



1. INTRODUCTION

The District Council of Barunga West recognises that community cemeteries are the resting place of many of the district's pioneer and respected citizens. This policy is intended to provide efficient and effective management for burial, and interment of ashes in a caring and equitable manner to meet the needs of its community.

2. PURPOSE OF THIS POLICY

The Purpose of this policy is to provide council staff and its community clear direction for the management and operation of cemeteries under its care and control, giving regard to the Burial and Cremation Act 2013 (the ACT) and the Burial and Cremation Regulations 2014.

3. SCOPE OF THIS POLICY

This policy applies to the following cemetery facilities owned and operated by Council:

- Port Broughton Burial and Niche wall
- Bute Burial, Niche wall and Columbarium
- Alford Burial and Niche wall
- Kulpara Burial and Columbarium
- South Hummocks Burial only

Each cemetery is overseen by Council staff and private contractors.

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.

The cemeteries will not be segregated into areas based on religion or ethnicity in accordance with section 22 of the Act. Where possible, Council will have regard to the customs and specific needs of all those who apply for an interment permit.

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

- Council's ability to effectively manage our cemeteries and the available plots
- 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.

Council will not grant interment rights in perpetuity.

Interment rights may be issued for the following:

4.1 Grave sites (for new interments) for single or dual depth system of burial.

The site can be used to practically accommodate family members and the term of the interment right is 99 years with renewal rights for a second period on the application of an interment right holder or authorised person. (See section 30 of the Act.)

4.2 Niche walls

The term of an interment right for ashes, in a niche wall is for a period of 99 years with a second period available on the application of an interment right holder or authorised person. (See section 30 of the Act.)

When seeking approval to transfer ashes from another location and establish a new interment right in Councils niche walls, applicants should note that Council has a strong preference for plaques to be consistent with the prevailing style in our niche walls. Council would prefer that applicants purchase a new plaque that is consistent with our current style and will only consider the usage of plaques from another location when it is mainly consistent with the prevailing style in our niche wall.

4.3 Columbarium

The term of an interment right for ashes, in a columbarium is for a period of 99 years with a second period available on the application of an interment right holder or authorised person. (See section 30 of the Act.)

When seeking approval to transfer ashes from another location and establish a new interment right in Councils columbarium, applicants should note that Council has a strong preference for plaques to be consistent with the prevailing style in our columbarium. Council would prefer that applicants purchase a new plaque that is consistent with our current style and will only consider the usage of plaques from another location when it is mainly consistent with the prevailing style in our columbarium.



4.4 Scattering of ashes

No interment right is required for scattering of cremated remains on private or public land however, prior approval of the council is required. (See section 36 of the Act) Council requests that sensitivity and consideration be shown to the community, residents and visitors in the immediate area when undertaking this process.

5. RENEWAL OR TRANSFER OF INTERMENT RIGHTS

5.1 Renewal

At the end of the interment right period Council may, on application of the interment right holder or an authorised person, renew or extend an interment right on payment of an appropriate fee. (See section 32 of the Act.)

5.2 Transfer or surrender of interment rights

A person/family holding an interment right for an unused burial site or memorial wall 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. A Transfer of Interment Right Form can be completed and 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.

5.3 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. REUSE OF INTERMENT SITES

If an interment right has been pre-purchased, and where that allotment has not been used (within the 99 year period), the interment right may not be transferred from one plot to another and ownership will automatically transfer back to Council.

In the event that Council chooses to reuse interment sites, and a right of interment is not renewed, Council will take reasonable steps, as per section 38 (2) of the Act, to advise a holder of the right of the impending expiration of the right twelve months prior to its expiration. If the holder of the right does not renew the interment right by the expiration date:

- for a burial site: the interment site is deemed to have expired and Council has the right to reuse the site in accordance with the legislation
- for an ashes interment site: the holder of the interment site may:
 - a/ instruct the council to move the interment remains to an unmarked location in the cemetery, or
 - b/ collect the remains for private disposal

and Council has the right to reuse the site in accordance with the legislation.



7. DISPOSAL OF HUMAN REMAINS AND CREMAINS

7.1 On rural land

The District Council of Barunga West does not allow or permit any burial of human remains on private land. All burials within the District Council of Barunga West must be undertaken within a cemetery.

7.2 Documentation

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 Burial Application form. Interments are to be undertaken by the funeral company specified on the Burial Authority. Preparation of the interment site is to be undertaken by Council or a contractor authorised by the Council.

All cremated remains interments in Council owned/operated cemeteries are to be approved by Council on the Cremains Application form.

7.3 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.

7.4 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 or natural burial ground
- 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.



8. MEMORIALS

8.1 Duty to Maintain Monuments

The interment right holder must maintain any monument erected on a gravesite in a safe and aesthetically pleasing condition.

8.2 Headstones or Plaques

All headstones must be approved by Council using appropriate Memorial Application Form. Size restrictions only apply to cremated remains memorial plaques.

8.3 Installation of headstones or plaques

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

8.4 Ornaments

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.

8.5 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.

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.

8.6 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.

9. SERVICE FEES AND CHARGES

Council will annually determine a "Schedule of Fees and Charges" for services provided at cemeteries as part of its budget process.

10. AUTHORISED OFFICERS

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



11. LEGISLATION AND OTHER DOCUMENTS

Burial and Cremation Act 2013
 Burial and Cremation Regulations 2014
 Local Government Act 1999

12. AVAILABILITY AND GRIEVANCES

This Policy is available for inspection at the Council Office at 11 Bay Street, Port Broughton during ordinary business hours.

It is also available for inspection, download or printing, free of charge, from Council's website www.barungawest.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, District Council of Barunga West, PO Box 3, Port Broughton SA 5522.

13 REVIEW

This Barunga West Policy shall be reviewed by The District Council of Barunga West within four (4) years of the issue date. [December 2020]

Date	Revision Number	Employee	Reason for Amendment
23/11/2011	1		Adopted by Council
08/04/2014	2		Adopted by Council
13/12/2016	3		Adopted by Council