the Cemetery.
- 5.14.11 Any memorial seat, funded by applicants and installed prior to 23 November 2021, will remain exclusive to that applicant until such time as the seat reaches the end of its useful life. Upon reaching the end of its useful life, the applicant may choose to replace the seat and maintain its exclusivity, or The Authority may replace the seat and the seat will then become available for further memorials. The existing applicant may apply for installation of a new plaque and will be responsible for the cost and installation of the plaque and a memorial fee as determined by the Council.

## **5.1 Memorial Register**

- 5.1.1 In accordance with section 53(1)(b)(ii) of the Act, The Authority will keep a register of each Memorial erected in a Cemetery that contains the following information:
- the size of the Memorial.
  - the type of Memorial
  - the name or names inscribed on the Memorial
  - any epitaphs and other inscriptions on the Memorial, and
  - the location of the Memorial in a Cemetery.

In addition, the Authority will record the following details:

- Monumental Mason
- Photograph of the completed Memorial

**6. DELEGATION**

6.1 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.

**7. AVAILABILITY OF THE POLICY**

7.1 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](http://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.

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# **Appendix 1**

*Approved Memorial Application Forms*

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# Application For a Headstone or Memorial

Subject to the rules and regulations of the \_\_\_\_\_ Cemetery

## Monumental Mason

I/We \_\_\_\_\_

(Business Name, Address and Telephone No.)

### Apply for permission to do the following work: (Please select one on the following)

New monument and inscription (drawing of monument and dimensions required)

Additional inscription (If not in English, please provide a translation.)

Other work (Description please)

### Full name of deceased

Date Deceased	Grave Location: Section	Row/Path	No.
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All works must be carried out in accordance with the provisions of Australian Standard AS4204-1994, the plans and specifications attached and comply with the rules, regulations and directions of the relevant Cemetery Authority.

Signed	Date:	Fee: \$
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(Monumental Mason)

### Grant holder or legal representative

I \_\_\_\_\_ (Full Name)

of \_\_\_\_\_ (Address)

### Warrant that I: (Please select one on the following)

Am the person in whose name the **Licence/Grant** is issued.

Have written authority of the person in whose name the **Licence/Grant** was issued.

Am the legal representative of the **Licence/Grant Holder**.

I warrant that all the information given is correct and consent to the work described in this application being carried out.

As owner, I acknowledge that I have a responsibility to maintain the monument in thorough order and condition during the term of the **Grant** and, if I do not, the Cemetery Authority has the right to remove it and recover the cost of doing so from me as a debt payable on demand.

I acknowledge responsibility to remove the monument on expiry of the **Licence/Grant** subject to any right of renewal.

I do agree to indemnify and hold harmless the Cemetery Authority against any claims, actions, liability, loss or damage or expense arising to or against the Cemetery Authority in respect to the monument, the condition or repair of or damage to the monument, or the removal of the monument occurring at any time after the installation of the monument.

I understand that if the headstone or memorial is not removed within two years of the **Licence/Grant** for the site expiring, the cemetery authority has the legal right to remove the headstone or memorial and dispose of it as they see fit (Cemetery Regulations 2010). **I also acknowledge that it is my responsibility to advise the cemetery authority of any change of my address.**

Before Me	_____
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(Signature of witness) \_\_\_\_\_ (Signature of Grant Holder or Legal representative)

Witness	_____
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(Please print name of witness)

Office Use Only:	Grave Location: Section	Row/Path	No.
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Grant No.	Expiry Date:	Permit No:	Authorised By:	Date:
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# Application for a Headstone or Memorial

**APPLICATION DETAILS:**

I/We: \_\_\_\_\_ (business name, address & phone)  
 \_\_\_\_\_

apply for permission to do the following work:

- New monument and inscription (drawing of monument and dimensions required)
- Additional inscription (if not in English, please provide a translation)
- Other work (description please) \_\_\_\_\_

FULL NAME OF DECEASED: \_\_\_\_\_

DATE DECEASED: \_\_\_\_\_

GRAVE LOCATION: \_\_\_\_\_ CEMETERY: \_\_\_\_\_

Plot No: \_\_\_\_\_ Section: \_\_\_\_\_ Row: \_\_\_\_\_

SIGNED: \_\_\_\_\_ Date: \_\_\_\_\_

**INTERMENT RIGHT HOLDER or LEGAL REPRESENTATIVE:**

I: \_\_\_\_\_ (full name)

of: \_\_\_\_\_ (address)

Warrant that I:

- Am the person in whose name the Interment Right (licence) is issued
- Have written authority of the person in whose name the Interment Right (licence) was issued
- Am the legal representative of the Interment Right (licence) holder

I warrant that all the information given is correct and consent to the work described in this application being carried out. As owner, I acknowledge that I have a responsibility to maintain the monument in thorough order and condition during the term of the Interment Right and, if I do not, the Cemetery Authority has the right to remove it and recover the cost of doing so from me as a debt payable on demand.

I acknowledge responsibility to remove the monument on expiry of the Interment Right subject to any right of renewal.

I do agree to indemnify and hold harmless the Cemetery Authority against any claims, actions, liability, loss or damage or expense arising to or against the Cemetery Authority in respect to the monument, the condition or repair of or damage to the monument, or the removal of the monument occurring at any time after the installation of the monument.

I understand that if the headstone or memorial is not removed with two years of the Interment Right for the site expiring, the Cemetery Authority has the legal right to remove the headstone or memorial and dispose of it as they see fit (Cemetery Regulations 2010). I also acknowledge that it is my responsibility to advise the cemetery authority of any change of my address.

Signature of Interment Right holder or Legal representative: \_\_\_\_\_

Before me: \_\_\_\_\_ Signature of Witness

\_\_\_\_\_ Print name of Witness

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## **Appendix 2**

*Application for a Memorial Seat Plaque*

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Before applying, please read AHC 'Memorials within Council Cemeteries' policy

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

<b>Applicant Details:</b>	Name:		
	Address:		
	Suburb:	State:	P/code:
	Phone (h)	Mob:	
	Email:		
	Relationship to the person being memorialised:		

<b>Person being memorialised:</b>	Name:
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<b>Requested Plaque wording - maximum 5 lines:</b> <i>(please print clearly)</i>	

<b>Description of location, ie. Cemetery name, location of desired seat within Cemetery:</b>	
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I acknowledge that:

- I have read and understood the Adelaide Hills Council Memorials Policy and the policy position contained within that form the terms and conditions relating to this application for a Memorial Plaque on Council land.
- I am responsible for all costs relating to the application, purchase of the seat and plaque, installation of the seat and paving (if required) and all ongoing maintenance.

<b>Authorised Person's Signature:</b>		<b>Date:</b>	
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**OFFICE USE ONLY**

Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Applicant advised:	Approved Location:
Plaque ordered: <b>PO:</b> <input type="checkbox"/> plaque received	
Installation booked: <b>CASE:</b>	Invoice to: <input type="checkbox"/> Invoiced

## EXAMPLE OF PLAQUE

Plaque shown at approx. actual size (150mm x 100mm) with examples of text

*(Council reserves the right to refuse any application with wording that is deemed to be unsuitable or offensive)*

IN LOVING MEMORY OF  
JOHN FRED SMITH  
13.12.1927 ~ 6.3.2020  
LOVED BY ALL

IN LOVING MEMORY OF  
JOHN FRED SMITH  
13.12.1927 ~ 6.3.2020  
MARY GRACE SMITH  
13.12.1927 ~ 6.3.2020